

# Women in Prison: Sweden

Analysis from the National Preventive Mechanism

| August 2024



# Sweden



UNCAT Ratification

8 January 1986

OPCAT Ratification

14 September 2005

National Preventive Mechanism (NPM)

## Parliamentary Ombudsmen (JO)

NPM legal framework

Act with Instructions for the Parliamentary Ombudsmen - Lag (2023:499) med instruktion för Riksdagens ombudsmän (JO), Section 18. Since July 2011

NPM operationalisation

NPM structure

Specific unit within the Parliamentary Ombudsmen

NPM composition

6 staff members (6 women) + 2 external experts (2 men)

## I. Facts and Figures

Prison population	Women in prison - Characteristics	Prisons for women	Prison staff
Total prison population	Foreign women	Total number of women's prisons <sup>1</sup>	Women staff in women's prisons
<b>10,298</b>	<b>84</b>	<b>6</b>	<b>65.7%</b>
Women in prison (total)		Women-only prison	
<b>764   7.4%</b>		<b>6</b>	
Women on remand			
<b>170</b>			
<i>Source: Swedish Prison and Probation Service, 2022<sup>2</sup></i>	<i>Source: Swedish Prison and Probation Service, 2022</i>		<i>Source: Swedish Prison and Probation Service, 1 October 2023</i>

## II. Recommendations

### Body searches

- + The use of routinely conducting body searches (frisk searches) in order to prevent inmates carrying sensitive documents back to their cells must end.
- + The Swedish Prison and Probation Services should promptly ensure that body searches are carried out in accordance with the framework of current law and internal protocols, i.e. not routinely.

<sup>1</sup> Women-only prisons: Färingsö, Hinseberg, Ljustadalen, Ringsjön, Sagsjön and Ystad, <https://www.kriminalvarden.se/fangelse-frivard-och-hakte/fangelse/>

<sup>2</sup> Swedish Prison and Probation Service. "KOS 2022 - Kriminalvård och Statistik".

### Pregnant and nursing women

- + Violating the integrity of, and displaying lack of respect and compassion for, pregnant women deprived of liberty as a result of not using updated and individual assessments of the need for use of restraints and the use of male prison officers in conjunction with visits to hospitals must be reduced. The Swedish Prison and Probation Services should promptly monitor and make sure that the agency's staff adheres to the established procedures within the Prison and Probation Services in order to ensure that:
  - a. pregnant women are not routinely and unnecessary being restrained when visiting and undergoing medical care;
  - b. only women prison officers are present during medical examination and treatment of pregnant inmates;
  - c. documentation of hospital visits by pregnant inmates are made and kept in order to facilitate evaluation of the use of shackles and gender of officers.

## III. Detention Issues

The Swedish Prison and Probation Service's prisons are divided into three security levels (1–3), with 1 being the highest and 3 the lowest security level. The division into security levels is based on an overall assessment of the conditions an institution has for supervision and control. There is, however, no security level 1 prison for women inmates. In this context it can be noted that the Parliamentary Ombudsmen has stated that the Prison and Probation Service should carry out a review of the security levels for the prisons that accept women in order to secure differentiation.

### Body searches

#### a) Legal and regulatory framework

At a central level, there is guidance regarding body searches outlined in the Swedish Prison and Probation Service's regulations and general guidelines for prisons (FARK prison) and remand prisons (FARK remand prison)<sup>3</sup>. Regarding invasive body searches, in FARK prison and FARK remand prison it is stated that body searches in the form of rectal or vaginal examinations should be conducted in hospitals. Body searches involving an examination of an inmate's oral cavity, other than an ocular inspection, should be performed by a physician or nurse following instructions provided by a physician<sup>4</sup>. These regulations are general and do not specifically address women. However, local procedures for body searches exist in women's facilities. The extent to which these local procedures are implemented, however, is unknown.

#### b) In practice

There are examples demonstrating that body searches have been carried out systematically, without individual assessment. In the decision [JO 2021/22](#), the Parliamentary Ombudsmen directed severe criticism towards the Prison and Probation Service (Ystad Prison) for routinely conducting strip searches after delivery of official correspondence. The stated purpose behind these searches, according to Ystad Prison, was to prevent inmates from carrying sensitive documents back to their cells.

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<sup>3</sup> *Kriminalvårdens föreskrifter och allmänna råd för fängelse* (KVFS 2011:1) and *Kriminalvårdens föreskrifter och allmänna råd om häkte* (KVFS 2011:2).

<sup>4</sup> Chapter 8, Section 1a, FARK prison and Chapter 4, Section 1, FARK remand prison.



During the investigation conducted by the Parliamentary Ombudsmen, the prison adjusted its procedures. Instead of the regular strip searches, they initiated frisk searches of inmates, deeming the previous searches disproportionate. In its decision, the Parliamentary Ombudsmen emphasized that there is no legal basis for conducting strip searches on all inmates either, as a standard control measure following the receipt of official correspondence. Strip searches are highly invasive, constituting a significant breach of privacy. Furthermore, the principle of proportionality must always be considered before implementing any form of control measure. Concerning the new procedure, it was observed that even frisk searches require legal justification, which was lacking in this case.

In its decision [JO 2016/17](#), the Parliamentary Ombudsmen criticized the Swedish Prison and Probation Service after an incident where a male prison officer conducted a frisk search on a woman inmate during her entry into a remand prison. According to the remand prison, this action was taken under a provision in the Swedish Detention Act, allowing a male officer to search a woman inmate in exceptional cases. The provision referred to was meant for rapidly arising situations where there are no women officers available, and where security concerns make it unreasonable to delay the search. The Parliamentary Ombudsmen noted that the remand prison handles a significant volume of daily inmate entries and is required to conduct frisk searches on all these individuals. It involves a routine operation that the remand prison can plan for. Thus, the remand prison has the ability to anticipate the need for women officers to search women inmates.

In its decision [JO 2021/22](#), the Parliamentary Ombudsmen address a case where a woman inmate was placed in isolation to undergo a body search because it was suspected that she had swallowed narcotics. The prison used a customs rest room (pacto toilet) to perform the body search. When narcotics were not detected in the excrement, the woman was asked if she would agree to an additional body search at a hospital, in the form of a vaginal and rectal examination. According to the Parliamentary Ombudsmen, the documentation indicates that the facility used a perceived consent as the basis for the decision to perform an invasive body search. The Parliamentary Ombudsmen stated that the space for allowing a consent to be enough to execute a forced action which would otherwise require a legal basis is highly limited and that it is the decision of the Prison and Probation Service that is the deciding factor of whether an inmate should undergo an involuntary action such as an invasive body search. From the inmate's perspective, it must have appeared as though the alternative was continued isolation. The Parliamentary Ombudsmen stated that the voluntariness in such a situation must be regarded as illusory. The staff responsible received criticism for how they handled the matter and for certain shortcomings in their documentation.

### c) Body searches of women visitors

Regarding body searches of women visitors, it's worth noting that, according to the guidelines for prisons (FARK prison), in cases where a visitor undergoes a strip search, it should be documented. According to FARK prison, it is advisable that the documentation include details about who authorized the measure, the reason for implementation, the outcome, the person conducting the measure and any witness present.<sup>5</sup>

In 2015, the Parliamentary Ombudsmen received a complaint from an inmate. He expressed concerns that his wife, during her visits to him in Skänninge Prison, was consistently subjected to strip searches without individual assessment. On each occasion, prison officers claimed these searches were random checks, conducted according to the institution's procedures. However, Skänninge Prison denied implementing such a routine and also stated that there was no record of visitors undergoing this type of inspection. Thus, it was a case of conflicting statements. In its decision [JO 2016/17](#), the Parliamentary Ombudsmen emphasized that the Prison and Probation Service should implement a central procedure, for all facilities, to document these types of control measures.

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<sup>5</sup> Chapter 7, section 9b §, FARK prison.

## Use of means of restraint

### a) Legal and regulatory framework

There are deficiencies in Swedish legislation regarding use of means of restraints. For instance, both the Prison Act and the Detention Act lack a clear definition of shackles. On several occasions, the Parliamentary Ombudsmen have observed that the regulation of the use of physical restraints is, to some extent, regulated further down in the hierarchy of norms, inter alia in regulations and handbooks issued by authorities. This creates legal uncertainty for individual inmates who become subject to such measures.<sup>6</sup>

The Swedish Prison and Probation Service has developed a central handbook which provides its staff with instructions and guidance on matters related to security, the Security Handbook. The Safety handbook includes a section that outlines the conditions under which handcuffs and shackles can be used. Furthermore, the referral response in the Parliamentary Ombudsmen's decision [JO 2020/21](#) shows that the Prison and Probation Service has outlined a manual concerning the treatment of accompanying children and pregnant women in prisons and detention centers (2018:5), providing detailed guidance on detention procedures<sup>7</sup>. At a local level, there are specific guidelines and instructions regarding, inter alia, the use of belt restraint and security assessments in connection to transport.<sup>8</sup>

The Security handbook specifies that the decision of handcuffs and shackles should be evaluated on a case-by-case basis, considering the security assessment and the person's current condition. If means of restraint are deemed necessary, waist shackles should not be employed. Moreover, a woman in labor should not be incarcerated. According to the Swedish Prison and Probation Service's manual on accompanying children and pregnant women (2018:5), an individual risk assessment should always be conducted. However, the use of handcuffs and shackles should generally be approached with restraint. During the advanced stages of pregnancy, means of restraint should only be considered in exceptional cases.<sup>9</sup>

### b) In practice

In 2015, the Swedish NPM selected women deprived of their liberty as a special theme. Inspections were conducted at all prisons that accommodate women. During the inspection of the Hinseberg prison, the following information was gathered regarding the use of means of restraint during transports to healthcare facilities.

A security assessment is conducted for all women at the prison. When planning transports, a risk analysis is performed based only on the existing security assessment. Almost all inmates had a security assessment of the standard level, which means that women in this group should be restrained with waist shackles during transports and outings.

Several women inmates reported various issues they faced when being restrained during visits to healthcare facilities. One woman had to sit in a public waiting room wearing waist restraints. Another woman described that she was sedated for a surgical abortion while still wearing waist shackles and that she woke up from anesthesia still restrained. A woman with a child in the facility mentioned that she was handcuffed and restrained during all prenatal care visits before the child was born, and also

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<sup>6</sup> See, for example, JO 2021/22 s. 241.

<sup>7</sup> JO 2020/21 p. 198, p. 5.

<sup>8</sup> The Parliamentary Ombudsmen have, for example, encountered the Swedish Prison and Probation Service's guidelines for belt restraints (2021:1), which are applicable within the operational area of Kronoberg's remand prison. During the inspection of Hinseberg, the Parliamentary Ombudsmen observed instructions related to security assessments, transport planning, and transport activities.

<sup>9</sup> JO 2021/22 p. 330, p. 6.

during the transport to the hospital when she was in labor. After giving birth, a new security assessment was conducted, and she was no longer required to wear restraints. Several inmates described challenges with restroom visits at healthcare facilities, where staff had to lower their underwear due to the handcuffs and waist restraints. Furthermore, it was noted that inmates were restrained with waist shackles or handcuffs even during X-ray examinations.

Based on the findings that emerged during the inspection of Hinseberg, the Parliamentary Ombudsmen decided to conduct a further investigation into the Prison and Probation Service's security assessments. In its decision [JO 2017/18](#), the Parliamentary Ombudsmen states that the Hinseberg prison's decision on control measures appeared to be based on standardised assessments regarding the inmate's security level. During the assessment, consideration for the inmate's current state and integrity was neglected.

In the opinion of the Parliamentary Ombudsmen, a correct scrutiny would probably not have led to the assessment that it would be proportionate to use handcuffs and waist shackles on a woman with ongoing labour pains being transferred to a maternity ward to give birth. Additionally, the Parliamentary Ombudsmen states that the Prison and Probation Service need to focus efforts to ensure that a satisfactory level of control and security is achieved, in each individual case, without the inmate being subject to measures perceived as degrading and not proportionate on the basis of the individual's condition during, for example, medical care and treatment, when being moved to health care facilities or during toilet visits. In order to follow up on security arrangements and results in adjustments to security assessment, such as the use of shackles, this must be put on record.

At the time of the inspections there was no specific manual regarding pregnant women. However, in August 2018, the previously mentioned manual on accompanying children and pregnant women came in to force (2018:5).<sup>10</sup> The Security handbook also includes a section addressing pregnant women. Nevertheless, the Parliamentary Ombudsmen have noted that the problems related to static security assessments and the disproportionate use of control measures within the Prison and Probation Service have persisted even after the NPM's thematic inspections in 2015.

In a decision dated 2019<sup>11</sup>, it was revealed that a woman inmate undergoing a medical abortion was compelled to wear ankle restraints for a substantial duration of her hospital stay. Staff from the Swedish Prison and Probation Service, including a male officer, were present in the treatment room. The Parliamentary Ombudsmen observed that, according to the Swedish Prison and Probation Service's own manual, the use of restraints should be applied restrictively when it comes to pregnant women. In light of this context, the Ombudsmen concluded it appears doubtful whether the Prison and Probation Service's risk assessment adequately took into account individual and current factors, including the woman's integrity and dignity.

Further severe criticism was expressed in a decision from 2021<sup>12</sup>, where a woman inmate undergoing a late abortion was subjected to waist shackles and/or ankle shackles during a substantial portion of her two-day hospital stay and protracted labouring.

The Parliamentary Ombudsmen have also repeatedly observed deficiencies in documentation regarding the use of restraints.

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<sup>10</sup> JO 2020/21 p. 198, p. 7.

<sup>11</sup> JO 2020/21 p. 198.

<sup>12</sup> JO 2021/22 p. 330.

## IV. Other relevant NPM information on women in prison

- + NPM, [Report from the OPCAT unit for 2015-2017](#)
- + Decisions regarding body searches: [JO 2016/17, p. 273](#); [JO 2016/17, p. 277](#); [JO 2021/22, p. 305](#); [JO 2021/22, p. 321](#)
- + Decisions regarding means of restraint: [JO 2017/18, p. 131](#); [JO 2020/21, p. 198](#); [JO:2021/22, p. 330](#)
- + Protocols regarding means of restraint: [Ref. no. 2527-2015](#)

This report is part of the Global NPM report on Women in Prison.  
Access the full report here: [www.apt.ch/global-report](http://www.apt.ch/global-report)