



Mapping Solitary Confinement: Sweden country report

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1. Country general Criminal Justice System facts & numbers

The Swedish Prison and Probation Service (SPPS) is a state authority with responsibility for prisons and probation. We work to make society safer, more secure and to reduce recidivism. Our assignment also includes transporting clients between court, jail and institutions, but we also perform transports on behalf of the Police and the Swedish Migration Board. On December 31st 2020, there were 33 remand prisons and 45 prisons within the SPPS below.

In 2020, the SPPS handled almost 16,600 clients every day. Of these, 2,200 were being deprived their liberty in remand prison, and 4,500 were imprisoned in prison and about 10,700 served their sentences in probation. 7% of the persons imprisoned in prison are women.

2. Legislative and administrative bases for use of solitary confinement

There are two laws, the Act on Detention (Swedish Code of Statutes 2010:611) and the Act on Imprisonment (Swedish Code of Statutes 2010:610) that regulates the activities in remand prisons and prisons. Chapter 1 section 4 of the Act on Detention states that every prisoner shall be treated with respect for his or her human dignity and with understanding for the special difficulties associated with the deprivation of liberty. Section 5 states that enforcement shall be devised to counteract the negative consequences of deprivation of liberty. To the extent appropriate and the prisoner agrees, measures shall be taken to give him or her any needed help and support. Section 6 states that enforcement may not entail limitations of the prisoner's liberty other than those that follow from this Act or are necessary to maintain good order or security. A control or coercive measure may only be used if it is reasonably proportionate to the objective of the measure. If a less intrusive measure is sufficient it shall be used. This section can also be found in the Act on Imprisonment, chapter 1 section 4 in that law states that enforcement shall be devised to facilitate the prisoner's adjustment in the community and counteract negative consequences of deprivation of liberty.

Enforcement shall, so far as possible and without neglecting the requirement to protect the community, focus especially on measures intended to prevent re-offending. An individual enforcement plan shall be drawn up for each prisoner. Enforcement shall be planned and devised after consultation with the prisoner and in collaboration with the relevant authorities.



Section 5 in the Act on Imprisonment states that enforcement may not entail limitations of the prisoner's liberty other than those that follow from this Act or are necessary to maintain good order or security. A control or coercive measure may only be used if it is reasonably proportionate to the objective of the measure. If a less intrusive measure is sufficient it shall be used. These are basic principles and guidelines in all decision-making in general, also when it comes to solitary confinement.

The rules concerning solitary confinement in remand prison can be found under chapter 2 section 5 in the Act on Detention, where it is stated that a prisoner shall be given the opportunity during the day of being together with other prisoners (association) unless

- (1) the prisoner has been placed in a place of confinement other than a remand prison where the local conditions do not permit association,
- (2) it is necessary for security reasons to hold the prisoner separate from other prisoners, or
- (3) separation is necessary to carry out a body inspection.

The rules concerning solitary confinement in prison can be found in chapter 6, sections 1 to 10. These section states the following:

Section 1

During the time that he or she is obliged to carry out or take part in an occupation, a prisoner shall be together with other prisoners (association) unless otherwise provided in this Act or resulting from the special nature of the occupation.

Section 2

A prisoner shall be given the opportunity of association in his or her leisure time unless otherwise provided in this Act.

Separation for nightly rest

Section 3

Prisoners may be held separate from one another in connection with nightly rest.

Separation at own request

Section 4

A prisoner may, if it is appropriate, be allowed to be separated from other prisoners at his or her own request. Permission for separation in accordance with the first paragraph shall be reviewed as often as there is reason to do so and at least once per month.

Separation for reasons of good order and security

Section 5



Prisoners may be temporarily held separate from one another if this is necessary to maintain good order and security.

Section 6

A prisoner may be temporarily held separate from other prisoners if this is necessary because the prisoner is violent or intoxicated. If separation in accordance with the first paragraph cannot be carried out in the prison, the prisoner may be placed in a remand prison for at most two days.

Section 7

A prisoner may be held separate from other prisoners if this is necessary

- (1) having regard to national security,
- (2) having regard to the existence of a risk to the life or health of the prisoner or some other person or a risk of serious damage to property that belongs to or has been made available to the Prison and Probation Service,
- (3) having regard to a risk that the prisoner will escape or be liberated, and it can be assumed that he or she is especially inclined to continue serious criminal activity,
- (4) in order to prevent the prisoner from influencing another prisoner to seriously disrupt good order in the prison,
- (5) in order to prevent the prisoner assisting another prisoner to gain access to alcohol, narcotics, some other intoxicating substance, a substance referred to in Section 1 of the Act Prohibiting Certain Doping Substances (1991:1969) or a substance covered by the Act Prohibiting Certain Substances Harmful to Health (1999:42), or
- (6) in order to prevent the prisoner from seriously molesting another prisoner. A decision on separation in accordance with the first paragraph shall be reviewed as often as there is reason to do so and at least every tenth day.

Separation during investigation of misconduct

Section 8

During an investigation of matters provided for in accordance with Chapter 12, Section 1 of this Act or Chapter 26, Sections 6 and 7 of the Penal Code, a prisoner may be held temporarily separate from other prisoners to the extent that is absolutely necessary to avoid jeopardising the purpose of the investigation. The prisoner may not be held separate for longer than four days. A prisoner who is being held separate from other prisoners in accordance with the first paragraph may be refused contact with other persons through visits, electronic communication or mail if this is absolutely necessary to avoid jeopardising the purpose of the investigation. If a separation in accordance with the first paragraph cannot be carried out in the prison, the prisoner may be placed in a remand prison.



Separation for a body inspection

Section 9

A prisoner may be held separate from other prisoners if this is necessary to carry out a body inspection.

Medical examination

Section 10

A prisoner who is being held separate from other prisoners because he or she behaves violently or is a danger to his or her own life or health shall be examined by a doctor as soon as possible. A prisoner who is being held separate from other prisoners for other reasons shall be examined by a doctor if this is needed having regard to the state of the prisoner's health and at least once per month.

3. Reasons for use, process, and administrative regulations

a. Solitary confinement as punishment

As has been explained above under question number 2, all limitations of the prisoner's liberty other than those that follow from the Act on Detention or Imprisonment or are necessary to maintain good order or security. Punishment as a ground for solitary confinement is not stated in the law and can never be used as a ground.

b. Solitary confinement as management of people labelled 'difficult' or 'dangerous'

See below under question C.

c. Solitary confinement for the prisoner's own protection

If there are grounds in the laws (see above under question 2) the procedure (scenario in question a to c) is basically the same. The decision has to be made by a person authorized to do so, this is regulated in SPPS internal documents. There are no set time limits or maximum duration set in the law, however, the principle of proportionality is important in the decision making within the area. A decision to keep an inmate separated from others must be as temporary as possible and must never last longer than is necessary. Even when placed in solitary confinement, possible reliefs must be investigated.

d. Solitary confinement pre-trial

This question is complex. The law is clear in itself. However, the possibility to offer the inmates in remand prison full association with other inmates today is limited, especially considering that a high percentage of the inmates are set under restrictions by the prosecutor/court. They are therefore not allowed to see/spend time with other inmates.

In order to create significantly better conditions for breaking the isolation and the better possibilities of community/association in remand prisons, extensive changes to the remand prison facilities are



often required. This is a complicated process because many remand prisons are co-located with other businesses and located in densely populated areas. In addition to adapting the remand prison facilities, increased staff resources are required, as isolation-breaking measures for inmates with restrictions usually require activities together with remand prison staff.

It is also difficult to arrange meaningful occupation in the form of work for those who are detained in remand prisons. Conditions for this vary greatly between different remand prisons as it is associated with difficulties in finding occupation in the form of work that fits in a remand prison environment. The challenges include the security aspects, the uncertainty about how long the detainee will remain and the availability of occupational premises. SPPS is aiming towards that all inmates in remand prisons shall have at least two hours of meaningful social interactions every day and are currently working on a plan to get closer to the goal.

4. Restraints and chemical irritants

OC spray (pepper spray) may only be used if the task cannot be solved on a minor intervention way. The is applicable in all situations, not just in segregation units. The use of OC spray should be done taking into account the pain and the discomfort that the measure entails for the person exposed to the spray. OC spray must never be used as a punishment, to give a reprimand or for to set disciplinary examples. This is regulated in internal SPPS regulation. Staff carrying OC spray must undertake special education to do so. There are no additional routines applied to inmates in solitary confinement, usage of restraints has to be in accordance with the law and the decision to do so has to be proportionate.

5. Protected populations

The laws in question (see above) is applicable to all. Internal guidelines and regulations do however emphasize to consider individual concerns such as the example given above, when applying the proportionality principle.

6. Statistical data on use of solitary confinement/segregation

Tabell 17:25 Avskildhetsåtgärder, vistelsetid									
	Kvinnor			Män			Alla		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
T < 1 dygn	337	490	488	9 314	11 036	14 611	9 651	11 526	15 099
1 dygn ≤ T < 5 dygn	75	88	281	2 967	4 272	6 246	3 042	4 360	6 527
5 dygn ≤ T < 10 dygn	21	30	108	613	824	1 820	634	854	1 928
10 dygn ≤ T < 2 mån	13	16	48	1 106	1 274	2 028	1 119	1 290	2 076
2 mån ≤ T < 4 mån	0	2	0	88	80	97	88	82	97
4 mån ≤ T < 1 år	0	0	1	32	37	29	32	37	30
T ≥ 1 år	0	0	0	9	4	9	9	4	9
Totalt	446	626	926	14 129	17 527	24 840	14 575	18 153	25 766



7. Reports on the use of solitary confinement

The SPPS as well as the state of Sweden has received criticism, mainly considering isolation in remand prisons in Sweden. See reports from CPT and CAT available on their homepages. There are also domestic critics from the Justitieombudsmannen JO (parliamentary ombudsman). There are several reports on the topic, however only in Swedish.

8. Good practice?

No general findings, but obviously there is scientific proof of how important the meaningful human interaction is. All forms of these kind of activities are useful.