



**Follow-up report
from the Swedish Government
in response to the report of the European
Committee for the Prevention of Torture
and Inhuman or Degrading
Treatment or Punishment (CPT) on its visit
to Sweden from 5 to 14 May 1991**

The Swedish authorities have agreed to the publication of this document.
(The CPT's report on its visit to Sweden (CPT/Inf (92) 4) and the interim response
of the Swedish Government (CPT/Inf (92) 6) have already been made public.)

Strasbourg, 15 March 1993

FOLLOW-UP REPORT TO THE SWEDISH GOVERNMENT'S INTERIM
REPORT IN RESPONSE TO THE REPORT OF THE EUROPEAN COMMITTEE
FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT FOLLOWING ITS VISIT TO SWEDEN FROM
5 MAY TO 14 MAY 1991

Ministry for Foreign Affairs
Stockholm, 25 February 1993

PREFACE

This is the Swedish Government's follow-up report to the Interim Report submitted on 20 August 1992 in response to the report prepared by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), following its visit to Sweden from 5 May to 14 May 1991.

The follow-up report covers areas where the information provided in the Interim Report can be supplemented by further information. In addition, the opinions expressed by the CPT Chairman in his letter of 6 January 1993* have also been taken into account in preparing this follow-up report.

The comments follow the paragraphing in the CPT report, with reference for each paragraph to the page or pages in the Swedish Interim Report dealing with the question.

* The text of the letter is appended to this report.

A. ILL-TREATMENT OF PERSONS DEPRIVED OF THEIR
LIBERTY: GENERAL REMARKS

Paragraphs 12 and 13 in the CPT Report (Pages 1-3 in the
Interim Report)

No statistics have been collected for the number of complaints or sentences against policemen and warders within the police administration as regards ill-treatment of persons who have been deprived of their liberty. An idea of the number of sentences imposed in such cases may be obtained, however, from opinions expressed by the Personnel Responsibility Committee of the National Police Board to the courts in certain cases. In fact, according to the Penal Code, when assessing punishment, the courts shall take reasonable account of whether the accused has suffered or will suffer dismissal or be given notice as a result of his crime. In order to obtain a basis for such an assessment, the courts request an opinion from the Personnel Responsibility Committee. The Committee is responsible for examining questions on behalf of the entire police administration which primarily concern dismissal, the issue of notice of termination of employment and disciplinary responsibility.

In the years 1990 and 1991, the Personnel Responsibility Committee expressed its opinion on a total of three cases which involved violence against a person taken into a police station. Two cases involved a policeman, while the third concerned a warder. All three were subsequently convicted of assault; the policemen received conditional sentences, while the warder received a conditional sentence and a fine.

No judgment on disciplinary responsibility involving ill-treatment of persons deprived of their liberty was issued in 1990 and 1991.

As regards prisons, so few cases are involved that the National Prisons and Probation Administration does not consider that there is any need to prepare special statistics.

B. POLICE STATIONS

Paragraph 18 (pages 4 and 5 in the Interim Report)

The National Police Board and the Stockholm Police Authority have started to plan for the implementation of the changes called for by the Committee's opinions. While the question of the financing of rebuilding operations etc. is being studied, limitations on use have been implemented in accordance with the Committee's recommendations.

Paragraph 20 (pages 5 and 6 in the Interim Report)

The National Police Board has appointed a working group to review certain questions raised by the CPT Report. The group is to complete its assignment by 30 April 1993.

One of the questions which is to be covered by the working group concerns the feeding of the arrestees. The group is to submit proposals as to how the difficulties which have been indicated can be dealt with by measures taken by the police authorities. In this connection, special attention should be paid to the question of whether it is possible to deal with feeding arrangements in the Board's regulations and general advisory guidelines concerning police custody.

The report should be presented in a form which permits it to be used to form the basis for a document on this matter which can be sent to Swedish police authorities.

Paragraph 24 (pages 7 and 8 in the Interim Report)

The Committee's recommendations require changes in Chapter 24 of the Code of Judicial Procedure and possibly also in the Decree concerning Preliminary Investigation. The Ministry of Justice will study this question in more detail.

Paragraph 25 (page 8 in the Interim Report)

In accordance with Chapter 21, Section 3, first paragraph of the Code of Judicial Procedure, a suspect may be represented by defence counsel in the preparation and presentation of his defence. Thus, in accordance with current rules, a suspect is entitled to engage defence counsel as soon as the investigation of his case has reached a stage where it may be said to be directed against him in the sense that he is suspected of a crime.

Thus, this situation applies immediately such suspicion arises.

A person who has been fetched, brought or come to the police on the grounds of a crime which has been committed, but who cannot be suspected on reasonable grounds of the offence, may not be taken into custody.

Paragraph 26 (pages 13 and 14 in the Interim Report)

The working group appointed by the National Police Board is to consider in more detail the need for a document addressed to police authorities regarding the rules which apply concerning the role of defence counsel in police interrogations and how such rules are to be applied.

If the group considers that such a document is required, it will present proposals as to how it is to be drawn up.

Paragraph 31 (page 9 in the Interim Report)

Under the Act concerning the Treatment of Detained and Arrested Persons, etc. (1976:371) a person held in police custody shall inter alia be examined by a doctor as soon as possible if he is considered to require medical attention or if he requests that a doctor should be called in. However, under the Act, such an examination need not be carried out if it is clearly unnecessary. The doctor's instructions regarding treatment of a detainee are to be observed. If the detainee requires hospital treatment, he shall receive such treatment as soon as possible. The Ordinance (SFS 1976:376) linked to the Act does not contain any additional provisions in this respect. This also applies to the regulations and general advisory guidelines issued by the National Police Board in connection with the Act.

The CPT has recommended that a person detained in police custody who needs medical attention should always be able to choose a doctor to conduct a medical examination.

The Committee's comments and opinions have led the Ministry of Justice to initiate a legislative process in the course of which these questions will be considered in greater detail.

Paragraph 33 (pages 10 and 11 in the Interim Report)

The working group appointed by the National Police Board is to submit proposals for general advisory guidelines, handbooks or a similar collection of applicable rules and recommended practice. It may be noted that as far as the questioning of children is concerned, general advisory guidelines of the kind recommended by the Committee are already available.

Paragraph 37 (pages 12 and 13 in the Interim Report)

Two distinct forms primarily cover the documentation of deprivation of liberty undertaken by the police. One form is for administrative measures concerning deprivation of liberty (the apprehension sheet), while the other is for deprivation of liberty under the Criminal Code (the arrestee sheet). These forms have been drawn up by the National Police Board, but there are no general regulations regarding how deprivation of liberty is to be documented.

The following points should be observed in this context. In two recent judgments - in the Supreme Court on 2 June 1992 (NJA 1992, p. 310) and the Court of Appeal for Western Sweden on 30 October 1992 (DB 152) - the meaning of certain items of information on the arrestee sheet have been subject to consideration by the court. These judgments indicate that it is not entirely clear how the arrestee sheet should be properly completed.

The working group appointed by the National Police Board is to submit proposals as to how the information items which the Committee has recommended can be incorporated into the forms in question. In this context the group will also study the possibility of replacing the two forms which are employed today by a single form. In any case, the unclear points in the design of the arrestee sheet should be eliminated, as indicated in the two judgments by the courts. If it is considered that general guidelines concerning the details of utilization of the forms are required, proposals will also be submitted to this end.

C. PRISONS

Paragraph 43 (page 18 in the Interim Report)

On 21 January 1993, the Government assigned the National Board of Public Buildings to plan and carry out the rebuilding and renovation of the Kronoberg Remand Prison in Stockholm, including the ventilation equipment, at a total cost of SEK 38 million.

Paragraph 44 (page 18 in the Interim Report)

The installation of a device which allows prisoners to adjust the admission of light into cells themselves will start in March 1993.

Paragraph 47 (page 27 in the Interim Report)

Changes will be introduced in connection with the current rationalization and reorganization of remand and prison administration, for example in duty-roster schedules for prison personnel. This will mean inter alia that night staff resources can be used more efficiently and on a more continuous basis, thus creating improved prerequisites for an even higher standard of service to prisoners.

Paragraph 49 (page 28 in the Interim Report)

As from mid-November 1992, all preparation and cooking of meals will take place in the Remand Prison's recently opened kitchen, which is well equipped and designed, even by Swedish standards. This will mean a considerable improvement in the arrangements for the distribution of food and for keeping it hot, thus meeting very high standards.

Paragraph 52 (pages 19 and 20 in the Interim Report)

The rebuilding of the Kronoberg Remand Prison in Stockholm, which has been mentioned under Paragraph 43, also includes exercise yards. Hitherto the Remand Prison has had 40 exercise yards of 9 m² each, intended to be used for solitary exercise. After reconstruction, there will be two exercise yards of 90 m² each for the use of 10 people at a time, one exercise yard of 30 m² for the use of 5 people at a time and 20 exercise yards of 9 m² for solitary exercise. Prisoners will be able to look out of the exercise yards.

Paragraph 62 (pages 20 and 21 in the Interim Report)

In connection with the rebuilding which has already taken place at the Kronoberg Remand Prison, 120 m² of floor space on each floor have been allocated for group work and study. These premises are now nearing completion and preparations are being made for the coordination of activities outside the cells. In addition, gymnasium-rooms of 20 m², intended for prisoners subject to restrictions, have been installed on two floors. Shared gymnasium facilities have been expanded by a table-tennis room of 30 m².

In consultation with the National Board of Public Buildings, the National Prisons and Probation Administration has drawn up a handbook containing recommendations for the new construction of remand prisons and comparable rebuilding projects. In accordance with these recommendations, new remand prisons are to meet high standards, for example as regards exercise yards and premises for joint activities.

Paragraph 68 (pages 21 to 26 in the Interim Report)

According to proposals made by the former Parliamentary Ombudsman, Anders Wigelius, it should not be possible to appeal against decisions concerning restrictions taken by the prosecutor after he has obtained the court's permission to conduct a control procedure in the course of remand.

While the suspect is remanded and prior to the issue of an indictment, the court shall institute a fresh hearing every two weeks concerning the question of remand. If it is obvious, from the point of view of the investigation, that there would be no point in a hearing in the period stated above, the court may determine a longer interval between hearings. In addition, the prosecutor is obliged to reconsider his decision concerning restrictions in the light of new information or circumstances.

Paragraph 69 (page 31 in the Interim Report)

A referral which inter alia covers the proposal concerning restrictions required by prosecutors will probably be submitted to the Council on Legislation for comments at the beginning of 1993. A proposal on this matter may then be subsequently presented to Parliament.

Paragraph 74 (pages 31 and 32 in the Interim Report)

See the comments on Paragraph 47. The delay between ringing the bell to opening of the cell is normally 2-5 minutes at Kumla Prison. Longer delays may occur in exceptional circumstances if an alarm function has been activated which requires immediate checking or action.

Paragraph 78 (page 38 in the Interim Report)

The number of telephone calls which inmates in special units may make has now been increased to two per week. Additional telephone calls are permitted after an application has been submitted and considered in each individual case. In practice, this has meant that since June 1992 inmates in special units have made more than two telephone calls a week each.

Paragraph 80 (pages 32 and 33 in the Interim Report)

Measures have been taken to make oral communication between inmates and prison management concerning decisions on solitary confinement more thorough and detailed and this also applies to the grounds specified in written decisions.

Paragraph 81 (page 33 in the Interim Report)

The G block was reopened, after renovation, in October 1992. In the education units, individual tuition and group tuition is provided at different levels and up to seven inmates can participate at a time. Tuition is undertaken by external teachers. Group activities led by the prison chaplain also take place in these premises. The chaplain can assemble a group of up to 6-7 inmates. At present this takes place once a week. Twice a week, a group consisting of 4-6 inmates is taken for physical exercise to a gymnasium located outside the unit.

Paragraphs 90 and 92 to 94 (pages 34, 35 and 39 in the Interim Report)

The old group system has been replaced by an activities schedule. The schedule is divided into four time segments and eight "activities" (accommodation, work, studies, TV room, dining-room, leisure/walks, visits, other). Inmates have an opportunity to plan their time themselves, in line with the options permitted by the schedule. The only restriction is that not more than four inmates may participate in any single activity simultaneously. The type of work which is available is assembly/packing.

The rebuilding of the special unit means, for example, that inmates have access to a kitchen equipped with a microwave oven, refrigerator, freezer, etc., a larger work room in which up to four people can work at a time, a joint TV room, a "study-corner" in the corridor, a considerably larger and more agreeable visiting room and a larger and safer outdoor area. It is now possible to offer each inmate up to approximately five hours outdoors every day. The yard is also equipped with facilities for various types of ball game.

Paragraph 96 (pages 39 and 40 in the Interim Report)

According to information provided by Kumla Prison, visits by children under the age of 15 to the special unit are not uncommon. However, such visits are conducted under supervision to avoid the need for subjecting children to detailed search procedures.

Paragraph 110 (page 41 in the Interim Report)

New pay-card telephones have been installed in all accommodation units, with the result that there is one pay telephone for every ten inmate places. This means a total of nine such telephones in the entire prison facility. All inmates can now call relatives with whom they are allowed to have telephone contact, at any time in their leisure hours and in whatever part of the world their contacts may be.

Paragraph 115 (page 47 in the Interim Report)

All new inmates see a nurse on their first day. If the inmate's state of health requires immediate medical attention, a doctor is available from the first day. In other cases inmates meet a doctor within a week.

Paragraph 118 (pages 43 and 44 in the Interim Report)

In November 1990, a parliamentary committee was assigned by the government to examine questions concerning service, care and support for mentally disturbed persons (the Psychiatry Committee). This Committee submitted its final report to the Government on 1 September 1992. The report contains inter alia proposals concerning psychiatric care of prison service inmates. These proposals include giving the prison service the option of purchasing institutional and out-patient psychiatric services from appropriate sources. As far as inmates suffering from personality disturbances and individuals suffering from minor mental development disturbances are concerned, it is proposed that the prison service should set up a limited number of special units offering differentiated care environments.

The Psychiatry Committee's final report is currently in the process of referral to the relevant bodies for comment. Comments are to be submitted not later than 15 March 1993. In line with current plans, it should be possible to submit a bill which is based on the Committee's proposals to Parliament not later than the spring of 1994.

A committee appointed by Parliament in the area covered by the Ministry of Justice (the Prisons Committee) has been assigned inter alia to report on the consequences for the prison service of changes in legislation concerning compulsory psychiatric care and to propose any changes which may be called for. The Committee should have completed these aspects of its assignment by 1 January 1994.

Thus, this committee too may submit proposals designed to ensure that inmates should have better opportunities of receiving proper psychiatric care. The proposals by the Psychiatry Committee and the Prisons Committee will be dealt with in a coordinated manner.

The organizational and management structure of Hinseberg Prison is currently subject to review. A new organizational structure will apply as from 1 April 1993, and this will ensure that the needs of inmates will be met as regards psychological consultation.

A general medical practitioner visits the prison for 3.5 hours on Tuesdays in alternate weeks. A gynaecologist visits the prison for 3.5 hours on Fridays in alternate weeks. The prison is visited by a psychiatrist for an average of eight hours per week. This psychiatrist also conducts psychotherapy sessions with the inmates. In addition, the prison is visited by a dentist for 6.5 hours per week.

Paragraph 120 (pages 44 and 45 in the Interim Report)

As regards general medical services, the prison doctor considers that the allotted time is fully adequate. In addition, the prison cooperates closely with the regional hospital in Örebro, to which acute cases are sent and which provides certain special treatments, etc.

In the case of psychiatric care, the Psychiatry Committee's final report is currently under referral, while the relevant aspects of the Prisons Committee's work will be completed by the end of the year. The proposals made by these committees as to how the needs of inmates as regards psychiatric care are to be met in the future will subsequently be dealt with on a joint basis.

Paragraph 130 (pages 51 to 53 in the Interim Report)

All prisons collate information regarding isolation measures under Sections 20, 23 and 50 of the Custody in Prison Act. The National Prisons and Probation Administration collects such information on a continuous basis as one aspect of current statistics on operations. The results are presented in the Administration's annual report.

Paragraph 132 (pages 53 and 54 in the Interim Report)

Each of the 1,303 transfers of prisoners referred to in Sweden's Interim Report apply to an individual inmate. The statistics do not indicate how many inmates were affected by such transfers on more than one occasion and it is therefore not possible to provide information about individual cases. However, the annual report indicates that in 421 cases the reason for transfer was escape or attempted escape, in 94 cases the reason was abuse of parole privileges, in 51 cases the reason was refusal to work, in 95 cases the reason was intoxication, in 96 cases the reason was violence or threats directed at an officer, in 69 cases the reason was violence or threats directed at a fellow-prisoner, in 14 cases the reason was possession of an unauthorized object, in 260 cases the reason was dealings in narcotic drugs, in 37 cases the reason was refusal to submit a urine sample and in 166 cases no reason was given.

Paragraph 134 (page 55 in the Interim Report)

The National Prisons and Probation Administration does not consider that the situation in remand prisons currently justifies the need for a special disciplinary system in such institutions.

Paragraph 137 (pages 50 and 51 in the Interim Report)

The Supervisory Committees' function is confined to obtaining knowledge by means of visits about circumstances in prisons, and also to giving inmates an opportunity for discussion with a Committee or with a member of a Committee. The Committees' area of responsibility does not include remand prisons. The Committees have no authority to intervene if conditions are unsatisfactory - apart from that which applies for any other member of the public.

When Anders Wigelius' report was subject to referral for comment, the National Prisons and Probation Administration rejected his proposal for the establishment of a special central control function for remand prison issues, inter alia because supervision of the type referred to in the report is a regional responsibility, in accordance with documentary instructions. The Administration proposed that other forms of insight into remand prison operations should be considered.

D. OTHER INSTITUTIONS VISITED BY CPT

Paragraph 143 (pages 56 to 58 in the Interim Report)

A review of certain provisions in the Infectious Diseases Act (1988:1472) has been initiated. This review involves consideration inter alia of whether patients subject to compulsory isolation under the provisions of the Act should have certain rights established by law. This might involve the right of patients to physical training, to be allowed out, employment, etc. It is intended that proposals for possible legislative amendments should be submitted to Parliament in the course of 1993 in the form of a bill.

APPENDIX

EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Strasbourg, 6 January 1993

The President

Dear Mr Isaksson,

Subject: Preliminary observations on the response (interim report) of the Swedish authorities to the report drawn up by the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) following its visit to Sweden in May 1991

1. At the outset, the CPT wishes to express its sincere appreciation of the very detailed and comprehensive interim report provided by the Swedish authorities and of their decision to have published both the CPT's report and their interim report. Cooperation between the Swedish authorities and the Committee has to date been excellent.

2. The CPT wishes to await the Swedish authorities' follow-up report, due in March 1993, before assessing in detail the measures taken in response to the CPT's report. However, the Committee would like at this stage to make some preliminary observations in reaction to the interim report, which it trusts the Swedish authorities will take into account when preparing their follow-up report. Naturally, the CPT also hopes that the follow-up report will on other matters supplement as appropriate the information provided in the interim report.

Ill-treatment of persons deprived of their liberty: general remarks

Response to paragraphs 12 and 13 of the CPT's report (cf. pages 1 to 3 of the response)

3. It should be noted that the request for information in paragraph 12 and the comment in paragraph 13 cover both prison and police officers. Further, the CPT believes that the compilation of statistics concerning complaints against such officers and action taken upon them would facilitate effective management and control.

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Police stations

Response to paragraph 18 (cf. pages 4 and 5 of the response)

4. The CPT welcomes the action taken concerning the detention cubicles at the Central Police Station in Stockholm. It would like to receive further information on the envisaged renovation of these cells.

Response to paragraph 24 (cf. pages 7 and 8 of the response)

5. The CPT would like to receive information on the examination being made of the recommendations set out in paragraph 24 of its report. In this connection, it wishes to reiterate that the right of persons taken into police custody to have the fact of their custody notified to their next of kin or a third party of their choice should apply in principle as from the outset of custody (ie. as soon as they are obliged to stay with the police). Of course, the CPT fully recognises that the exercise of this right might exceptionally have to be delayed in order to protect the course of justice; however, it is essential for the situations in which such a delay can be imposed to be well defined, and the length of the delay to be strictly limited in time.

Response to paragraph 25 (cf. page 8 of the response)

6. It is not clear from the response whether a right of access to a lawyer exists during the whole of the pre-arrest stage of police custody. The CPT would like to receive clarification of this point; in particular, it would like to know whether a person in police custody vis-à-vis whom the investigation has not reached the stage "where it may be said to be directed against him in the sense that he is suspected of a crime", has a right of access to a lawyer.

Response to paragraph 27 (cf. pages 14 and 15 of the response)

7. The CPT considers that it would be appropriate to define clearly the grounds on which the police or a public prosecutor could withhold their consent to a meeting in private between a private defense counsel and his client.

Response to paragraph 31 (cf. page 9 of the response)

8. The CPT would like to receive information on the examination being made of the recommendations set out in paragraph 31 of its report.

9. The CPT has noted that in their response, the Swedish authorities ask "whether the right of the prisoner to choose a doctor himself should not be confined to cases in which the illness concerned requires specialist attention". In the CPT's opinion, detained persons should in all cases have the right to request a medical examination by a doctor other than one chosen by the police; this is a fundamental safeguard against ill-treatment.

Response to paragraph 34 (cf. pages 11 and 12 of the response)

10. The CPT would like to receive in due course the report of the "Prosecution Committee" appointed in 1990.

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Prisons

Response to paragraph 52 (cf. pages 19 and 20 of the response)

11. The CPT has noted with interest the steps being taken to improve outside exercise facilities in a number of remand establishments. As regards more particularly the envisaged changes to the existing exercise facilities at Stockholm Remand Prison, the CPT would like to reiterate that exercise areas should be sufficiently large to allow prisoners to exert themselves physically.

Response to paragraph 62 (cf. pages 20 and 21 of the response)

12. The response to the recommendation made by the CPT in paragraph 62 of its report is disappointing. As regards in particular Stockholm Remand Prison, there is no sign of a radical improvement of regime activities, (group association, education, sport, work with vocational value) as urged by the Committee. The mere provision of some additional meeting premises for prisoners (cf. page 19 of the response) falls far short of meeting the Committee's recommendation. The Committee recognised in its report (cf. paragraph 164) that ensuring a satisfactory level of regime activities would be difficult so long as the establishment remained at its present rather constricted location. However, if a relocation of the establishment is out of the question, some other means of addressing the problem must be found.

13. The CPT has noted with interest (cf. pages 19 to 21 and 27 of the response) that several new remand prisons are planned, as well as the rebuilding of certain existing establishments. In this connection, the Committee wishes to stress that a fresh approach to regimes in remand prisons is required; activity programmes of a varied nature (not just opportunities for "social contacts") should be provided, on the lines indicated in the recommendation in paragraph 62 of the CPT's report.

Response to paragraph 68 (cf. pages 21 to 26 of the response)

14. The CPT has noted with interest the proposal put forward by Mr Wigelius concerning the application of restrictions, and looks forward to receiving further information on developments in this area in the follow-up report. It would also like to receive a copy of Mr Wigelius's report.

15. According to the proposal put forward by Mr Wigelius, the court deciding upon remand would also decide whether the contacts of the person concerned with the outside world shall be subject to control by the public prosecutor. This latter decision could be the subject of an appeal. However, it is not clear to the CPT whether restrictions on contacts actually imposed by the public prosecutor, pursuant to the court's decision on control by the public prosecutor, could be challenged before a court. It would like to receive clarification of this point.

16. The CPT would also like to reiterate its recommendations that the prisoner be informed of the reasons for applying restrictions in his case (preferably he should be given a copy of the relevant decisions) and that decisions to impose restrictions be reviewed at regular intervals (such a decision should be fully reviewed at least every three months).

Response to paragraph 80 (cf. pages 32 and 33)

17. The CPT welcomes the steps envisaged concerning the decision-making process in relation to the separation of inmates under section 20 of the Act on Correctional Treatment, and the involvement of prisoners in reviews of their placement. However, it would like to receive confirmation that an inmate who is separated from other inmates on the basis of section 20 of the Act on Correctional Treatment is informed (in writing) of the reasons for that measure.

Response to paragraph 81 (cf. page 33 of the response)

18. The CPT wishes in no way to challenge the existence of special sections for prisoners who want, for one reason or another, to be separated from the general prison community. However, in order to counter the harmful effects of separation, prisoners in such sections should inter alia be offered possibilities for appropriate human contact. The CPT's delegation was not convinced that such contact was assured in the voluntary isolation section of the isolation unit (House G) at Kumla Prison; hence the CPT's recommendation that possibilities for association between inmates in that section be developed.

Response to paragraphs 90 and 92 to 94 (cf. pages 34, 35 and 39 of the response)

19. The CPT has noted with interest the changes made in the special section at Kumla Prison. It would appreciate receiving additional information on the precise system now applied within that section and on the activities offered to prisoners held there.

Response to paragraph 96 (cf. pages 39 and 40 of the response)

20. The CPT is pleased to note that - contrary to what it was told at Kumla Prison - prisoners in special wings are authorised to have visits (albeit supervised) from their children under the age of 15. The Committee would suggest that the Swedish authorities verify that such visits are in fact being allowed in the special section at Kumla Prison.

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Response to paragraph 118 (cf. page 44 of the response)

21. The CPT would like to receive further information on the reinforcement of psychological services for inmates at Hinseberg Prison as well as on the improvement of the overall health-care situation in the establishment. As regards the latter point, it is stated in the response that a psychiatrist, a gynaecologist or a general practitioner visit the prison each week; does this mean that only one of the three doctors concerned might visit the establishment during a given week?

Response to paragraph 120 (cf. pages 44 and 45 of the response)

22. The CPT welcomes the reinforcement of health-care services at Kumla Prison. However, as regards more particularly general health care, even the presence of a general practitioner for 32 hours a month remains scarcely adequate in a maximum security establishment of the size of Kumla (200+ inmates).

Response to paragraph 130 (cf. pages 51 to 53 of the response)

23. The CPT would like to receive further information concerning safeguards in relation to the use of instruments of physical restraint.

Response to paragraph 132 (cf. pages 53 and 54 of the response)

24. It is stated in the response that "1303 transfers of prisoners were implemented in fiscal year 1990/1991 as a result of misdemeanours". The CPT would like to be informed of the number of prisoners involved in those 1303 transfers, and to receive details of those cases in which a given prisoner was transferred more than once during the fiscal year.

Response to paragraph 134 (cf. page 55 of the response)

25. The CPT notes the Swedish authorities' view that a formal disciplinary procedure is not required within remand prisons. It is advanced in particular that "the scope for behaviour contrary to discipline on the part of a person on remand is relatively limited in view of the fact that many measures require the agreement of the inmate if they are to be implemented".

26. The CPT retains misgivings on this subject. No doubt the scope for behaviour contrary to discipline is somewhat greater for a sentenced than for a remand prisoner (eg. a sentenced prisoner might refuse to comply with his obligation to work); nevertheless, numerous ways remain in which a remand prisoner could behave in an undisciplined manner. The CPT believes it is in the interests of both prisoners and prison staff that a clear disciplinary procedure - accompanied by appropriate safeguards - be established for remand prisoners. The Committee invites the Swedish authorities to give further consideration to this question.

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Response to paragraph 137 (cf. pages 50 and 51 of the response)

27. The CPT would like to receive further information on the extent of the Supervisory Committee's powers to visit and examine conditions within prisons, and to be informed whether this power of the Committee also applies to remand establishments.

28. Further, the CPT notes Mr Wigelius's proposal that the prisons administration "should consider the establishment of a special supervisory function to follow up the requirements laid down by legislation as regards the treatment of prisoners and persons on remand". At first sight, this proposal would appear to be very similar to the recommendation made by the CPT in paragraph 137 of its report.

The CPT would like to receive information on the stance adopted by the prisons administration vis-à-vis Mr Wigelius's proposal.

Other establishments

Response to paragraph 143 (cf. pages 56 to 58 of the response)

29. The CPT has examined carefully the information provided by the Swedish authorities. It has noted in particular that the right of a person subject to a compulsory isolation order to maintain contact with the outside world is guaranteed by the Swedish Constitution; however, the Constitution's provisions are very general and might usefully be fleshed out via a law or regulation. As regards the rights and privileges of such persons in the context of day-to-day life within their units (outdoor exercise, activities etc), it is recognised that they are as yet not clearly set out.

30. Consequently, the CPT wishes to reiterate its recommendation that the rights and privileges of a person subject to a compulsory isolation order - as regards both day-to-day life in his unit and contacts with the outside world - be clearly set out. Further, such persons should be provided at the outset of their isolation with a document stating those rights and privileges.

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31. Finally, the CPT would like to receive, in due course, copies of the reports drawn up by the two parliamentary committees appointed to review correctional treatment in institutions (cf. page 35 of the response) and to study questions involving services, medical care and support for mentally disturbed persons (cf. page 44 of the response), as well as an account of action taken upon those reports.

Yours sincerely,



Antonio CASSESE

Copy of this letter sent to the Permanent Representative of Sweden.