



National Preventive Mechanism – NPM

Report on the activities 2024

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REPORT ON THE ACTIVITIES 2024



The Swedish Parliamentary Ombudsmen

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Cover: Part of a sketch of the Panoptikon, a prison in which all the cells can be monitored from one point. A design introduced by the English philosopher Jeremy Bentham in the late 18th century.

Foreword

The Parliamentary Ombudsmen fulfil the function of a National Preventive Mechanism (NPM) as described in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The task of an NPM is to prevent the torture or cruel, inhuman or degrading treatment or punishment of people who are deprived of their liberty. The work of an NPM must be proactive and based on a long-term strategy.

This report compiles the Parliamentary Ombudsmen's most significant observations and recommendations from the 16 inspections conducted during the year.

In 2023, the Parliamentary Ombudsmen performed a self-evaluation of its NPM activities. As a result, new working methods and forms were tested in 2024, with even greater emphasis on the preventive aspects of the assignment. Furthermore, it is our ambition to increase the number of inspections we conduct. The Parliamentary Ombudsmen have also developed exchanges of experience with civil society in order to enhance a dialogue with stakeholders. The changes that have been implemented have had the desired effect and work is continuing in the same spirit.



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The OPCAT assignment

Under the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), State Parties have undertaken to take effective legislative, administrative, judicial and other measures to prevent acts of torture within any territory under its jurisdiction. The Convention against Torture has been in force in Sweden since 1987.

The Convention against Torture provides a relatively comprehensive definition of torture (Article 1). In short, torture is the intentional infliction of severe mental or physical pain or suffering for a specific purpose, for example to extract information or to punish or threaten a person. On the other hand, the Convention lacks definitions of cruel, inhuman or degrading treatment, but the State Parties must also prevent such acts from being carried out by representatives of public authorities within their territory (Article 16).

The countries that have signed the UN Convention Against Torture are reviewed by a special committee, the Committee against Torture. In its country reports, the Committee makes statements and recommendations on compliance with the Convention. If a signatory state has authorised it, the UN Committee can also examine individual complaints if there has been a violation of the Convention. The Convention against Torture does not in itself mandate the Committee to conduct visits in member states. In order to allow, inter alia, international visits, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was adopted by the UN in 2002. The Protocol entered into force in Sweden in June 2006. OPCAT established another committee, the Subcommittee on Prevention of Torture (SPT).

The work performed in accordance with OPCAT is to be conducted with the aim of strengthening the protection of individuals deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment. Preventive work can be carried out in a number of ways, including through visiting the environments where the risk of abuse and violations is particularly high. Another important aspect of the preventive work is the identification and analysis of factors that can directly or indirectly increase or reduce the risk of torture and other forms of inhuman treatment. The activities must be proactive and aimed at systematically reducing or eliminating risk factors and strengthening preventive factors and protective mechanisms. Furthermore, the work shall have a long-term

perspective and focus on achieving improvements through constructive dialogue, proposals for safeguards and other measures.

State Parties to OPCAT are also obliged to designate one or more bodies charged with the role of National Preventive Mechanism (NPM). Since 1 July 2011, the Parliamentary Ombudsmen have carried out the tasks of a National Preventive Mechanism pursuant to OPCAT. As a National Preventive Mechanism, among other things the Parliamentary Ombudsmen are to regularly inspect places where people may be deprived of their liberty. Another task is to make recommendations to the competent authorities with a view to improving the treatment of and conditions for individuals deprived of their liberty and preventing torture and other cruel, inhuman or degrading treatment or punishment. The Parliamentary Ombudsmen shall also participate in dialogues with competent authorities and civil society.

The Parliamentary Ombudsmen's OPCAT activities

A dedicated OPCAT Unit is tasked with assisting the Parliamentary Ombudsmen in their work as a National Preventive Mechanism. The number of staff at the unit varied between four and six during 2024. One member of staff is a social scientist and the others are lawyers. An expert in medicine and another in psychology are also attached to the unit.

The most important element of the Parliamentary Ombudsmen's NPM activities is regular inspections of institutions in which people are deprived of liberty. A major study of the consequences of double occupancy for inmates of remand prisons and prisons was conducted in 2024. The Parliamentary Ombudsmen visited six remand prisons and five prisons in a series of inspections. A separate series of inspections of police detention facilities was also conducted. Finally, a follow-up inspection of one of the Swedish Migration Agency's detention centres was conducted.

The following 16 inspections were conducted within the scope of NPM activities in 2024.

Inspection object	Number
Police detention facility	4
Remand prison	6
Prison	5
Migrant detention centre	1
Total	16

In addition to these visits, since 2020, the Parliamentary Ombudsmen have held dialogue meetings with civil society organisations concerning the situation and rights of people deprived of liberty. Two such dialogue meetings were held in 2024. One meeting addressed the strain imposed by overcrowding within the Swedish Prison and Probation Service and the consequences for those deprived of liberty, specifically those detained in police detention facilities, remand prisons and prisons. The theme of the year's other meeting was the situation of those detained in forensic psychiatric care and special residential homes for young people.

The OPCAT Unit is part of the Nordic NPM network established in 2015. A meeting of the network was held in Helsinki on 20 September 2024. The theme of the meeting was access to healthcare for inmates of prisons and remand prisons.

During the year, staff from the OPCAT Unit also took part in two workshops in Strasbourg organised by the European NPM Forum. The theme of the meeting on 4–5 June 2024 was monitoring the procedural rights and material conditions of people detained while awaiting trial, while the meeting on 24–25 September 2024 dealt with improving and safeguarding the health conditions of persons deprived of their liberty with substance use disorders. Finally, on 12–13 September 2024, the unit was represented at a seminar in Helsinki on the theme of locking up children and young people in the Nordic countries.

More about our inspections

The Swedish Migration Agency

Background

An inspection conducted in January 2023 revealed deficiencies at the Swedish Migration Agency's detention centre in Mölndal. These included serious shortcomings in how staff treat detainees, staff with an inadequate command of the Swedish language and that many newly recruited staff were initially given only two weeks training rather than the usual eight-week basic training. Body searches were conducted without an assessment of whether there were legal grounds for doing so in each individual case, and no regular organised occupational activities were offered to detainees at the facility. Nor were there any procedures or organisation in place to meet statutory requirements for a doctor to examine detainees placed in segregation because they were deemed to be a danger to themselves.

In February 2024 an inspection was conducted to follow-up on previous recommendations.



The exercise yard at the Mölndal detention centre.

The Parliamentary Ombudsman's conclusions and recommendations

In his report on the follow-up inspection, the Parliamentary Ombudsman noted that the detention centre has worked actively to improve treatment since the first inspection. However, according to the Parliamentary Ombudsman, the Swedish Migration Agency has cause to continue working on these issues, including prioritizing skills development for staff, not least given reports of preferential treatment and staff who find it difficult to perform certain duties.

There has also been an improvement in meeting the requirement for an individual assessment of the legal grounds for conducting a body search. That said, it is apparent that certain members of staff are still unclear about the rules that apply to body searches, especially when an inmate is admitted to the detention centre. The Parliamentary Ombudsman therefore urges management at the facility to take prompt measures to ensure that staff have the requisite knowledge of the rules that apply in this regard. It was also deemed important for the Swedish Migration Agency to follow up the measures taken.

With regard to access to occupational activities, detainees still lack opportunities to take part in activities of a more occupational nature. According to the Parliamentary Ombudsman, the Swedish Migration Agency must both ensure that detainees have access to activities of a more occupational nature and investigate whether detainees can be given opportunities to spend more time outdoors.

During the inspection, documentation was reviewed in seven cases in which a doctor's examination was mandatory in conjunction with placing a detainee in segregation. The documentation revealed that in the majority of cases a doctor had examined the detainee, although not in all. Given the facts that emerged during the inspection, the Parliamentary Ombudsman urged the Swedish Migration Agency to make every effort to ensure that a doctor always examines the detainee in person in such situations. The agency is responsible for ensuring that medical examinations are conducted; the detainee cannot decide for themselves whether or not an examination is necessary. The Parliamentary Ombudsman also urged the Swedish Migration Agency to take measures to enhance the skills of staff who are authorised to place a detainee in segregation, and to follow up the matter on an ongoing basis.

In a concluding remark, the Parliamentary Ombudsman noted that the Swedish Migration Agency has conducted work in a structured manner and taken several measures to address the shortcomings identified during the inspection in 2023. While this work seems to have improved the situation at the detention centre, there is more to do. According to the Parliamentary Ombudsman, the Swedish Migration Agency must therefore continue the work it has started and ensure that planned and implemented measures have the desired effect.

The Swedish Prison and Probation Service

Background

Overcrowding in remand prisons and prisons is a recurring problem in many European countries. The Parliamentary Ombudsmen have previously reviewed the Swedish Prison and Probation Service's management of overcrowding on several occasions, including the possible consequences of such conditions for inmates. Overcrowding has been placing a considerable strain on the agency for some time now and the situation is expected to remain the same for the foreseeable future. To address the shortage of places, the agency has implemented and planned for double occupancy – i.e., two inmates sharing a cell – to a greater extent than was previously the case. The Parliamentary Ombudsmen therefore deemed it a matter of urgency to conduct a more detailed assessment of the likely risks and consequences of double occupancy for inmates.

To this end, inspections were conducted of six remand prisons between March and May 2024 and five prisons between July and October 2024. The Parliamentary Ombudsman's most significant observations and recommendations from these inspections are compiled in two reports, one covering remand prisons and the other prisons. Both reports were published in 2025 and are available on the Parliamentary Ombudsmen's website at www.jo.se. They are also included with this annual report as appendices A and B.

The Parliamentary Ombudsman's conclusions

In both reports, the Parliamentary Ombudsman affirmed that overcrowding has significant consequences for inmates, especially for those in prisons. The overcrowding leads to cells intended for one inmate being regularly used for two inmates. Furthermore, the lack of places results in cells no larger than six square metres being used for double occupancy in more cases and no longer only in exceptional cases.

In addition to overcrowding, there are other shortcomings in the physical environment, such as the ventilation in double-occupied cells, and there is often a lack of opportunity to use the toilet in private. Being forced as an inmate to stay with an unknown person in a small space under these conditions causes anxiety and stress. In addition, inmates in remand prisons for inmates subject to restrictions are often locked in the cell together for 23 of the 24 hours of the day. In most prisons, so-called nightly rest is at least 12 hours. Lack of alone time is a common thread, both prisons and remand prisons. The overcrowding has also meant that significantly more people are spending time in other premises than they are adapted for, and the environment there is often messy and stressful. This is especially true in prisons. The Parliamentary Ombudsman

also found that no efforts are made to match inmates sharing cells, nor is there any structured follow-up to assess how such placements are working. This is very worrying and may jeopardize the safety and security of the inmates.

With regard to the situation in remand prisons, the Parliamentary Ombudsman highlighted the fact that, according to the Swedish Prison and Probation Service's Annual Report, the number of reported incidents of threats between inmates in remand prisons increased in 2023, while the number of reported incidents of violence remained the same as the previous year. However, the agency's 2024 Annual Report revealed that the number of reported incidents of both threats and violence between inmates in prisons increased during the year. On the completion of the inspection series, it was apparent that inmates far from always report incidents involving threats and violence to staff, preferring to remain silent or resolve the matter themselves. It is therefore the assessment of the Parliamentary Ombudsman that the number of reported incidents does not reflect reality.

The Parliamentary Ombudsman concluded that these conditions risk subjecting prisoners on remand to inhuman or degrading treatment, and that the consequences for prison inmates are even more severe. According to the Parliamentary Ombudsman, the Swedish Prison and Probation Service urgently needs to review what measures are necessary to eliminate the risks associated with persons deprived of liberty sharing cells.

The Parliamentary Ombudsman's recommendations

In order to improve the situation for and mitigate the risk to people who share cells while deprived of liberty, the Parliamentary Ombudsman made a number of recommendations to the Swedish Prison and Probation Service. For example:

- Draw attention to the importance of alone time and structure the activities in a way that ensures that inmates who share a cell are given the opportunity to spend a certain part of the day alone.
- Ensure that there are sufficient staff to, for example, maintain client-oriented work, answer cell call bells without undue delay and, where necessary, act promptly.
- If double occupancy is deemed necessary, only use cells with a floor area of at least ten square meters, excluding sanitary space.
- Divide the sanitary space in the cells used for double occupancy with a door that goes from floor-to-ceiling.

- Ensure that remand prisons and prisons make a careful matching when considering whether an inmate should share a cell and involve the individual in the procedure.
- Ensure that a structured follow-up is conducted of how a double occupancy is working.
- Clarify the role of health and medical care and include healthcare professionals in the planning, implementing and follow-up of double occupancy.

The Swedish Police Authority

Background

During spring 2024, information emerged in the media and in complaints to the Parliamentary Ombudsmen that remand prisoners were being held in police detention facilities rather than remand prisons due to a shortage of places with the Swedish Prison and Probation Service. To follow-up this information, between May and December 2024, the Parliamentary Ombudsman conducted a series of inspections covering four police detention facilities. The focus of the inspections was the physical environment, staffing of the facilities and the treatment of inmates.

The Parliamentary Ombudsman's conclusions and recommendations

One police detention facility was holding remand prisoners when the inspection commenced. There were no remand prisoners in the other facilities during the inspections. However, the occupancy situation in all of the facilities had been affected by holding remand prisoners during spring 2024. In some cases, remanded prisoners had been held in the police detention facilities for over two weeks.

In addition to providing cells, the inspections confirmed that the Swedish Police Authority had also assisted the Swedish Prison and Probation Service by transporting remand prisoners. Staff at one police detention facility stated that providing transportation for remand prisoners had taken time away from police work. The situation for staff at two facilities while remand prisoners were being held there during spring 2024 was described as strained. In one case, staff had found it difficult to maintain supervision when the cells were full.

The inspections revealed that remand prisoners in police detention facilities were left alone in their cells for large parts of the day, in deficient physical conditions and without meaningful activities. This situation arose despite the fact that police detention facilities are intended to hold people temporarily deprived of liberty, not remand prisoners. None of the cells meet the requirements for cells for remand prisoners. In some cases, remand prisoners were held in cells set aside for people arrested for intoxication to sober up, which are only equipped with a mattress on the floor, something that the Parliamentary Ombudsman described as completely unacceptable.

At all detention facilities, the situation of remand prisoners is essentially described as spending around 23 hours a day in their cell without diversions other than reading books and newspapers. Police detention facilities are not designed for remand prisoners and it was obvious that the Swedish Police Authority has



Sobering-up cell in the police detention facility in Eskilstuna.

not had adequate staff resources to implement measures that offer remand prisoners respite from isolation. According to the Parliamentary Ombudsman, the lack of activities and de facto isolation pose significant risks to the mental and physical health of remand prisoners.

With regard to access to healthcare, the Parliamentary Ombudsman noted that the situation is worse than in remand prisons. There are no regular visits by healthcare professionals to detainees. Some officers described feeling insecure about being responsible for dosing and administering medication. The Parliamentary Ombudsman expressed considerable concern that guards

employed by the Swedish Police Authority are permitted to distribute medication to detainees, as they have neither the medical training nor the necessary delegated authority to do so. The Swedish Police Authority was urged to review the administration of medication in police detention facilities without delay, regardless of whether or not prisoners are being held on remand.

In summary, the Parliamentary Ombudsman noted that the conditions under which detainees are held on remand in police detention facilities are completely unacceptable. The Parliamentary Ombudsman took a very dim view of the facts that emerged from the inspections and was of the opinion that remand prisoners were at risk of being subjected to inhuman or degrading treatment. In light of this, the Parliamentary Ombudsman found reason to send a copy of the report to the Government for information.

During the inspections, the Parliamentary Ombudsman also highlighted several other issues and issued certain recommendations intended to improve the situation for persons arrested and detained. For example, the Parliamentary Ombudsman recommended the Swedish Police Authority to:

- Ensure that detainees have access to the Swedish Police Authority's information sheet on prisoners' rights throughout their detention in the police detention facility.
- Address security risks in cells, including gaps between fixtures and walls, as these can be used to attach a noose.
- Immediately remove the QR codes used to register guard rounds from the outer of two cell doors, as these allow guards to register in the system without actually observing the prisoner.
- Ensure that people arrested for intoxication are routinely given a blanket when they are held in a cell.

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Report from the OPCAT unit

The consequences of double occupancy for remand prison inmates

“There is really
nothing good about
double occupancy
except that you’re
not alone.”

– Remand prison inmate spring of 2024 –

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Foreword

The Parliamentary Ombudsmen perform the tasks of a national preventive mechanism (NPM) as set out in the UN Optional Protocol to the Convention against Torture (OPCAT). The purpose of the mandate is to prevent torture and other cruel, inhuman or degrading treatment or punishment of persons deprived of their liberty. According to the Protocol, the work must be proactive and have a long-term perspective. Another important part is to identify inmates who, for various reasons, are at particular risk of being harmed.

In March 2024, I decided to carry out a number of inspections under the OPCAT mandate to examine in particular the consequences and risks that double occupancy in remand prisons and prisons may entail for those deprived of liberty. In the decision, I emphasise that both my predecessors and I have repeatedly reviewed the Prison and Probation Service's handling of overcrowding and the consequences that the conditions may have for the inmates. Furthermore, I noted that the occupancy situation is extremely strained and is expected to remain so for some time to come, and that the Prison and Probation Service is implementing and planning for double occupancy, i.e. placing two inmates in the same cell, to a greater extent than before.

Six remand prisons were inspected between March and May 2024. The report is thus based on the conditions at the time. During the inspections, a variety of questions have arisen and it has been necessary to make certain delimitations. The focus has been on what the Prison and Probation Service as a public authority can do to improve the situation for the inmates who need to share a cell with another inmate. It may be noted that I do not take a position on the appropriateness of double occupancy in the report. I have merely used the starting point that the Prison and Probation Service has decided that such placements shall be made.

In this report, I have compiled my most important observations and recommendations based on the inspections. My hope is that the report will contribute to the work of preventing risks in the event of double occupancy and thus increase security for those deprived of liberty who share a cell.



Katarina Pahlsson
Parliamentary Ombudsman

1

The OPCAT assignment

1

The OPCAT assignment

Under the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture)¹, States Parties have undertaken to take effective legislative, administrative, judicial and other measures to prevent acts of torture within any territory under its jurisdiction. The Convention against Torture has been in force in Sweden since 1987.

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States parties to OPCAT are also obliged to designate one or more bodies charged with the role of National Preventive Mechanism (NPM). Since 1 July 2011, the Parliamentary Ombudsmen have carried out the tasks of a National Preventive Mechanism pursuant to OPCAT. As a National Preventive Mechanism, the Parliamentary Ombudsmen are to, inter alia, regularly inspect places where people may be deprived of their liberty, e.g. remand prisons and prisons. Another task is to make recommendations to the competent authorities with a view to improving the treatment of and conditions for individuals deprived of their liberty and preventing torture and other cruel, inhuman or degrading treatment or punishment. The Parliamentary Ombudsmen shall also participate in dialogues with competent authorities and civil society.

1 Convention against torture and other cruel, inhuman or degrading treatment or punishment (CAT).

2 CAT art. 22.1.

2

Regulation and guidelines on double occupancy

2.1

Regulation and guidelines on double occupancy

International legal rules and standards

The UN Convention Against Torture and the optional protocol, OPCAT, was presented in the previous section. In addition, the following should be highlighted.

The European Convention on Human Rights (ECHR) was developed within the framework of the Council of Europe in 1950. As a member of the Council of Europe, Sweden was obliged under international law to comply with the Convention's catalogue of rights ever since it entered into force three years later. The ECHR has been in force under Swedish law since 1 January 1995.¹

In 1987, the Council of Europe adopted the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. It entered into force in 1989 and, in connection therewith, the Council of Europe's Committee for the Prevention of Torture (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CPT) was established. It is composed of independent experts and is tasked with visiting places where people may be deprived of liberty in the 46 member states of the Council of Europe. After each visit, the CPT submits a report, which usually contains a number of recommendations to the visited country with the aim of improving the situation of persons deprived of their liberty. The CPT also publishes more general statements on thematic issues, including in specific standards and in annual reports. Sweden has had a total of seven visits from CPT, most recently in 2021.

The CPT has repeatedly commented on the risks and consequences of overcrowding in remand prisons and prisons, observing, inter alia, that countries are trying

to solve the problem of overcrowding by having two or more inmates share a cell, so-called double occupancy. In a standard regarding overcrowding, the Committee has established that a lack of personal space and a lack of privacy entail risks for all inmates, especially for the extra vulnerable.² Furthermore, the CPT has emphasised in a standard regarding remand prisons that every effort should be made to phase out the use of dormitories and to move towards a small number of inmates in a cell. Ideally, inmates should be placed in single cells except where it is preferable for them to share sleeping accommodation.³

When examining complaints concerning violations of the prohibition of torture or inhuman or degrading treatment or punishment under Article 3 of the ECHR, the European Court of Human Rights (ECtHR) has commented on the cumulative effects of the physical and other circumstances of the deprivation of liberty. In a precedent, *Torreggiani and Others v. Italy*, the Court found that there was a violation of Article 3.

It was found that the living space of the inmates, who shared a cell with at least one fellow inmate, was smaller than what is considered acceptable. In that part, the Court referred to CPT's recommendations that each inmate shall have a cell area of four square meters. Furthermore, the Court pointed to other conditions, such as the lack of hot water over long periods, poor lighting in the cell and inadequate ventilation, which exacerbated the situation. All these circumstances, although not in themselves considered inhuman and degrading, intensified the suffering. While there was no expressed intention to humiliate or debase the inmates, the Court considered that their

2.1

Regulation and guidelines on double occupancy

hardships combined with the length of their deprivation of liberty exceeded the level of suffering considered acceptable. The complainants were found to have been subjected to inhuman and degrading treatment.⁴

It is unusual for the ECtHR to conclude that treatment shall be considered torture. The difference between this term and inhuman or degrading treatment is not entirely clear, but it is clear from the case-law of the Court that a special stigma is attached to torture and that it must have been an intentional infliction of severe or intense suffering. In short, inhumane treatment involves treatment which intentionally causes someone serious mental or physical suffering and which, in the situation in question, can be regarded as unjust. According to the Court, conduct that creates feelings of fear, anguish and inferiority in the victim may constitute degrading treatment. An assessment of the circumstances as a whole shall be made on a case-by-case basis when examining whether there has been a violation of Article 3.⁵

According to the ECtHR, each Member State has an obligation to organise its correctional system in such a way as to guarantee the dignity of inmates, regardless of financial or logistical difficulties.⁶ The Court has further stated that, even if a measure is not considered to constitute a violation of Article 3, it may constitute a violation of the right to privacy under Article 8.⁷ It also follows from the Court's case-law that the authorities must provide access to sanitary facilities that are separated from the rest of the prison cell in a way that ensures a minimum of privacy for the inmates. In this context, the Court has also referred to CPT standards and recommendations.⁸

Both the UN and the Council of Europe have adopted special rules for the treatment of persons deprived of liberty in, inter alia, remand prisons (the so-called Mandela Rules and the European Prison Rules, respectively).⁹ As a member of the UN and the Council of Europe, Sweden has been involved in developing and deciding on these documents. The rules are not binding, but they are of fundamental importance as they are intended to guide the Member States and their authorities both in the design of the national regulation and in the proportionality assessment on a case-by-case basis. Thus, they are also important in the Prison and Probation Service's development of regulations and other governing documents, but also in the day-to-day operations of the remand prisons.

The UN Mandela Rules address the conditions that should apply during deprivation of liberty in a remand prison or prison. The rules deal with, inter alia, issues relating to the physical environment, the opportunities for an hour's outdoor access, and access to medical care. It is also stated that, in the event of temporary overcrowding, there should never be more than two prisoners in a cell.¹⁰

The European Prison Rules contain certain recommendations regarding placement. According to these, inmates shall normally be placed in individual cells during the night, except where it is preferable for them to share sleeping accommodation. However, inmates may only share a cell if it is suitable for this purpose and they can be placed together. As far as possible, inmates shall be given a choice before they have to share sleeping accommodation with others.¹¹ Furthermore, the right to occupation and, unless there

2.1

Regulation and guidelines on double occupancy

are exceptional reasons against it, the right to spend at least one hour each day outdoors is regulated. Inmates shall be allowed to receive visits to the extent that visiting can be conveniently arranged. The European Prison Rules also state that conditions which infringe on the human rights of prisoners cannot be justified because of lack of resources and that procedures that regularly allow such violations are not acceptable.¹²

1 Section 1 of the Act on the European Convention for the Protection of Human Rights and Fundamental Freedoms (SFS 1994:1219).

2 See CPT/inf (2022) 5-part, Combating prison overcrowding.

3 See CPT/inf (2017) 5-part, Remand detention.

4 See *Torreggiani and Others v. Italy* [GC], No 43517/09 et al. of 8 January 2013.

5 See Danelius, *Mänskliga rättigheter i europeisk praxis* [Human Rights in European Practice], (2023, version 6, JUNO) p. 89 ff. and, inter alia, the judgment in *Ireland v United Kingdom* [Court Plenary], No 5310/71, of 18 January 1978.

6 See e.g. *Muršić v Croatia* [GC], No 7334/13, 20 October 2016.

7 See *Wainwright v. United Kingdom*, No 12350/04, 26 September 2006.

8 See *Szafrański v. Poland*, No 17249/12, 15 December 2015.

9 See the UN Standard Minimum Rules for the Treatment of Prisoners, the so-called "Mandela Rules", and the Council of Europe's Recommendation Rec(2006)2-rev of the Committee of Ministers to Member States on the European Prison Rules, see also Gov. Bill 2009/10:135, p. 68 and 108.

10 The Mandela Rules, 12 and 23–35.

11 European Prison Rules, 18.5–18.7 and 96.

12 See European Prison Rules 4 and the Commentary on this rule, CM(2020)17-add2.

2.2

Regulation and guidelines on double occupancy

National regulations and the Prison and Probation Service's Instructions

The introduction to the Act on Detention (SFS 2010:611) contains provisions that embodies the fundamental values that should permeate the treatment of remand prison inmates. Of particular interest is that every inmate shall be treated with respect for their human dignity and with understanding for the special difficulties associated with the deprivation of liberty. Furthermore, it is stated that enforcement shall be devised so as to counteract the negative consequences of deprivation of liberty. According to the legislative history, negative consequences refer to the psychological, social and economic consequences that the deprivation of liberty may have for the inmate. Finally, enforcement may not entail limitations of the inmate's liberty other than those that follow from the Act on Detention or are necessary to maintain good order or security.¹

According to the Act on Detention, an inmate has the right to be placed in their own room. However, two or more inmates may be placed in the same room if this is necessary for reasons of capacity or for some other special reason. The regulation is based on the premise that an inmate normally has a vested interest in being placed in their own room, i.e. separated from others. The same assessment formed the basis for the previous correctional legislation. One reason for, in exceptional cases, placing two inmates in the same cell can be that they want this, and another that the mental health of an individual inmate justifies such a placement.²

The Ordinance (2023:797) with instructions for the Swedish Prison and Probation Service states that the

authority's activities must be conducted in a safe, humane and efficient manner. In addition, it is stated that the number of remand prison and prison places shall be continuously adapted to the need. The remand prison organisation must be designed so that it provides for the rights of inmates and promotes effective cooperation with other authorities within the judicial system.

The Prison and Probation Service has decided on instructions on how to handle issues of double occupancy.³ In these, double occupancy is defined as two inmates staying in the same room in connection with the daily rest period. The instructions specify three basic conditions for double occupancy. The *first* is that there are no decisions on restrictions that prevent double occupancy on a case-by-case basis.⁴ The *second* is that double occupancy is necessary for reasons of capacity or for some other special reason. According to the instructions, "*necessary for reasons of capacity*" normally means that due to lack of places, it is not possible to place a certain inmate alone in connection with the daily rest period. It is also clear that there is no requirement that every possibility of single placement must have been exhausted before double occupancy can be used and that it is the remand prison's job to decide whether double occupancy is necessary for reasons of space.

The *third* condition is that the residential room is designed and equipped so that it meets the current regulatory requirements. As for the floor area in the cell, it is stated that it must normally be at least eight square meters, excluding sanitary space. If such rooms

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Regulation and guidelines on double occupancy

are not available, cells with a floor area of six to eight square metres, excluding sanitary space, can also be used for double occupancy.

According to the intra-agency instructions, the following circumstances must, in addition to the basic prerequisites, also be taken into account before double occupancy may be used:

- If the double occupancy may cause security risks, e.g. significant risk of violence, risk of continued criminal activity, particularly unsuitable client constellations or other significant risks.
- The inmate's individual circumstances and suitability to be placed in double occupancy, especially with regard to his or her mental and physical state of health.
- The extent to which the inmate has the opportunity to spend time outside the residential room and outdoors/have access to daylight and fresh air (in the case of double occupancy in residential rooms 6-8 sqm, the longer a placement lasts, the more important it becomes to consider the possibility of spending time outside the residential room).
- The inmate's attitude towards double occupancy. However, no consent is required from the inmate for double occupancy to take place.
- If, in addition to what is stated above, the residential room is appropriate and suitably equipped (see Chapter 1, Section 17 The Swedish Prison and Probation Service's Regulations and General Advice (KVFS 2011:1) on remand prisons, FARK Remand Prison).
- If the inmate has the opportunity to use the toilet separately and under acceptable hygienic conditions.
- If the conditions in the residential room in terms of lighting, heating and ventilation are acceptable.

The instructions also regulate questions about documentation, decisions, and follow-up. Thus, it is stated, inter alia, that an establishment should keep a current list of the residential rooms that may be used for double occupancy, and also document information on, inter alia, the floor area and equipment in the residential room as well as the inmate's attitude.

¹ See Chapter 1, Sections 4–6 of the Act on Detention and Gov. Bill 2009/10:135, p. 120 and 183.

² See Chapter 2, Section 1 of the Act on Detention and Gov. Bill 2009/10:135, p. 184.

³ See the Prison and Probation Service's instructions for occupancy of more than one inmate in the same space (2024:4), which in April 2024 replaced the Prison and Probation Service's instructions for double occupancy in prisons and in remand prisons (2020:8).

⁴ Restrictions refer to restrictions on the individual's contacts with the outside world intended to prevent the remand prisoner from disposing of evidence or obstructing the criminal investigation in any other way.

3

Overcrowding and double occupancy

3.1

Overcrowding and double occupancy

Review and reports in recent years

3.1.1 Introduction

Overcrowding in remand prisons and prisons is a recurring problem and occurs in several European countries. As early as 1999, the Council of Europe adopted a recommendation that a maximum capacity should be set for the number of inmates that each remand prison and prison can receive to avoid excessive levels of overcrowding.¹ According to the Council of Europe, an occupancy rate of more than 90% is an indicator of imminent overcrowding.² The CPT has drawn attention to various explanations for overcrowding and established that *“We know that prison overcrowding may seriously harm prisoners and those around them.”*³ As previously mentioned, the CPT has also observed that a common way to deal with overcrowding is to let two or more inmates share a cell, i.e. through double occupancy.

3.1.2 Research reports on double occupancy

Research on the effects of double occupancy is limited. Some studies deal with questions about the psychological, physical and social consequences for the inmates and how the staff’s work environment is affected. In the Netherlands, double occupancy was introduced in the prison system in 2004 with the aim of increasing capacity. In a couple of studies that were subsequently carried out, it was reported that inmates who share a cell generally experience the prison climate as worse than inmates who are placed in their own cell, which, inter alia, leads to poorer relationships between staff and inmates. One conclusion drawn is that double occupancy undermines the Dutch so-called penological philosophy, which means that relationships between staff and inmates are key to the treatment and re-

habilitation of inmates. The studies also highlight that overcrowding not only causes crowding but also affects the mental health and well-being of the inmates. The situation often leads to an increased number of violent incidents between inmates and between inmates and staff. This is a direct consequence of more people being forced to live in confined spaces for long periods without adequate access to recreation or rehabilitation. Other consequences of overcrowding include worsening hygiene conditions and an increased risk of spreading diseases, which further strains the resources and staff of remand prisons and prisons. The relationship between inmates who are forced to share a cell can also be a source of stress and conflict, and those who have not chosen a cellmate themselves may experience increased fear and insecurity. This is said to be particularly problematic for vulnerable inmates, who may be more likely to react negatively to things that cause stress. To reduce these risks, it is considered important to carefully consider which inmates are placed together and to give the inmates the possibility to change cellmates if conflicts arise.⁴

3.1.3 The Prison and Probation Service’s report on overcrowding

In March 2024, the Prison and Probation Service published the report *Kort om överbeläggning, Risker för klienter och personal* [Briefly on overcrowding, Risks for clients and staff]. It is a so-called brief report, which is part of a series of publications on current topics related to correctional care. The report concludes that the studies presented therein indicate that overcrowding does not entail a clearly increased risk of negative outcomes for inmates. On the other hand, the Prison and Probation Service believes that the research is more

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Overcrowding and double occupancy

consistent that there are such correlations when it comes to the consequences of overcrowding for staff.

The report is based on a selection of previous research studies, the majority of which come from American institutions where overcrowding has been a reality for a long time. There is no information on how the scientific and other studies referenced have been selected. It can also be noted that it is most often overcrowding that has been studied, while studies of double occupancy have only been done to a lesser extent. It is emphasised that the brief reports are a complement to the more thorough, scientific and quality-assured R&D reports, which include more detailed analyses, systematic evaluations, and in-depth studies. The brief reports are, unlike the R&D reports, not peer-reviewed outside the Prison and Probation Service. Instead, the ambition is said to have been to produce a discussion paper or knowledge support that can quickly benefit the activity. Thus, the report has not been reviewed by the scientific council tied to the Prison and Probation Service or by any other external researchers. To the best of our knowledge, no specific R&D report on double occupancy and its consequences has been produced by the authority.

Against this background, it is not entirely clear how the brief report on overcrowding arrived at the overall assessments just presented.

3.1.4 Previous reviews of overcrowding and double occupancy by the Parliamentary Ombudsmen

As early as in December 2000, the Parliamentary Ombudsmen stated in a decision, in the light of safety and

environmental factors, but also taking into account the purely human aspect, that a more or less routine double occupancy of cells in remand prisons may not be used to solve a strained occupancy situation.⁵ The consequences of inmates sharing a cell have subsequently been repeatedly highlighted by the Parliamentary Ombudsmen, in both major reviews and individual cases and decisions. In 2019, a major survey of the occupancy situation was carried out within the framework of the Parliamentary Ombudsmen's OPCAT assignment. In the subsequent decision, the Parliamentary Ombudsmen emphasised, inter alia, the following.

When double occupancy is deemed necessary, it is in light of the fact that enforcement shall take place under safe and secure conditions and with respect for the inmate's human value, a reasonable starting point is that it is primarily consenting inmates who share cells. The staff must also explain that the inmates can decline. As an inmate is always in a position of dependence on the staff, the question of sharing a cell must not be posed in such a way that they feel forced or as if the matter has already been decided. Furthermore, the conversation should also be conducted under such conditions, e.g. in private, that the inmate does not feel pressured to consent. The Parliamentary Ombudsmen also noted that double occupancy in itself combats isolation, but that it is not possible to ignore the increased risk of conflicts.

An inmate who is forced to share a cell and feels fear or anxiety must be taken seriously and the staff has a great responsibility to continuously check up on inmates sharing cells. Such follow-up should reasonably be done in private and be documented. In addition, there

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Overcrowding and double occupancy

must be a readiness to immediately interrupt a double occupancy. Inmates must also be given the opportunity to spend parts of the day alone or with other people than the person they share a cell with, and to spend time with other inmates during their outdoor access. According to the Parliamentary Ombudsmen, it is not acceptable for inmates to share a cell for weeks.⁶

3.1.5 The occupancy situation in the Prison and Probation Service's remand prisons 2019–2024

In December 2019, there were 32 prisons with a total of 2,286 places.⁷ From the memorandum *Ökat klientflöde – Kriminalvårdens samlade bedömning och förslag till åtgärder* [Increased Client Flow - The Prison and Probation Service's Overall Assessment and Proposed Measures] of February of the same year, it is clear that the authority then calculated that ten years later there would be a need for about 9,500 places in remand prisons and prisons.

In the *Prison and Probation Service's capacity report 2024–2033*⁸ the authority points out that previous impact calculations are uncertain but that they indicate, regardless of the range, a drastically increased need for places in the coming ten-year period, especially in prisons. With this in mind, the authority intends to implement a historically powerful expansion plan with a tripling of the number of places. Together with an increase in temporary and standby places, the plan is for the Prison and Probation Service to have a total of about 27,000 places in remand prisons and prisons in 2033.

The number of places in December 2023 was approximately 9,000, of which approximately 2,900 were

remand prison places. The authority's assessment is that the number of full-time equivalents would need to more than triple, but at the same time notes that such an increase is not possible.

In the aforementioned latest major Parliamentary Ombudsmen's review of the occupancy situation in the Prison and Probation Service, it was noted that the authority had previously strived for an occupancy rate that would make it possible, if necessary, to break up negative groupings, relocate inmates, and avoid serious incidents. From the point of view of both clients and staff, the authority considered that a normal occupancy rate corresponding to 90 per cent was an important success factor for the dynamic security work. The Prison and Probation Service considered that an occupancy level close to or exceeding 100 per cent over a longer period posed significant risks in the security work, which was said to be due to the risk of major incidents increasing as well as the pressure on the employees. Nowadays, the Prison and Probation Service states that the authority's focus is to reach a normal where the occupancy rate is 95 per cent of the regular places. According to the authority, it is then also possible to ensure the balance between efficiency, high security, and a safe work environment.⁹

3.1.6 The Prison and Probation Service's handling of overcrowding in remand prisons

At the end of 2023, the Director-General of the Prison and Probation Service made a policy decision that the authority shall take measures that ensure the objective of sufficient capacity in remand prisons and prisons to be able to receive all remand prisoners and those sentenced.

3.1

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According to the decision, the measures will primarily be aimed at creating more prison places, which will enable sentenced persons with enforceable judgments to be moved from remand prison to prison.¹⁰ To achieve this, the Prison and Probation Service's regions would be tasked with creating a certain number of places. According to the decision, the measures could also involve the construction of simpler and temporary buildings.

Subsequently, the department director of prisons, remand prisons and probation decided to give the regional managers the following tasks in the remand prison operations.

- Plan and take measures to ensure that inmates without restrictions on association can be placed in double occupancy cells to the extent possible.
- Plan and take measures to ensure that residential rooms in remand prisons exceeding 6 square metres can be used for double occupancy to allow for a higher degree of density.¹¹

It may be noted that the latter assignment, concerning double occupancy in cells with a floor area of only six square meters, gives the impression of going beyond the authority's instructions on occupancy of more than one inmate in the same space. As an additional measure, the Prison and Probation Service announced in April 2024 that as there were not enough places, it was necessary to establish close to 300 remand prison places through double occupancy within six months.¹²

1 See Committee of Ministers of the Council of Europe, Recommendation No. R (99) 22 on prison overcrowding and prison population inflation.

2 See White paper on prison overcrowding, CM(2016)121-add-3.

3 See CPT/inf (2022) 5-part, Combating prison overcrowding.

4 See Molleman, T., and van Ginneken, E. F. J. C. (2015). A Multilevel Analysis of the Relationship Between Cell Sharing, Staff–Prisoner Relationships, and Prisoners' Perceptions of Prison Quality. *International Journal of Offender Therapy and Comparative Criminology*, 59(10), 1029–1046. <https://doi.org/10.1177/0306624X14525912>. See also van Ginneken, E. (2022). Is Cell Sharing Associated with Wellbeing, Misconduct and Prison Climate? Evidence from a Dutch Study. *European Journal of Crime, Criminal Law and Criminal Justice*. 30. 41–68. <https://doi.org/10.1163/15718174-bja10029>.

5 See the Parliamentary Ombudsmen's decision of 21 December 2000, ref. no. 857-2000.

6 See JO 2021/22 p. 261, ref. no. O 19-2019.

7 See Thematic report from the OPCAT unit, Isolation of inmates in remand prisons, 2020.

8 See the Prison and Probation Service's capacity report 2024-2033, ref. no. KV 2023-14991.

9 See the Prison and Probation Service's place capacity 2023–2032 p. 25, ref. no. KV 2023-2323.

10 See decision of 16 October 2023, ref. no. KV 2023-23402.

11 See decision of 19 February 2024, ref. no. KV 2024-4784-1.

12 <https://www.kriminalvarden.se/om-kriminalvarden/nyheter/2024/april/fler-haktade-ska-dela-cell/>

4

**How the series of
inspections has
been carried out**

4.1

How the series of inspections has been carried out

Different types of remand prisons and places



Department for placement of inmates with restrictions in the newly built Hinseberg Remand Prison.

Within the Prison and Probation Service, there were on 31 December 2023 a total of 40 remand prisons with 2,876 places.¹ This includes the average number of available places, including temporary and standby places. Within the Prison and Probation Service, there are thus different types of places. Standby place refers to a place for double occupancy within existing infrastructure in a cell that is originally intended for one inmate. The standby places are normally opened for a limited time to deal with overcrowding. When two inmates share such a cell, the places consist of a *permanent (regular) place* and a standby place. A *temporary place* is opened for a limited time to handle a particularly high occupancy. Temporarily opened places are usually located in other types of rooms than regular cells. These can be cells in police detention facilities, visiting rooms, offices, interview rooms and the like that, after certain measures, can house inmates.

Five remand prisons are so-called security remand prisons. Generally, remand prisons are divided into the following categories:

1. remand prisons that only accept inmates with restrictions,
2. remand prisons that accept inmates with and without restrictions, and
3. remand prisons that only accept inmates without restrictions (association remand prisons).

Some remand prisons that accept inmates both with and without restrictions have so-called wards. There, the inmates who have a right to associate with others during the day can spend time with others.

4.2

How the series of inspections has been carried out

Selection of the inspection objects and more details on the work

Six remand prisons have been visited during the series of inspections. All inspections have been carried out during the period March–May 2024 and all were unannounced. The selection of inspection objects has been based on the size of the remand prison, i.e. the number of places, and the category, i.e. security remand prisons, remand prisons for inmates subject to restrictions, association remand prisons, or restricted remand prisons with wards. Another criterion has been to visit wards for both women and men and to achieve a spread across the country. Furthermore, the need to inspect both newly built and older remand prisons, and to some extent when a remand prison was last visited by the Parliamentary Ombudsmen, has been taken into account. Another important factor in the selection has been the number of additional standby places that the Prison and Probation Service has created in connection with the increased influx of persons deprived of liberty.

4.2.1 Issues etc.

Before the series of inspections, a number of questions were prepared as a basis for the thematic focus on double occupancy. The questions included, inter alia, reported incidents as a result of two inmates sharing a cell, the physical environment, and matching of inmates for double occupancy. Throughout the various visits, special questionnaires have been used for the interviews held with inmates and staff. These have mainly concerned the areas dealt with in section five. There have also been a number of selection criteria for conversations with the inmates, e.g. gender and age, length of the remand period, and state of health. All conversations with inmates were voluntary.

Furthermore, interviews have been held with different categories of staff, such as prison officers, prison inspectors, officers on duty and the prison director, as well as with both permanent and hourly employees. A starting point has been to hold interviews with at least one nurse at each inspected prison and, where possible, with a psychologist.

When conducting the inspections, the OPCAT unit's employees and, to some extent also legal professionals from other parts of the Parliamentary Ombudsmen's activities, have participated. The Parliamentary Ombudsmen's experts in medicine and psychology have participated in the preparatory work and in the inspections. These experts have also made significant contributions to the work on this report.

Although the review has had a thematic focus on the risks and consequences of double occupancy, the Parliamentary Ombudsmen's employees have encountered other issues relating to the inmates' situation. In some cases, the Parliamentary Ombudsman has decided to investigate the situation of an individual inmate in greater detail and will revisit this in another context.

4.2.2 Remand prisons inspected

Sollentuna Remand Prison is a security remand prison consisting of a ward for men, as well as four departments for placement of inmates with restrictions and a security department where both men and women can be placed. The remand prison started operating in new premises in 2011. One department is now located in the Police Authority's former police detention facility.

4.2

How the series of inspections has been carried out

Hinseberg Remand Prison opened in April 2023 and accepts both women and men. The operations are partly conducted in a new building that only has departments for placement of inmates with restrictions. In premises previously belonging to Hinseberg Prison, there is also a ward for women.

Helsingborg Remand Prison is a remand prison for inmates subject to restrictions that accepts women and men. The remand prison also has a ward for women. The remand prison started operating in new premises in 2011.

Berga Remand Prison is an association remand prison that at the time of the visit only accepted men. The operations are conducted in two buildings. One is

from the 1990s and was under renovation at the time of the inspection. The other was operational on 2 April 2024. In connection with this, Berga Remand Prison became its own remand prison. Previously, it had been a branch of the Helsingborg Remand Prison.

Malmö Remand Prison is a security remand prison accepting women and men. The activities are conducted in premises from 2010 and in a special department of the Police Authority's detention facility (red department) in the same building.

Nyköping Remand Prison is a remand prison for inmates subject to restrictions that accepts women and men. Operations started in new premises in the 1990s. A renovation of the premises is imminent.

4.2.3 Number of places according to the Prison and Probation Service's placement decision

A placement decision from January 2024 states how many places shall be available during the year within the Prison and Probation Service, ref. no. KV 2024-213. The information on different places in the remand prisons visited during the series of inspections has, with the exception of the information regarding *Berga Remand Prison*, been obtained from the decision and is presented in the following table.

Remand prisons	Total number of places	Restricted places/ Association places ²	Of which standby places	Of which temporary places
Sollentuna	274	210 / 64	25	13
Hinseberg	64	52 / 12	14	0
Helsingborg	211 ³	79 / 132	43	8
Berga	152 ⁴	0 / 152	64	12
Malmö	153 ⁵	153 / 0	15	21
Nyköping	39	39 / 0	5	0

4.2

How the series of inspections has been carried out

4.2.4 Number of places according to the Prison and Probation Service's placement decision

A placement decision from January 2024 states how many places shall be available during the year within the Prison and Probation Service, ref. no. KV 2024-213. The information on different places in the remand prisons visited during the series of inspections has, with the exception of the information regarding Berga Remand Prison, been obtained from the decision and is presented in the following table.

Remand prisons	Total capacity	No. of inmates	No. of men/ women	Occupancy rate with standby places/regular places only	Externally placed in custody/ enforcement cases
Sollentuna	293 ⁶	306	290 / 16	104 % ⁷	27 / 24
Hinseberg	64	– ⁸	– / –	103 % ⁹	– / –
Helsingborg	155	144	111 / 33	93 / 120 %	15 / 10
Berga	138 ¹⁰	131	131 / 0	95 / 168 %	0 / 23
Malmö	161	–	– / –	– / 116 %	0 / –
Nyköping	39	33	26 / 7	85 / 97 %	0 / 1

4.2.5 Minutes on inspections

After the inspections, short protocols have been drawn up.¹¹ The minutes show, among other things, who from the Parliamentary Ombudsmen has participated in the inspection, the number of places and how many interviews have been held. In total, the Parliamentary Ombudsman and her colleagues have spoken to 94 inmates, of whom 86 shared a cell at the time of the visit. It may be noted that many of these detainees had shared a cell with more than one fellow inmate. Furthermore, talks have been held with a total of 62 employees.

¹ See the Prison and Probation Service's annual report 2023.

² Association places in a ward.

³ At the time of the decision, the Berga branch as included in the Helsingborg Remand Prison and 40 places belonged to the branch.

⁴ On 2 April 2024, Berga Remand Prison became its own remand prison, see the Parliamentary Ombudsmen's minutes in ref. no. O 7-2024. The figures in the table were obtained during the inspection.

⁵ Of the total number of places, 28 are located in the red department, of which 7 are standby places and 21 temporary places.

⁶ 19 double occupancy places have been added.

⁷ Standby places are part of the available places in all departments except the police detention department. All departments were occupied, including isolation and holding/transport cells. During the inspection and in conversations with the remand prison management, different data was provided about the number of places and types of places.

⁸ – is specified when the information be missing.

⁹ The 2024 occupancy rate until 19 March 2024 was 103.38 per cent at the remand prison's, departments for placement of inmates with restrictions. In the ward, the occupancy rate was 94.40 per cent during the same period.

¹⁰ At the time of the inspection, 14 places were closed due to renovation.

¹¹ All minutes are published on the Parliamentary Ombudsmen's website, www.jo.se.

5

**Observations made during
the series of inspections,
consequences and risks,
and the Parliamentary
Ombudsman's
recommendations**

5.1

Observations made during the series of inspections, consequences and risks, and the Parliamentary Ombudsman's recommendations

About sharing cells etc.

5.1.1 Starting points

As previously mentioned, the Act on Detention is based on the premise that a person who is held on remand and in a remand prison has the right to be placed in their own room. A remand prisoner shall also, as a starting point, be given the opportunity to associate with other inmates during the day, i.e. be in association.¹ Neither laws nor legislative history include a definition of the term, but both the Parliamentary Ombudsmen and the Prison and Probation Service assess that association presumes that an inmate spends time with several other inmates. The CPT has considered that the goal is for inmates to be given the opportunity to spend at least eight hours a day outside the cell and in connection with that be able to participate in meaningful activities of various kinds.²

The right to association may be restricted in an individual case by a prosecutor, with the permission of a court, deciding to limit the detained person's contacts with the outside world. Such so-called restrictions may also include that the inmate may not be placed with others or receive visitors, for example.³ The right to association can also be restricted if a remand prison finds it necessary to keep an inmate separate from other inmates for security reasons.⁴ In case of a solitary confinement decision, the individual can be placed in a so-called isolation cell. Regardless of whether an inmate has association or that right is restricted, they must be given the opportunity to spend at least one hour outdoors every day, i.e. go for a walk, unless there are exceptional reasons against it.

An inmate who does not have the right to association shall be offered isolation-breaking measures by the Prison and Probation Service.

Such measures may, for example, consist of so-called limited association (Sw. *samsittning*), i.e. that an inmate spends a certain amount of time with another inmate during the daytime. Another example is participation in activities with prison staff outside the cell. Isolation-breaking measures are of fundamental importance to counteract the negative consequences of the deprivation of liberty in question, otherwise the inmate risks becoming isolated. A person deprived of liberty is considered to be isolated if they are confined to their cell and deprived of all meaningful human contact for more than 22 hours a day. Isolation among inmates, including those who have the right to association, is widespread in Swedish remand prisons.⁵

5.1.2 Observations and data collected

During the series of inspections, it emerged that inmates' attitudes to double occupancy vary. Some were positive about sharing a cell and had especially asked for such a placement to have company and avoid the feeling of loneliness. For example, an inmate described it as *"I requested double occupancy. It's not healthy to be alone in the cell. I wanted someone to talk to."* Another stated *"It's good to have someone to talk to. If you'd been alone, you would've had a psychotic break. There is no downside."* Others described the situation as forced and that it is very taxing to have to be with another person around the clock. One inmate stated, for example, *"To me, it's terrible. I would have preferred to live alone regardless of the match. Double occupancy causes extra stress."* Another stated that *"There is absolutely no advantage to double occupancy. If I had been locked up alone in a room, I would at least have been able to let out a fart without hurting anyone."* Some inmates expressed some understanding of the Prison and Probation Ser-

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Observations made during the series of inspections, consequences and risks, and the Parliamentary Ombudsman's recommendations



Cell in regular remand prison Malmö.

vice's situation and explained that they could accept continuing to share a cell under certain conditions. The staff's view of double occupancy also differed significantly. Many stated that they believe there are both positive and negative aspects to sharing cells.

Although attitudes to double occupancy thus varied, the majority of the inmates interviewed by the Parliamentary Ombudsmen's employees provided remarkably similar descriptions of the situation. One inmate described it in a way that summarises the common but at the same time complex view that emerged during the inspections: *"There is really nothing good about double occupancy except that you're not alone."* He also noted that *"Double occupancy works fine, but everyone needs alone time."*

Sharing a cell may provide support in everyday life

During the inspections, a clear and coherent picture emerged that both inmates and staff feel that inmates

who share a cell can support each other and that they become less isolated. A clear majority of the inmates interviewed by the Parliamentary Ombudsmen's employees described that the main – and according to several of them the only – advantage of sharing a cell is that they do not have to be alone. In addition, such a placement means that they have someone to talk and share their thoughts with, but also to socialise and pass the time with. One inmate described it as being *"mentally taxing to be isolated. The positive thing is that I have someone to talk to. Sharing is a bit awkward because it's cramped, but I'd rather feel awkward than be alone."* Especially inmates with restrictions described the situation in this way, but some who had the right to association and thus did not have restrictions gave a corresponding description. Inmates and staff in wards also mentioned that placement in a double occupancy cell makes it easier for new inmates to become part of the group.

5.1

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Another positive aspect highlighted by several inmates – and confirmed by staff – was that those who share a cell and thus have human contact for most of the day can support each other's mental well-being. A few inmates had specifically requested double occupancy in order to avoid being alone and thus avoid the risk of worsening well-being. Other inmates and staff, on the other hand, described that the mental well-being of inmates is adversely affected by double occupancy. One employee described it as *"There are both positive and negative aspects to double occupancy. Some people feel like crap, they say so themselves and we can tell. One inmate was a completely different person when he didn't share a cell and now he's not doing well."* One employee put it as *"The positive thing is that double occupancy works as a constant measure to break isolation."* Among the inmates, the answers to the question of whether they would prefer to live alone or in a double-occupied cell varied, and most pointed out that it mainly depends on who the cellmate is. The Parliamentary Ombudsmen's employees noted that it was clear in the interviews that inmates who enjoyed each other's company and felt that they had a lot in common were generally positive to double occupancy. Inmates who perceived themselves to be different from their cellmates, on the other hand, had a negative attitude towards sharing a cell.

Furthermore, both inmates and staff described that inmates who share a cell can help each other with practical things and share different experiences. A number of inmates who had been held on remand on previous occasions stated that they had periodically been given the responsibility of informing cellmates about the routines and for taking care of younger and anxious

cellmates detained for the first time. A few of the more experienced inmates described it as positive to be able to take care of the younger ones in order to try to get them on the right track and lead them away from continued criminal activity. Several inmates with restrictions described that it is nice to have someone who supports them and reduces their anxiety in connection with being in a remand prison for the first time or after they have been questioned by the police or had a phone conversation with their lawyer. A couple of inmates also said that they feel safe sharing a cell with an older and more experienced inmate who can tell them how things work in a remand prison and answer various questions. In addition, both staff and inmates stated that it is good that inmates who share a cell can help each other interpret and translate information if one of them does not understand Swedish.

Sharing a cell means a lack of alone time

The majority of the inmates interviewed by the Parliamentary Ombudsmen's employees emphasised that the most taxing part of sharing a cell is the lack of alone time. They described it as problematic to never be alone, to be forced to be with another person in a small space around the clock and to have neither *"privacy"* nor *"personal space"*. One inmate described the situation as *"You need alone time for your own mental well-being. It's hard to vent when you're not alone. I want to cry and pray to God alone."* Another stated that he *"Find it hard to live with someone. You want your own space and not be locked up with someone 24 hours a day. In that case, it's better to be in the association ward. You do everything together with your cellmate. When you get to shower is the only alone time you have."* The situation was highlighted by both inmates with and inmates

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without restrictions. An inmate in a ward said *"There's no escaping one another. Sometimes you just need to get away and take three deep breaths."*

In conversations with staff, the answers varied as to whether lack of alone time is problematic for inmates and whether there is a need for extended time without their cellmate. The Parliamentary Ombudsmen's employees noted that several staff members did not appear to have reflected on the issue. Some referred to the fact that it was up to the inmates' own initiative. A staff member described that there is *"No clear demand for alone time. It is mostly up to the inmates themselves to express how they want it."* Another stated that *"To get some alone time, they have to figure it out themselves. They alternate days for walks and the gym."* But there were staff members who confirmed the inmates' view and who had a great understanding of the stress that comes with being with someone around the clock. One staff member stated *"It can be very stressful to not get away from your roommate. There are few opportunities for alone time."* Another said *"Many think living together is good. However, it can be important to have structured alone time."*

Both inmates and staff said that inmates who share a cell spend almost all their waking hours with their cellmate. This also applies to outdoor access, exercise, occupation, and other activities outside the cell. The majority of the inmates with restrictions that the Parliamentary Ombudsmen's employees spoke with stated that the only time they have without their cellmate present is basically in connection with showering, visits and reviewing preliminary investigation reports. Otherwise, the only opportunity for

alone time is that one of the cellmates choose not to go out to the exercise yard or to the exercise room. In a couple of remand prisons, a few inmates also engage in occupation without their cellmate present. One of the departments for placement of inmates with restrictions in *Sollentuna Remand Prison* lack both an exercise room and activity and interview rooms, why the inmates basically only leave the cells in connection with the walk for an hour and to shower. *Malmö Remand Prison* also has a department for placement of inmates with restrictions lacking an exercise facility. There, the inmates can borrow exercise equipment and exercise inside the cells. *Nyköping Remand Prison* was the only remand prison where inmates regularly have outdoor access without their cellmate.

In *Berga Remand Prison*, staff and inmates – all of whom were placed in association with others – described that they only get alone time when they enter the cell and their cellmate is not there. They emphasised that the opportunity for alone time is nevertheless greater in the ward (unit for placement of inmates with a right to associate with others) than in the department for placement of inmates with restrictions. Some inmates in *Sollentuna Remand Prison* stated that it is possible to ask the staff to get to go alone to an activity room or go to a different exercise yard than your cellmate, but that such wishes may be questioned by the cellmate. Furthermore, a few inmates in *Helsingborg Remand Prison* said that at some point they had been let out of the cell without their cellmate to spend time alone in an interview or activity room. However, considering the lack of access to such rooms and limited human resources, these are only exceptional cases. Those who described the lack of alone time as the

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most difficult were inmates with restrictions. Among other things, they referred to the fact that it is inevitable that irritation arises when two people are forced to spend basically 23 or 24 hours a day during all days of the week confined to a small living space.

In *Sollentuna Remand Prison* and *Hinseberg Remand Prison* several inmates stated that in connection with placement in a double-occupied cell, they were not prioritised when it came to isolation-breaking measures. They stated that the staff refer to the fact that they can socialise with each other instead. Such placement also means that access to a change of scenery is limited. Staff at *Hinseberg Remand Prison* described it as *"The priority will always be to break isolation. Alone time is secondary."* Furthermore, the inmates in *Malmö Remand Prison* stated that they are not allowed out of

the cells for isolation-breaking measures after they are placed in a double-occupancy cell. Inmates in *Nyköping Remand Prison* stated that access to isolation-breaking measures is extremely limited. One inmate described the situation *"As it is now, it feels like you are isolated together in each other's heads. For example, you could get movies to watch or see others with restrictions to break the isolation."* Staff said that they prioritise inmates' alone time in the event of double occupancy, but that due to a lack of resources, it is no longer possible to offer inmates who share a cell isolation-breaking measures to any great extent. An employee said *"Previously, it was a priority for isolation-breaking measures to separate inmates who share a cell in order to better follow up and to terminate if it wasn't working. But this is no longer possible based on the capacity situation."* Furthermore, employees at the various remand prisons stated that



Exercise yard in Malmö Remand Prison.

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the lack of isolation-breaking measures is mainly due to a lack of human resources and/or a lack of premises.

5.1.3 Consequences and risks

The issue of inmates being isolated in Swedish remand prisons has for a long time attracted attention internationally and by the Parliamentary Ombudsmen. As described in detail in previous decisions, inmates who are isolated are at risk of suffering from both mental and physical ill health.⁶ During the series of inspections, it has emerged that one consequence of double occupancy is that it can counteract isolation. From this point of view, such a placement can thus be seen as something positive. However, it can be noted that if the Prison and Probation Service upholds the right to association for the inmates who are to be allowed to be with several others during the day and implements isolation-breaking measures to a sufficient extent for those whose right to association is restricted for some reason, there would be no risk of isolation. In any case, it is the responsibility of the Prison and Probation Service to provide isolation-breaking measures. The established definition of such measures is that they refer to meaningful human contact through spending time with others and many of these activities take place outside the cell.⁷ Placing an inmate in a double-occupied cell cannot in itself constitute an isolation-breaking measure.

The series of inspections confirm both that many of those who have the right to associate with others are not allowed to do so and that isolation-breaking measures are generally limited due to lack of access to staff and facilities as well as other practical circumstances. In addition, it has emerged that inmates who

share a cell and are entitled to isolation-breaking measures are not prioritised for such interventions. A consequence of the increased occupancy pressure and double occupancy is also that inmates both with and without restrictions get less time outside the cell.

The completed investigation shows that the inmates now effectively have to take care of each other to a large extent. Other tasks incumbent upon the Prison and Probation Service have also been handed over to inmates to handle, such as otherwise supporting mental well-being and helping with formalities and various practical things. This arrangement is not acceptable and the circumstances entail risks to individual health.

The lack of alone time is a recurring theme throughout the series of inspections and is a tangible consequence of the double occupancy. The Parliamentary Ombudsmen have previously stated that inmates sharing a cell must be given the opportunity to spend parts of the day alone or with other people than the person they share a cell with.⁸ Meaning, in order to alleviate any stress, it is important that inmates are offered a certain amount of time for themselves, among other things. This can be done purely through a change of scenery, such as an inmate being completely alone in an exercise yard or allowed to exercise alone in an exercise room. However, the series of inspections clearly shows that inmates who share a cell basically have no alone time but spend almost all hours of the day with their cellmate.

It is reasonable to assume that alone time is necessary for the psychological and emotional well-being of remand prisoners, who are subject to constant control and are also confined to small and locked spaces.

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Alone time enables reflection and can promote mental health as well as recovery and rehabilitation. Conversely, the absence of alone time can lead to significant negative effects, exacerbating the already challenging conditions for remand prison inmates. Remand prisons have a physical and social environment that is reasonably psychologically taxing for most inmates. Alone time gives inmates a refuge from the constant presence of staff and other inmates as well as other physical and mental stresses that upset the body's equilibrium (stressors). Alone time is also crucial for enabling reduced stress and preventing mental health issues, such as anxiety and depression.⁹ Without sufficient alone time, it is conceivable that inmates are at risk of various stress-related conditions. The constant interaction and engagement with other inmates and correctional staff can lead to cognitive overload, where the brain is overworked and unable to function optimally. This state of chronic stress can culminate in burnout, characterised by emotional, physical, and cognitive exhaustion.¹⁰ Lack of alone time may also exacerbate feelings of frustration and aggression among inmates. Without the possibility to process and regulate their emotions, they may be more prone to

outbursts and behavioural problems. This lack of emotional regulation can lead to increased conflicts within the remand prison environment.

5.1.4 The Parliamentary Ombudsmen's recommendations

The Prison and Probation Service is recommended to:

1. ensure that the inmates who have the right to associate with several others are given the opportunity to do so,
2. develop guidelines for both alone time and isolation-breaking measures in the event of double occupancy, and ensure that inmates who share a cell have the opportunity to spend parts of the day alone or with other people than the person they are placed with,
3. ensure that there are sufficient human resources and spaces for isolation-breaking measures and changes of scenery, and
4. ensure that tasks that the Prison and Probation Service is responsible for are not handed over to inmates to handle.

1 Chapter 2, Section 5 of the Act on Detention.

2 See CPT/Inf(2016) 1 para. 53.

3 Chapter 6, Sections 1 and 2 of the Act on Detention.

4 Chapter 2, Section 5 of the Act on Detention.

5 See Rule 44 of the Mandela Rules and inter alia JO 2020/21 p. 164, ref. no. O 7-2018 and the Prison and Probation Service's Annual Report 2023.

6 See especially JO 2020/21 p. 164.

7 See the aforementioned Rule 44 of the Mandela Rules and the intra-agency definition of the term isolation-breaking measures from January 2022, the Prison and Probation Service's ref. no. 2020-18386.

8 See JO 2021/22 p. 261. See also statements in the minutes following the inspection of Uppsala Remand Prison on 7 September 2021, ref. no. 6684-2021.

9 See Nguyen, T. T., Ryan, R. M., & Deci, E. L. (2018). Solitude as an Approach to Affective Self-Regulation. *Personality & Social Psychology Bulletin*, 44(1), 92–106. <https://doi.org/10.1177/0146167217733073>.

10 See O'Connor, D. B., Thayer, J. F., & Vedhara, K. (2021). Stress and Health: A Review of Psychobiological Processes. *Annual Review of Psychology*, 72(1), 663–688. <https://doi.org/10.1146/annurev-psych-062520-122331>.

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Physical environment

5.2.1 Starting points

When it comes to the physical environment, there are a number of international instruments and standards for Sweden to consider and abide by. It is mainly about what the Council of Europe's Committee against Torture, CPT, has recommended and what is stated in the European Prison Rules. As previously stated, these also apply to persons held on remand.

The European Prison Rules include, inter alia, provisions on the spaces where persons deprived of liberty are placed. These state that the placement offered to inmates, especially for the daily rest period, shall be humane and respect, as far as possible, the need for privacy and meet the requirements of health and hygiene. Due consideration shall be given to climatic conditions and in particular to floor space, air volume, lighting, heating and ventilation. Inmates shall also have access to sanitary spaces that are hygienic and offer privacy. Furthermore, the windows shall be large enough to allow inmates to read or work in daylight under normal conditions, and there shall be an alarm system that enables inmates to quickly get in touch with staff. Minimum requirements for living conditions shall be laid down in national law, which shall also include mechanisms to ensure that these requirements are not waived due to overcrowding in the prisons.¹

The CPT provides recommendations in the form of standards, among other things. In a later standard on living spaces for inmates, the CPT states that a cell where two inmates are placed should have a floor area of at least ten square metres, excluding sanitary space. Furthermore, the CPT considers that if the cell



Toilet with shower curtain in the remand prison Sollentuna.

is equipped with a sanitary space, it shall be separated from the rest of the floor area from floor to ceiling.²

The Parliamentary Ombudsmen has endorsed both of these recommendations. However, as reported, Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme [the Prison and Probation Service's instructions for accommodating more than one inmate in the same space] (2024:4) are based on the assumption that a cell should normally have a floor area of at least eight square metres, excluding sanitary space. If such cells are not available, double occupancy, according to the authority's instructions, can also take place in cells that are six to eight square

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Cell in the new wing of Berga Remand Prison.

metres, excluding sanitary space. The instructions were revised in April 2024. Previously, such small cells could only be used for double occupancy as a temporary measure under certain conditions and for a shorter period of time.

When it comes to the design of and the equipment in cells, there are also rules in Swedish legislation. It is clear from the Ordinance (2014:1108) on the design of remand prisons and police custody facilities that a remand prison cell shall have a floor area of at least six square metres, that the cubic capacity of the cell shall be at least 15 cubic metres, and that the room height shall be at least 2.40 metres. The cell must also be equipped with windows so that it has sufficient daylight. A remand prison cell must also be appropriately equipped for the inmate's needs. There shall be a chair, table, bed and space for storing belongings. Rooms used for the holding of intoxicated, violent or ill persons may have other suitable furnishings. The cell shall have a signalling system to attract attention.³

The Prison and Probation Service has chosen to also regulate the equipment of remand prison cells in the authority's regulations and general advice (KVFS 2011:2) on remand prisons, FARK Remand Prison. The regulations state that a cell as a general rule shall also have bedding, a mirror, a notice board, a mug, an alarm clock, a radio, a TV, and a device that allows the inmate to regulate the inflow of daylight.⁴ According to the regulations, a remand prison cell shall thus be equipped with additional equipment and objects, compared to the aforementioned ordinance. It may be noted that according to the regulations, the equipment can also be limited if there are no ordinary residential rooms due to lack of places, which thus goes beyond the ordinance.

5.2.2 Observations and data collected

The physical environment in double occupied cells varies greatly. A couple of remand prisons that were inspected are newly built on the basis that there will be double occupancy. However, most are older and

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Mattress on the floor in the old part of Berga Remand Prison.

physically designed for single occupancy. In these cases, various adaptations have been made to handle the double occupancy that these establishments have been tasked with implementing.

The large variations are best illustrated by a description of the *association remand prison Berga*. The newly built part was completed in March 2024 and is

adapted for double occupancy. The area of the cells is about ten square metres, excluding sanitary space. They have a bunk bed with two beds, two bedside lamps, two TVs, two headphones, two chairs, two storage compartments, and two safes with code lock. The cells have a sanitary space with a toilet, sink, and shower. The space is separated from the rest of the floor area by a door from floor to ceiling. Furthermore, the wards have spacious, bright and fresh common areas with kitchen tables, chairs, sofa groups, TV, and kitchen. In addition, there is an exercise room in the ward that the inmates have access to during the day.

The older part of *Berga Remand Prison* was originally a prison and is built for single occupancy. The building consists of eight narrow corridors on two floors, each of which was originally intended for five inmates. The cells are just under eight square meters, excluding sanitary space. In some rooms, bunk beds with two beds have been installed. In other rooms, one of the inmates sleep on a cot. In some cases, only a mattress has been placed directly on the floor. The remand prison management explained that these were temporary measures. The equipment in the cells is also not otherwise fully adapted for two people. For example, there are not two TVs or two bedside lamps. All cells have a sanitary space with a toilet and sink. The space is separated from the rest of the room by a makeshift orange prison blanket. Each department also has a shower and a common area of about twelve square meters containing a kitchen table, a few chairs, a kitchenette, and a TV.

The size of the cells in the other remand prisons visited varies. The majority of the cells are relatively

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small; about eight square meters, but that area includes the sanitary space. In the ward in *Hinseberg Remand Prison*, however, the cells are larger because they were previously adapted for psychiatric care of prison inmates. In *Sollentuna Remand Prison*, previous interrogation rooms have been converted into double occupancy cells. The size of such a cell is less than six square metres, excluding sanitary space. In other remand prisons, the equipment in the cells is also adapted for double occupancy to varying degrees. In most cases, there is a lack of equipment or accessories for two inmates. Meaning, there are not always two TV sets with remote controls, two headphones, two bedside lamps, two chairs, two shelves, and two safes for storing e.g. medicines and personal belongings. One inmate said there are no headphones and it's problematic when the roommate plays loud music and "doesn't know how to be considerate".

During the inspections, a recurring comment from inmates was that the ventilation in the cells is inadequate, which leads to poor air and high temperature, among other things. Some inmates highlighted that it was very hot for the person who slept in the top bunk. Some felt it was difficult to breathe due to the poor air, while others felt it caused migraines, heat rash, and stuffy nose. According to the inmates, the ventilation is not adapted for two people to spend long periods of time together in a cell, e.g. after being locked up for the night. One inmate described that "They have fans, but it's not enough". "If you want to breathe, you have to go to the toilet", said another inmate. Several prison officers confirmed that the air was worse in double occupancy. During the inspections, the Parliamentary Ombudsmen's employees raised these issues with

each remand prison management. In a couple of cases, it was reported that the property owner had made the assessment that the ventilation was satisfactory, which was based on measurements that had been made.

There is a sanitary space in all cells in the inspected remand prisons. As just mentioned, the new part of *Berga Remand Prison* has a sanitary space separated by a floor-to-ceiling door. This is also the case in *Nyköping Remand Prison* and the ward in *Hinseberg Remand Prison*. The departments for placement of inmates with restrictions in *Hinseberg Remand Prison*, on the other hand, have so-called saloon doors, i.e. a door that does not cover the entire opening but has a gap at the top towards the ceiling and at the bottom towards the floor. In the remand prisons *Sollentuna*, *Helsingborg*, *Malmö* and the older part of *Berga Remand Prison*, the sanitary space has no door. In most cases, the doorway is instead equipped with a simple curtain, a blanket or similar temporary solution.

The fact that the toilet is not sufficiently separated by a door was especially difficult for many inmates. They expressed that it is difficult to relieve themselves under such conditions. This was also confirmed by medical staff. One inmate described that "It's hard to go when someone else is there". Several inmates also stated that it takes a while to get comfortable with sharing a toilet when there is no door in a small space and that it caused significant discomfort. One inmate was disturbed by their roommate with stomach problems going to the toilet frequently and described the situation as "It smells", "It's awkward" and that "You wake each other up". Several inmates scheduled their toilet visits around when they could be alone in the

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cell and therefore tried to “hold it”. As a result, they developed stomach problems.

Stentofon is the device in the cell that inmates use to contact staff. In many remand prisons, it is placed by the door. At a couple of the remand prisons visited, however, the Stentofon is located by the bottom bunk, which means that it is very difficult for the person sleeping in the top bunk to reach it. Some inmates brought up the security risks that may exist if you are attacked by your roommate and cannot reach the Stentofon to call for help.

In the case of areas outside the cell, such as exercise yards, exercise rooms and common areas, these are not in most cases dimensioned for the number of inmates that double occupancy of cells entails. The spaces are usually cramped and also too few. In addition, for example, the number of chairs has not been adapted to the number of inmates. Because the common areas in *Sollentuna Remand Prison* are too small, half of the inmates are locked up in the cells in the morning and the other half in the afternoon.

During the inspections, it was also noted that the number of spaces that can be used for conversations with a lawyer or one's own reviews of preliminary investigation reports and the like is too few. Even in the new part of the *Berga Remand Prison* there are not enough spaces of this kind. This shortcoming means, e.g. in *Nyköping Remand Prison*, that inmates must sit in a cell for solitary confinement or an exercise room when talking to their lawyer on the phone or reading their preliminary investigation reports.

Finally, there is reason to specifically mention that the Prison and Probation Service in *Malmö Remand Prison*

(red department) rents a corridor in former detention facilities from the Swedish Police Authority and operates remand prison activities there. In October 2022, following a series of inspections in which, inter alia, this department was visited, the Parliamentary Ombudsmen stated it is not appropriate to conduct remand prison activities in such premises.⁵ During that inspection, several shortcomings in the physical environment were noted and that, for example, the department lacked certain facilities needed in a remand prison. At the time, management stated that cells would not be double-occupied there. When the Parliamentary Ombudsmen returned to the department as part of the current series of inspections, a quarter of the cells were double-occupied. In addition to some minor adjustments in the department – such as one cell having been converted into an interview room – the conditions were otherwise largely the same. As an example, the light in the cells is still limited, the exercise yards are poorly designed and dark, and there are no exercise rooms.

5.2.3 Consequences and risks

The areas of many of the cells used for double occupancy in the remand prisons visited are small, in some cases only six square metres, and it would previously not be possible to place two inmates in such spaces. Not having enough space to stay in means that it is difficult to maintain reasonable distances from each other. It also becomes difficult not to disturb the other person in connection with transfers and any movements whatsoever. The situation also entails risks for the mental health of the inmates, especially during long periods of lock-up without enough opportunities to spend time outside the cell.

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Only the new part of *Berga Remand Prison*, *Nyköping Remand Prison*, and the ward in *Hinseberg Remand Prison* have proper toilet doors. Hinseberg's departments for placement of inmates with restrictions have saloon doors, but they only offer some privacy and do not help with other nuisances. Not being able to relieve oneself in sufficient privacy is both humiliating and undignified. There is a risk that this will have a major impact on the mental health of the inmates and that their personal integrity will be seriously violated. There are also risks and consequences linked to the physical health of the inmates.

Holding themselves instead of going to the toilet when necessary can cause disturbances in bowel movements, for example in the form of constipation. Furthermore, particles that cause diseases, such as bacteria, can become airborne in connection with flushing the toilet, thereby making the cellmate sick.

It may be considered obvious that a cell in which two inmates will stay is equipped for two inmates. It is equally obvious that inmates should also be given access to the accessories needed for them to be able to stay together in a cell without the risk of conflict and unnecessary disturbances. One consequence of not providing both inmates with headphones or earplugs, for example, is that the cellmates disturb each other.

As regards ventilation in the cells, the data collected suggests that it is not always adapted to two inmates staying there for large parts of the day. Although some remand prisons had had air quality measurements carried out, it was unclear whether these had been carried out after long periods of confinement in double-occupied cells and how the checks had otherwise been

carried out. Lack of ventilation can give rise to health problems such as breathing and respiratory problems, irritation of mucous membranes and eyes, headache, undue fatigue, concentration problems, susceptibility to infection, and skin rashes. Poor air quality also amplifies the other negative consequences that the confinement brings.

The fact that common areas, exercise rooms, and exercise yards are not adapted to the increased number of inmates can create a stressful environment where, inter alia, the risk of confrontations and conflicts increases. In addition, the possibility for inmates without restrictions to associate with others during the day may de facto be restricted. The lack of sufficient suitable spaces where inmates can talk to their lawyer in peace or read their preliminary investigation report may have a negative impact on their ability to prepare their defence and enforce their rights. In these circumstances, there is thus a risk that the individual's legal security will be affected.

As evident, the Parliamentary Ombudsmen has on several occasions questioned the fact that the Prison and Probation Service conducts remand prison activities in old detention facilities, which are designed for short-term deprivation of liberty and often lack access to, for example, appropriate walk yards and interview rooms. The Parliamentary Ombudsmen have assessed that the activities and conditions in that environment entails a number of risks for the inmates placed there. The completed series of inspections shows that double occupancy is now used even in cells in this type of premises, which risks further amplifying negative consequences for these inmates.

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5.2.4 The Parliamentary Ombudsman's recommendations

The Prison and Probation Service is recommended to:

1. if double occupancy is deemed necessary, only use cells with a floor area of at least ten square meters, excluding sanitary space,
2. never double-occupy cells that have a floor area of less than eight square metres, excluding sanitary space,
3. divide the sanitary space in the cells used for double occupancy with a door that goes from floor-to-ceiling,
4. provide double-occupied cells with the equipment prescribed in the legal regulation and provide both inmates with things that can alleviate the situation,
5. ensure that the ventilation in cells used for double occupancy is adapted both to two people and to current lock-up times,
6. ensure that all areas to which inmates shall have access – such as common areas, exercise rooms, interview rooms, and exercise yards – are adapted in size, number, and design to the actual number of inmates, and
7. in the case of new construction or conversion of remand prisons, ensure that both inmates in a double-occupied cell have easy access to the Stento-fon.

¹ European Prison Rules, 10.1, 18.1-18.4 and 19.3.

² See CPT/Inf (2015) 44, Living space per prisoner in prison establishments.

³ Sections 2 and 3 of the Ordinance on the Design of Remand Prisons and Police Cells. It can be assumed that the regulation is based on the premise that a cell shall accommodate one person.

⁴ Chapter 1, Section 17 FARK Remand Prison.

⁵ See the Parliamentary Ombudsmen's minutes in ref. no. O 25-2021 and O 34-2021.

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The process leading up to a decision on double occupancy



Cell in Helsingborg Remand Prison.

5.3.1 Starting points

The process before a decision on which inmates shall share a cell is of substantial importance for a decided double occupancy to work. In the matching, the Prison and Probation Service shall consider individual factors and conditions. Another important part is also the extent to which and how the inmates are involved in the decision. This is also crucial in order to, inter alia, counteract the negative consequences of deprivation of liberty and to maintain respect for human dignity.

5.3.2 Observations and data collected

Information, matching, and participation

In Sollentuna Remand Prison, the management and some staff members stated that the inmates are in-

formed of an impending double occupancy with some advance notice, and the goal is to get the inmates to consent to it.

When it comes to matching, the remand prison's double occupancy coordinator plays an important role. The coordinator is tasked with carrying out a security check, where, for example, questions about security risks linked to criminal groups are taken into account. For inmates with restrictions, an application for limited association is also sent to the prosecutor. If the prosecutor approves the application and the double occupancy coordinator also gives their approval, double occupancy will take place. The management stated that there is now no room to take additional factors into account when matching and that the previous

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procedure of allowing inmates to meet and have limited association before a decision on double occupancy is no longer used. However, some in management believed that factors such as mental and physical problems and whether there has been violence recently can still be taken into account

According to many of the inmates with whom the Parliamentary Ombudsmen's employees spoke in this remand prison, the placement with another inmate was not preceded by any information about double occupancy. Several also described that they only found out that they would share a cell when another inmate was standing in the cell doorway or when they themselves arrived at the designated cell.

In the case of inmates with restrictions in *Hinseberg Remand Prison*, the case officers responsible for isolation-breaking measures have established work practices for finding inmates who are suitable for sharing a cell. It is also the case officers who inform the inmates at an early stage about double occupancy and ask about their position. An application for limited association is sent to the prosecutor and if the application is approved, prospective candidates may have joint outdoor access or carry out some other activity together. If the limited association works well, the case officers initiate a dialogue with the security officer, the assistant remand prison governor, and the officer on duty. The security officer conducts their own security vetting before the officer on duty makes a decision on double occupancy. However, in conversation with the Parliamentary Ombudsmen's employees, one of the administrators responsible for isolation-breaking measures stated that it is now difficult to have time for a well-ordered matching of the inmates and that there is an increasing lack of time for limited association before a decision on double occupancy. The case officer also stressed the importance of inmates being aware of what is in the works and emphasised that the inmates are never tricked into double occupancy. Management

confirmed that the process preceding double occupancy is hurried as a result of the increased occupancy pressure, but at the same time considered that the routine in the departments for placement of inmates with restrictions remains the same. In interviews with the Parliamentary Ombudsmen's employees, a number of inmates stated that they had been very surprised by the decisions on double occupancy. One of them described that he had become angry with the staff and that it was hard not to have time to prepare mentally. Some also expressed that they did not understand the difference between limited association (Sw. *samsittning*) and double occupancy. They had been asked about limited association, but were instead placed in the same cell as another inmate. An inmate at the remand prison's ward (unit for placement of inmates with a right to associate with others) said that she had previously been placed in one of the remand prison's departments for placement of inmates with restrictions. In connection with her relocation, an information meeting was held with several inmates and staff, and she was then told that she would be sharing a cell. The inmates were also given the opportunity to ask questions. She stated that it was nice to be mentally prepared for sharing a cell, even before the change from the department for placement of inmates with restrictions to the ward.

In *Helsingborg Remand Prison*, double occupancy in a department for placement of inmates with restrictions is initiated by a client case officer and prison officer, at a morning meeting, raising the issue of candidates for limited association. Thereafter, the client case officer sends an application for limited association to the prosecutor. If the application is approved, the matter is referred to the remand prison's intelligence operator who, from a security perspective, makes recommendations to the client case officer. Before a decision on double occupancy, the inmates get to meet in connection with outdoor access and then in the depart-

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ment. It is the staff who are responsible for informing the inmates about double occupancy and they must then also inform that limited association can lead to double occupancy. In interviews, staff members stated that the inmates are always asked and that double occupancy does not take place against anyone's will. However, if an inmate opposes sharing a cell, the procedure is to initiate a conversation in order to get them to accept the situation. One staff member described that sometimes a lot of pressure is put on them to try to persuade the inmates to live together. When placing inmates in the remand prison's ward, the client case officers are responsible for the double occupancy process and have final say on the placement. Regardless of whether the inmates are placed in a department for placement of inmates with restrictions or a ward, it is the prison officers who provide client case officers with information to enable a match of the inmates. Factors that can be taken into account include language, age, good conduct, personality, and sleeping habits. All inmates with restrictions that the Parliamentary Ombudsmen's employees interviewed confirmed that the double occupancy had been preceded by limited association. Most thought that the double occupancy worked well. However, one inmate expressed that there had been no room to say no, and others said that they were surprised by the decision on double occupancy. Some inmates who previously had restrictions but who were placed in a ward stated that double occupancy had not been preceded by limited association and a couple of them expressed that they had no choice but to share a cell, as double occupancy is the general rule.

The process leading up to a decision on double occupancy in *Berga Remand Prison* starts with cer-

tain checks from a security perspective. The remand prison's intelligence operator first decides whether a person can be placed in the remand prison at all and, if necessary, whether there are inmates there that they should not see. When it comes to the placement of two inmates in the same cell, no further considerations are made. The management described that the occupancy pressure is too high to have time to decide whether two inmates work together and that there is no room for so-called soft values. When a decision on double occupancy is made, it is therefore a matter of where there is a vacancy. Matching can possibly be done once the inmate is placed, and then on the initiative of the staff. At that stage, shared language, for example, can be taken into account. There is no specific procedure for providing the inmates with information on double occupancy, and in interviews with the Parliamentary Ombudsmen's employees, several inmates stated that they had not learned they would be sharing a cell until they arrived or the cell was shown.

In *Malmö Remand Prison*, the inmates are informed about double occupancy at registration. The prison officers raise the issue of suitable candidates with the client case officers during a morning meeting and the client case officers then apply for limited association with the prosecutor. After a decision from the prosecutor, the Prison and Probation Service's intelligence service and the staff are asked to comment. Thereafter, conversations are held with the inmates concerned, who shall also be informed that limited association can lead to double occupancy. According to management, limited association now always results in double occupancy, and all inmates who share a cell have met at least once in connection with outdoor access before the decision on double occupancy. An

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inmate who does not want to share a cell risks ending up in solitary confinement due to lack of places. The staff is considered to have a good dialogue with the inmates and, according to management, inmates are not forced together. Of the inmates with whom the Parliamentary Ombudsmen's employees spoke, many stated that they not really had a choice in the matter of double occupancy. Several also said that the possibility of limited association would be withdrawn if they declined. Two inmates described that the choice had been between placement in a double-occupied cell and in solitary confinement, why they chose to share a cell.

If an inmate in *Nyköping Remand Prison* is in favour of limited association, the remand prison's case officer responsible for isolation-breaking measures begins the work of matching two inmates. At this stage, the administrator can also involve prison officers with client knowledge. An application for limited association is then sent to the prosecutor. If the application is approved, a request will be sent to the client case officer and the security officer. In the next step, limited association is carried out, where the case officer responsible for isolation-breaking measures and other staff are present. If this turns out well, continued limited association is planned, with the aim of achieving double occupancy. According to staff, the case officers are involved in the work of matching inmates. However, the process has been compressed in time. The management stated that it is rare that the inmates themselves are consulted in the matching process. If there are no security risks, inmates shall share a cell. The majority of the inmates interviewed by the Parliamentary Ombudsmen's employees confirmed that they

had had limited association before the decision on double occupancy but explained that they had only accepted that and not to share a cell. Some inmates also stated that the time between limited association and double occupancy had been short. Of the six remand prisons inspected, *Nyköping Remand Prison* is the only remand prison that has developed a written procedure at the local level regarding double occupancy.

At the end of the series of inspections, it turned out that the Prison and Probation Service had centrally produced written information for inmates. The Parliamentary Ombudsmen's employees were given access to the information sheet during the inspection of *Nyköping Remand Prison*, where it was distributed to the inmates. Initially, it says, inter alia, the following:

Information on double occupancy for detained persons

In the remand prison, you share a residential room with another detained person. It is standard and applies to all remand prisons in the country.

There is a shortage of remand prison and prison places in Sweden. Therefore, the general rule is that all residential rooms large enough are shared by two detained persons. The Prison and Probation Service made this decision in February 2024.

More on the inmates' view on information, matching and participation

In interviews, many inmates described that a determining factor for a placement to work well is for them to share a cell with "*the right person*". A clear majority also highlighted the importance of the Prison and Probation Service working with matching before two inmates are placed in the same cell. In this matching, the inmates think that factors such as circadian

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rhythm, routines, interests, and personality traits should be taken into account, but also language, age, religion, and culture. Regarding religion and culture, it emerged that similarities in these areas are important to, among other things, avoid disagreements and discussions about, for example, prayer times and what is allowed to eat. When inmates with different circadian rhythms share cells, this often leads to both irritation and insomnia. This is especially true for remand prisons where inmates do not have headphones for TV and radio. One circumstance that was described as particularly troublesome is when an inmate shares a cell with someone who has a different view of personal hygiene. Several inmates said that the cellmates had set up common rules, for example on how to visit the toilet and shower.

For the safety of the inmates, it is crucial that they are informed of an impending double occupancy and that a matching has actually taken place, and that they are informed of the criteria considered by the authority. These conditions have been made clear in the interviews held. In general, however, the inmates were of the opinion that no matching whatsoever is made, and several described that, especially initially, this causes anxiety as well as insecurity and difficulty sleeping. Some inmates highlighted a fear of being placed in double occupancy with an “*enemy*” or with someone suspected of a much more serious crime than oneself. An inmate in *Hinseberg Remand Prison* mentioned that there is a risk that inmates have a bad influence on each other.

At one remand prison, it emerged in an interview with an inmate and upon examination of documentation that the Prison and Probation Service had separated

two inmates who shared a cell. This had been done because one of them claimed to have social phobia and worsening well-being. After they had both been transferred to a new remand prison, they again ended up in the same cell. The situation of the inmate with the deteriorating well-being was thereafter described as both physically and mentally taxing.

5.3.3 Consequences and risks

Inmates who share a cell spend large parts of the day together in a very limited area, in a space usually designed for one person. This circumstance in itself constitutes a great burden. The observations made during the series of inspections show that in most of the prisons visited, there is an ambition to make it easier for the inmates by matching before a decision on placement in a double-occupied cell. In the majority of the remand prisons, however, the process leading up to such a decision has been compressed and in a couple of remand prisons, the matching now only consists of an initial security vetting. The rushed process combined with a lack of information about the considerations made before double occupancy causes both anxiety and irritation and insecurity and can contribute to inmates having difficulties sleeping. There is also a risk that inmates who should not share a cell whatsoever still end up doing so, and that inmates with widely differing personality traits and routines are placed together. This can in turn increase the risk of, inter alia, conflicts, violent incidents, and mental stress.

The observations and the information collected during the series of inspections highlight the importance of the inmates being included in the matching process

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in such a way that they feel involved, even if they do not get their wish. It is only when inmates feel that their opinion is sought and they actually have the opportunity to participate in the process that the basic respect for the human dignity of inmates is maintained. Inmates feeling involved also requires that the staff provides respectful and empathetic personal treatment and maintain a good dialogue with them. In this context, it can be noted that, according to the Prison and Probation Service's own instructions for accommodating more than one inmate in the same space (2024:4), the inmate's opinion shall be obtained prior to a decision on double occupancy and shall be documented. The content of the information sheet that the Swedish Prison and Probation Service has produced centrally is neither complete nor compatible with the regulation in the Act on Detention, which presumes that an inmate has the right to be placed in a single room.

The fact that the authority provides information that is not correct can make it more difficult for the inmates to assert their rights.

5.3.4 The Parliamentary Ombudsman's recommendations

The Prison and Probation Service is recommended to:

1. further specify and define the criteria that must be taken into account before a decision on double occupancy and identify circumstances that generally mean that it is inappropriate for an inmate to share a cell with another inmate,
2. in good time before any decision on double occupancy clarify the criteria to be taken into account and ask for the inmate's opinion,
3. ensure that the remand prisons document the inmate's position in accordance with the central instructions,
4. make a careful matching before any consideration that an inmate shall share a cell with another inmate and then take into account all individual circumstances of importance to the persons concerned,
5. inform an inmate who will be sharing a cell of the decision and the reasons for this,
6. where applicable, clarify the difference between limited association and double occupancy, and
7. ensure that the centrally produced information sheet is worded in a way as is consistent with the rights of inmates.

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The safety and security of inmates

5.4.1 Starting points

The Prison and Probation Service's annual report 2023 shows that the authority assesses that the security situation remained serious and strained. The assessment is based on, inter alia, an increased reporting of threats, violence, and unlawful influence. The security situation is also said to be significantly affected by the capacity shortage; the lack of places led to densification and double occupancy. Furthermore, staffing challenges are addressed. According to the Prison and Probation Service, the high occupancy during the year, together with the fact that inmates were placed in the same cell, led to frustration and tension between inmates and groups of inmates, which in turn increased the risk of threats and violent situations. The number of reported incidents of threats between inmates in remand prisons increased in 2023, following a decline in 2022, while reported violence between inmates in remand prisons remained unchanged.¹

5.4.2 Observations and data collected

The incidents that occur within the Prison and Probation Service are reported in an incident management system, ISAP. The reporting is used by the authority to follow up, provide feedback, and improve security work. During the series of inspections, it has been difficult, due to limitations in the system, to distinguish incident reports that can be tied to double occupancy issues, but the Parliamentary Ombudsmen's employees have retrieved some reports linked to incidents in double-occupied cells. In one of them, it is described that an assault had taken place at night without staff being made aware of it. The assaulted person had been prevented from alerting staff and later stated



Holding cubicle in Sollentuna Remand Prison

that he had been scared and had not been able to sleep all night. Another report shows that an inmate had raised the alarm after a disagreement had arisen between him and his cellmate. He had discovered that the fellow inmate had, among other things, stared at him while he was sleeping, which made him scared and upset. Some reports also show that the so-called emergency response unit had to intervene to separate roommates who had gotten into fights in the cell or where threats had been made. On one such occasion, an inmate had stated that the roommate had threatened to hit him with a thermos.

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In addition to the events described in the incident reports, information on a number of additional incidents emerged in interviews with staff and inmates. It relates to different types of conflicts between inmates who share a cell and which has sometimes escalated into outright brawls. Several inmates described that they themselves had experienced or knew of incidents of threats and violence occurring repeatedly. According to many inmates, minor disputes are also common. An inmate in *Berga Remand Prison* said there is always a risk of fights when two people share a cell. He himself had heard sounds that he interpreted as a violent incident and he had also heard of similar incidents. In the same remand prison, and also in *Helsingborg Remand Prison*, inmates stated that they had been involved in conflicts concerning hygiene and loud volume on the TV. One inmate also said that he and his roommate *"fought over the TV"*. Furthermore, an inmate described that *"I've seen fights down on the second department during locking. They were bruised and had scratch marks. They didn't dare to rat each other out."*

An employee described an incident where an inmate in *Nyköping Remand Prison* had tried to strangle their cellmate in their sleep. According to staff, in some cases, inmates had explained that something would happen unless a placement in a double-occupied cell was interrupted. In one case, an inmate in *Malmö Remand Prison* threatened *"If you do not stop the double occupancy before 16:00, I will kill the other one."* Two remand prison inmates, who had previously shared a cell, said in separate interviews that the staff had told them that a placement in a double-occupied cell could only be terminated in the event of an altercation. The placement ended after they both simulated an altercation.

In some interviews, information emerged that inmates had been subjected to sexual advances or molestation during double occupancy. One inmate said their cellmate had exposed themselves and an employee reported that an inmate had *"touched"* their cellmate. Staff in another remand prison reported that there had been voluntary sexual activity between two inmates. The management at *Sollentuna Remand Prison* believed that there may be a number of unreported cases regarding sexual assault. In *Nyköping Remand Prison*, management reasoned that inmates may avoid talking about abuse, as it can be considered shameful to have been subjected to something like that. Furthermore, it was held that voluntary sexual intercourse surely occurs, and that they, when learning of such a situation, would separate the inmates as it is difficult to ensure it is consensual. In several remand prisons, management had not reflected on the issues more closely.

The overall picture among staff and management in the remand prisons visited was that double occupancy had not led to an increased number of incidents, neither in number nor in severity. Staff and management also often felt confident that inmates would report incidents and felt that the staff notice or sense if something has happened. The management of *Hinseberg Remand Prison* noted, however, that there is a culture that means that some inmates do not contact the staff if something happens and that client knowledge is low regarding these inmates. Knowledge of that group is based on the observations of the staff, why there may be a number of unreported cases. Some employees in other remand prisons also made equivalent reflections. An employee of *Helsingborg Remand Prison* stated that his perception was that threats and

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violence between inmates are not particularly common, but that the staff cannot know for sure and that there are therefore a number of unreported cases. The employee also described that it is often one of those sharing a cell who is the driving force and tells the other what to do.

Many inmates, on the other hand, conveyed a clear picture that they often do not want to inform or call the staff's attention in the event of incidents in the cell. An inmate in Nyköping Remand Prison explained that *"You have to solve the situation yourself"* and that the staff do not know what is going on. Another said that inmates must protect themselves and that they do not want to be the one who *"snitches"* and yet another expressed that *"Conflicts stay in the cell, because you don't want to ring the bell."* An inmate in Hinseberg Remand Prison felt unsure whether she should talk to staff in such a situation or not. She described that *"I first adapt to see if it works, sacrificing myself. I don't know what it would be like if I said something. Snitches get stitches, I would probably rather suffer a little."*

Several inmates further described that they, especially initially when they shared a cell, felt unsafe. An inmate in Sollentuna Remand Prison described that *"It was harder in the beginning to share a cell. It was also a bit scary. I didn't know if other person was suspected of a similar or different type of crime."* He also said that *"In the beginning, you tiptoe and wonder what kind of person it is, what can I say and what can't I say, what will the person think."* Furthermore, an inmate in another remand prison said that she was anxious about the upcoming change of cellmate. Among other things, she expressed a fear of ending up in a cell with someone

who would strangle her at night. In addition, some inmates highlighted that it feels unsafe that the cellmate learns a lot about their life, such as the names of family members and, when relevant, which criminal constellation they belong to. The same applied to the fact that the inmate themselves learn about, among other things, the criminal activity of their cellmate. An inmate in Sollentuna Remand Prison described it as follows: *"I always sleep with one eye open, because I feel unsafe, especially at night."*

During some inspections, it emerged that several inmates feel that when called, it generally takes a long time for the staff to get to the cell. One inmate in Helsingborg Remand Prison described that it can take *"forever"* before they arrive, which she had also experienced when her cellmate had been ill. Another inmate spoke about two women in a ward in Sollentuna Remand Prison that *"clashed"* when they were in the same cell. Other inmates heard a commotion and shouted for staff. It took a while before the prison officers got up and went to separate the two inmates. Another example mentioned was an inmate in Helsingborg Remand Prison who had a panic attack whereupon her cellmate called for staff via the Stentofon. The staff replied that the inmate should breathe ten times and then the call ended without any further action being taken. One inmate also said it can sometimes take ten minutes before someone answers and that she felt unsafe because she could be injured while waiting.

None of the inspected remand prisons have a structured follow-up on how it's working for inmates to share a cell. Furthermore, there is a lack of local written procedures on follow-up. Overall, there are also

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no active outreach activities where prison staff have direct contact and check in with individual inmates. In *Sollentuna Remand Prison*, management said that staff previously checked in with the inmates every fortnight, but that this is no longer done due to lack of time.

In most remand prisons, however, the management and staff emphasised that follow-up still takes place by highlighting the inmates' situation in connection with the staff's morning meetings, which take place every day. Check-ins between inmates and prison staff can also be done in the daily meeting. They are done either privately or with the cellmate present. According to several employees, the check-ins are more common initially when two inmates share a cell. They pointed out that even if they don't explicitly ask, they can tell how an inmate is doing. The management at *Sollentuna Remand Prison* described that the staff in the department look for deviations. If there is a suspicion that something is not right, individual talks can be held with inmates. In *Berga Remand Prison*, a prison officer painted follow-up as "extra" and in *Nyköping Remand Prison*, a staff member explained that follow-up is not done in private, as it "may poke the bear". The management at *Berga Remand Prison* stated, however, that staff shall check in with inmates, follow up and have an active outreach role and ask privately how it's going. However, they had not had time to initiate such work.

A large proportion of the inmates who the Parliamentary Ombudsmen's employees interviewed said that they never or only on occasion had been asked how it's working to share a cell. Some also said that they had been asked in the presence of other inmates.

Staff in all the remand prisons visited said that a placement in a double-occupied cell can be terminated if there is violence or threat of violence. Employees in several remand prisons described that if such a situation is urgent, there is the possibility of separating the inmates immediately by one or both of them being transferred to solitary confinement. In *Sollentuna Remand Prison*, an inmate in such a situation had been transferred to a so-called holding cubicle, i.e. a cell that is only about three square metres in size. In *Helsingborg Remand Prison*, staff explained that a placement can be terminated if it becomes untenable for the internal order and the safety of colleagues, if there are recurring disputes or if there are difficulties in connection with opening the cell door. If an inmate expresses that they do not want to share a cell, the reason for this is discussed and staff try to resolve the situation. Staff in *Berga Remand Prison* and *Nyköping Remand Prison* described that inmates who are placed in the same cell can be separated in case of discord, but that it is difficult and takes a lot of work to implement such a transfer. The inmates are therefore often made to continue to share a cell even though there is irritation or a conflict is brewing. Staff in *Sollentuna Remand Prison* stated that it used to be easier to terminate a placement in a double-occupied cell and that the inmates now have to accept that the possibilities for change are small.

5.4.3 Consequences and risks

It is clear that there are disagreements and conflicts, as well as threats and violence between inmates who are placed in the same cell, and that double occupancy contributes to an increased risk of various types of

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incidents. The series of inspections also shows that many inmates who share a cell experience an unsafe existence, especially before they have gotten to know their cellmate. The follow-up made mainly relies on individual employees taking action and asking the inmates questions, which in individual cases can have a preventive effect and is an important element of the correctional system. The fact that all remand prisons visited lack a structured follow-up, however, entails a risk that inmates who share a cell do not disclose threats, violence or other abuse. The fact that individual conversations only occur to a limited extent can also make it difficult for inmates to dare to disclose. It is easy to assume that there are a number of unreported cases. The fact that the Prison and Probation Service does not note or become aware that inmates are exposed to threats or violence naturally causes difficulties in seriously working preventively with the safety and security of inmates. In this context, it can be noted that the Prison and Probation Service's instructions for accommodating more than one inmate in the same space (2024:4) state that a placement in a double-occupied cell shall be followed up with the inmate when necessary and at least once a week. Each establishment shall also review how this can be implemented in a structured way, based on its respective conditions. The fact that this is not followed up in the establishment can thus have tangible consequences for the inmates.

To be able to work effectively to eliminate risks associated with placements in double-occupied cells, incidents must be able to be identified and analysed at an overall level, in addition to follow-up at the individual level. This is not possible with the incident

management system used today. Thus, it is difficult for the Prison and Probation Service to get an overview of the consequences and risks associated with double occupancy in particular. Furthermore, it is difficult to achieve necessary adjustments to prevent similar incidents from happening again. This also affects the inmates' situation in the long run.

Another circumstance of great importance for the safety and security of inmates is that staff always answer calls and – if necessary – find the person to whom the call relates. When such management is not done promptly, there is a risk that conflicts escalate and result in threatening or violent situations. It also means that inmates may be forced to assume the responsibility of the Prison and Probation Service in the event of, for example, cases of illness or having to deal with violent situations themselves. In this context, it can be noted that the Prison and Probation Service's aforementioned report Kort om överbeläggning [Briefly on overcrowding] highlights research that indicates that double occupancy is an important measure to prevent suicide as suicide attempts “usually take place in single rooms”. This type of starting point entails a risk that inmates in these situations also must assume a responsibility rightfully covered by the mandate of the Prison and Probation Service.

The overall picture after the series of inspections is that there is a lack of sufficient awareness of the existence of sexual acts between inmates. The same applies to how the Prison and Probation Service shall relate to and handle such situations. This may lead to suspected assaults not even being noted and investigated, and that inmates in need of protection are not identified.

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Finally, it can be established that it has proved difficult to terminate a placement in a double-occupied cell, even in cases where one of the parties clearly expresses concern or fear. The series of inspections indicate that it is generally required that a serious situation has arisen, which can lead to inmates resorting to threats or violence to bring about a change. Being placed with another person in these conditions risks not only leading to insecurity and uncertainty, but also a feeling of hopelessness and frustration.

5.4.4 The Parliamentary Ombudsman's recommendations

The Prison and Probation Service is recommended to:

1. ensure that after each decision on double occupancy, follow-up is carried out in accordance with the central instructions and that interviews are then held with the individual in private,
2. ensure that follow-ups are documented,
3. ensure that the authority has the prerequisites to identify and analyse and follow up incidents related to double occupancy at a coherent and comprehensive level,
4. ensure that staffing is adapted to handle calls without delay and act promptly when necessary,
5. ensure that there are premises suited to deal with a situation where double occupancy needs to be terminated, and
6. ensure that there are intra-agency strategies and knowledge at all levels about how both sexual acts between inmates and suspected sexual assault shall be noted and dealt with.

¹ See the Prison and Probation Service's annual report 2023, p. 68 ff.

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The role of health and medical care and related issues



Lockers in Nyköping Remand Prison.

5.5.1 Starting points

The Prison and Probation Service has no legal obligation to provide health and medical care. However, by having taken on the role of care provider, the authority has chosen to conduct such activities at all remand prisons and prisons. According to the authority, the activities are equivalent to primary care and some psychiatric outpatient care. As a care provider, the Prison and Probation Service shall thus deal with health and medical problems that arise among inmates. The assignment also includes preventing, in different ways, inmates being exposed to harmful interventions of various kinds that can worsen their mental and somatic

health.¹ The care provision is carried out by licensed healthcare professionals. From the point of view of confidentiality, health and medical care is regarded as a separate branch of activity within Swedish Prison and Probation Service. In order for prison staff to be able to access health data, inmates must therefore consent to the disclosure of the information.²

In connection with the admission of an inmate to remand prison, they shall be asked about their state of health. The inmate shall also as soon as possible be given the opportunity to have their health examined by a nurse, if such examination has not been carried out in another remand prison or prison.³ The CPT has stated that an initial health interview and an initial health examination should take place as soon as possible and no later than 24 hours after an inmate has been taken into remand prison.⁴ According to the Prison and Probation Service's instructions for accommodating more than one inmate in the same space (2024:4), the inmate's individual circumstances and suitability to be placed in a double-occupied cell shall be taken into account before such a placement may take place. This applies in particular to the inmate's mental and physical state of health. Since the revision in April 2024, the instructions in that section do not contain anything new. In the previous instructions, however, it was also stated that it may be appropriate to have healthcare professionals assess the inmate's suitability for such placement, if necessary. In the latter version, there is no equivalent instruction.

Within the Prison and Probation Service, so-called self-care can be applied with respect to pharmaceuticals. Self-care refers to a healthcare measure that

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the treating healthcare professional has assessed that a patient can perform themselves or with the help of someone else. The starting point for such care is that inmates themselves are allowed to dispose of their medication and take responsibility for ensuring that the instructions are followed.⁵ The question of whether an inmate may keep their medication in the cell is handled in the same way as other personal property.⁶ If security does not allow an inmate to keep their medication in the cell, the Prison and Probation Service shall store and provide these in accordance with the doctor's instructions. It can be noted that inmates for security reasons are generally not allowed to have, for example, medication classified as narcotics in the cells.

Now that double occupancy of cells constitutes an essential strategy for the Prison and Probation Service to meet the need for places, it places special demands on the authority to provide care in such a way that any somatic and/or mental complications do not arise or worsen. A key issue during the Parliamentary Ombudsmen's series of inspections has therefore been to investigate the role of health and medical care when inmates are increasingly placed together in the same cell.

5.5.2 Observations and data collected

The inspections show that health and medical care is generally not involved in the process, neither before nor during double occupancy. The inmates are not asked questions about this in the initial interview held by healthcare professionals. Nor are there any regular discussions between healthcare personnel and prison staff either before or after two inmates have been placed

in the same cell. Furthermore, there is a general lack of procedures for how health and medical care shall convey any observations or information relating to problems linked to double occupancy. The descriptions have been identical in interviews with both representatives of the various remand prisons and inmates and prison officers and healthcare professionals.

In all remand prisons, prison staff hold daily morning meetings, at which healthcare professionals can participate. During the meetings, the situation of the inmates is discussed, among other things. Representatives of a couple of remand prisons stated that during these meetings, healthcare professionals can hear the prison staff's discussions on double occupancy and comment. However, in *Nyköping Remand Prison*, for example, the matter is only discussed after they have left the meeting.

In exceptional cases, healthcare professionals might provide recommendations that certain specific individuals should not share a cell for medical reasons. They may then have received information about the situation directly from inmates or from prison staff. In some cases, such recommendations had been made and subsequently followed by the remand prison, for example in the case of serious mental illness such as psychosis or certain physical conditions such as a stoma or other somatic conditions with a risk of contagion, such as scabies.

In interviews with the Parliamentary Ombudsmen's employees, both healthcare professionals and representatives of a couple of remand prisons stated that they do not see any need for health and medical care

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Observations made during the series of inspections, consequences and risks,
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to be involved before decisions on double occupancy. In addition, both categories of staff described it as problematic to exchange information regarding individuals' health and similar conditions without disclosing confidential information. The healthcare professionals at a couple of remand prisons also said that they rely on the competence and ability of prison staff to assess inmates' suitability for placement in a double-occupied cell. The same applies to their ability to note deviant behaviours that mean an inmate should not be placed in a cell together with another inmate. During the inspections, however, a number of examples emerged of remand prisons being forced to terminate ongoing placements due to the fact that it turned out that one of the two inmates suffered from serious mental problems.

Several inmates said that they had been forced to take care of cellmates who had felt physically or mentally ill, because the staff for various reasons did not. For example, one inmate said that *"The person I'm sitting with now has a panic disorder. When the staff arrives, they tell me to help her. At that point, I may have already sat with her for an hour. I want to support her, but I don't feel so good either due to her health."* According to inmates in all remand prisons visited, the situation becomes very problematic and difficult to handle when they are forced to share a cell with someone suffering from mental illness. For example, one inmate said that his former cellmate woke up every night with anxiety and palpitations. The cellmate screamed, cried, shook, urinated and fainted, which resulted in him having to call via the Stentofon several times until the staff finally picked up the cellmate and took him to solitary confinement. The next morning, the cellmate returned. The situation remained the same for just over a

month before the double occupancy was terminated. The inmate described it as the worst time he had ever experienced. Another inmate in the same remand prison stated that she, on the very first day she shared a cell, was scared by her cellmate at the time, who seemed unstable and also said that she hears voices and experiences psychotic symptoms. In another remand prison, one inmate stated that, for the past month, she had been sharing a cell with an inmate suffering from a panic disorder and that she is regularly forced to take care of her cellmate. Correspondingly, inmates with psychiatric conditions described the situation of sharing a cell as taxing. For example, in one remand prison, an inmate said that he has an autism diagnosis and ADHD. He has a need to be alone and therefore finds it problematic to share a cell with another inmate. He basically never leaves the cell but lies in bed with the blinds closed, eating sandwiches that his cellmate fetches for him.

The perception of both healthcare professionals and prison staff in the majority of the visited remand prisons was that inmates with more severe psychiatric conditions should never share a cell, while those with less serious psychiatric conditions or mental health problems and various types of disabilities could do so. According to both inmates and staff, inmates who share a cell can affect each other's mental well-being. In one remand prison, the healthcare professionals described that they had noticed that if an inmate feels unwell, the cellmate can also feel ill. They described it as *"if one has diabetes, they both think they have diabetes"* and that *"anxiety and panic attacks can be contagious"*.

During the inspection series, both inmates and staff commented on the question of which of the inmates

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in a double-occupied cell sleep in the top and bottom bunk respectively when the cell is equipped with a bunk bed. It emerged that it is sometimes left to the inmates to agree on this. One inmate explained that it's *"First come, first served, i.e. first in the room gets to choose a bed first"*. In *Hinseberg Remand Prison*, an inmate is instead assigned a certain bed and a change of place requires a request to be submitted. Some said that the physical conditions of an inmate can play a part. One inmate described that she has a foot injury that makes it difficult for her to climb up into the top bunk. She has therefore always slept in the bottom bunk, but when she got a roommate with a more severe disability, she had to move to the top bunk. *"Why they placed us in the same room is strange"*, she asked herself. An inmate in another remand prison said that *"I sleep in the top bunk despite the fact that I have problems with my back and knees. My roommate has even bigger knee problems"*.

Double occupancy also entails some problems for the handling of inmates' medication. In *Malmö Remand Prison*, the management has decided that inmates who share a cell may not dispose of their medication themselves or store it in the cell, regardless of the type of medicine. The reason is that inmates should not risk being pressured to hand over medicine to their cellmate. Some inmates in *Helsingborg Remand Prison* also said they are not allowed to keep their medication in the cell, except for insulin. In *Berga* and *Nyköping remand prisons*, however, the starting point is that inmates are allowed to have their medication in the cell. All cells in these remand prisons have lockers where inmates can store their medicine. In the newly built part of *Berga Remand Prison*, code locks are used for

the lockers, while the lockers in *Nyköping* are locked with a key. However, during the series of inspections, it emerged that many inmates have nowhere to store the key and there were several cells with only one locker, e.g. the other cabinet was broken or the key was missing. During a couple of inspections, prison staff reflected on whether it could be that inmates who share a cell take each other's medicine and explained that they do not really know what the situation is.

5.5.3 Consequences and risks

The observations made during the series of inspections clearly show that the healthcare professionals have no specifically identified role in matters of double occupancy. The matter is not touched upon at all in the initial health interview or the initial health examination that shall be held in connection with a person being taken into remand prison. There is also no regular dialogue or structured follow-up between healthcare professionals and prison staff. A lack of information gathering from the inmates and insufficient cooperation between the staff categories means that there is a risk of inappropriate matching of inmates with accompanying health risks. It also entails a risk of placements being carried out that healthcare professionals would have advised against for medical reasons in a functioning collaboration. It can be somatic problems such as various infectious diseases, but more commonly cases of psychiatric conditions such as neuropsychiatric disabilities, psychotic disorders, suicidal tendencies, self-harming behaviour, etc.

The fact that all the prisons visited have been forced to terminate placements due to inadequate matching of two inmates shows the problems that can arise

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when prison staff assess the suitability of inmates to share a cell without consulting with healthcare professionals. Such an arrangement also appears remarkable considering that it is clear from the Prison and Probation Service's own instructions that the mental and physical state of health of inmates shall be part of that assessment. The problems could have been solved through a functioning collaboration, which does not need to be hindered by legislation on confidentiality. It is possible to convey information without disclosing information about an individual's state of health or other personal circumstances. It is also possible to ask for the inmates' consent to hand over necessary information to prison staff concerning circumstances of interest for possible placement in a double-occupied cell. In this context, it can be noted that the Prison and Probation Service's instructions for healthcare professionals (2023:7) state that inmates, at the initial health examination, shall be asked to consent to the disclosure of certain information between healthcare professionals and prison staff, if necessary.

It is thus clear that double occupancy can be harmful to the health of inmates if it is not done in a well-considered manner. During the series of inspections, it has been evident that it is particularly problematic when inmates with psychiatric conditions, certain types of deviant behaviours such as obsessive-compulsive disorder and tics, as well as infectious diseases, are forced to share a cell with another inmate. Such placements can also cause both discomfort and significant insecurity and fear. This applies both to the person suffering from a psychiatric condition and to the cellmate. Another worrying situation is when

inmates with various physical difficulties are forced to share a cell. The inmates who, despite physical difficulties, have been assigned to sleep in the top bunk bed are at risk of being overlooked. The consequences and risks described would probably be significantly reduced if healthcare professionals were more involved in matters of double occupancy.

Yet another consequence of the lack of participation of healthcare professionals is that individual inmates need to take care of cellmates who are mentally unwell or have more serious physical challenges. They can be given a near caretaking task that rightfully falls on the Prison and Probation Service.

As previously reported, self-care with respect to pharmaceuticals is a basic principle within the Prison and Probation Service. The issue of self-care and the storage of pharmaceuticals is largely a matter of assessments on a case-by-case basis. However, the overall impression after the series of inspections is that various risks arise when an inmate stores medication in the cell and at the same time shares it with another inmate. It is particularly problematic, for example, that not everyone has access to a locker and that in cases where a cabinet can be locked with a key, it often still cannot be stored safely. Furthermore, it is unclear whether there is any actual control and follow-up with regard to the storage of pharmaceuticals in the cell. In this context, it can be noted that *Malmö Remand Prison* has reflected on the issue of inmates' access to pharmaceuticals and developed a strategy with the aim of eliminating a number of risks in the situation at hand.

5.5

Observations made during the series of inspections, consequences and risks,
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5.5.4 The Parliamentary Ombudsman's recommendations

The Prison and Probation Service is recommended to:

1. clarify the role of health and medical care and include healthcare professionals in the planning, implementation and follow-up of double occupancy by
 - ensuring that they, during the initial health examination, request consent to disclose any necessary information to prison staff,
 - clarifying the possibility of conveying information and making recommendations to prison staff regarding double occupancy without disclosing confidential information, and
 - developing guidelines and forms for a structured and regular dialogue between healthcare professionals and prison staff,
2. define what medical reasons may constitute impediments to double occupancy, and
3. develop guidelines on self-care for placement in double-occupied cells and ensure that pharmaceuticals stored in such a cell in an individual case can be handled in a way that does not jeopardise the health, safety and security of inmates.

¹ See, inter alia, Chapter 2, Section 1 and Chapter 3, Section 2 of the Health and Medical Services Act (SFS 2017:30).

² Chapter 25, Section 1, Chapter 8, Section 2, Chapter 10, Section 1 and Chapter 12, Section 2 of the Public Access to Information and Secrecy Act (SFS 2009:400).

³ Chapter 5, Section 1 FARK Remand Prison.

⁴ See CPT/Inf (2021) 20, para 44, and CPT/Inf(2017)5-part, para 72.

⁵ See Section 2 of the Self Care Act (SFS 2022:1250) and the Prison and Probation Service's instructions regarding health and medical care for prison staff (2023:5).

⁶ Chapter 2, Sections 11 and 12 of the Act on Detention.

Concluding remarks

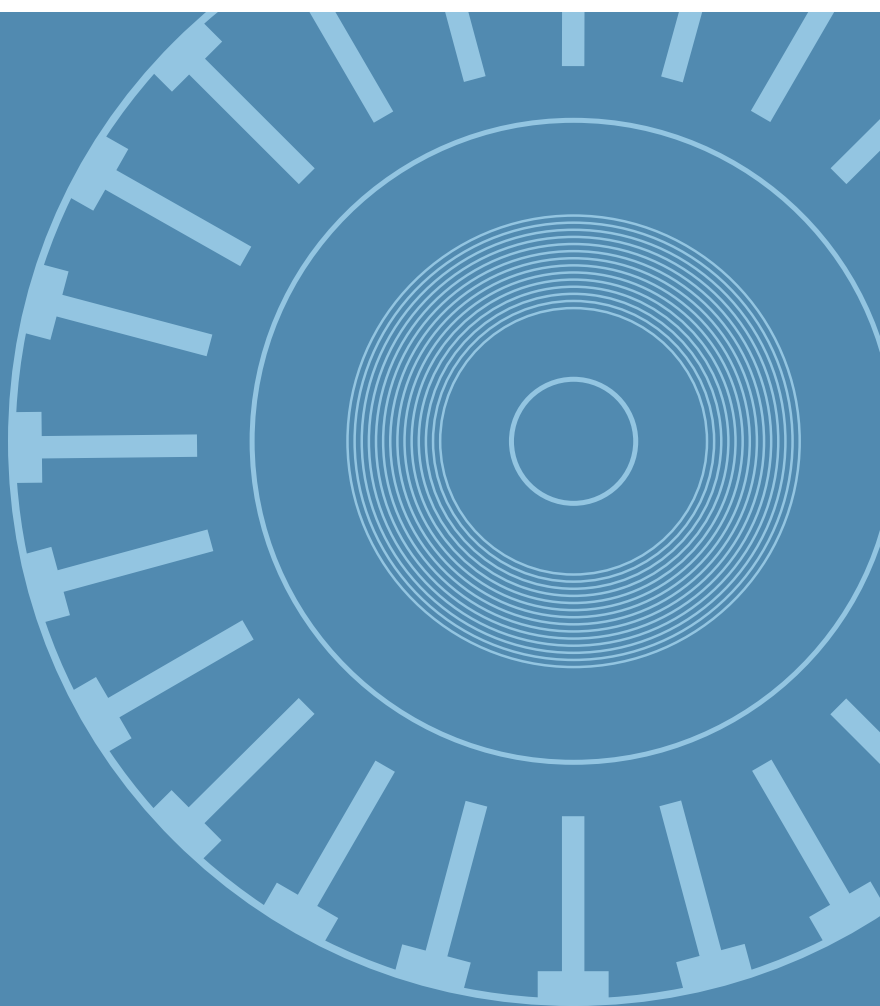
The series of inspections show that the strained occupancy situation has significant consequences for persons deprived of liberty who are remand prisoners. The overcrowding leads to cells intended for one inmate being regularly used for two inmates. Furthermore, the lack of places results in cells no larger than six square meters being used for double occupancy in more cases and not like before only in exceptional cases. Cells in a detention environment can now also be double-occupied. The measures represent a major change compared to how the Prison and Probation Service has previously conducted remand prison operations.

In addition to overcrowding, there are other shortcomings in the physical environment, such as the ventilation and equipment in double-occupied cells. Also, there is often a lack of opportunity to use the toilet in private. Being forced as an inmate to stay with an unknown person in a small space under these conditions causes stress and insecurity for many. In addition, inmates in remand prisons for inmates subject to restrictions are often locked in their cells together for 23 of the 24 hours of the day and the possibility of alone time is virtually non-existent. All in all, this means that the physical and mental health of inmates can deteriorate. Furthermore, the information that has emerged that matching before double occupancy is not taking place and that there is no structured follow-up of how a placement is working is very worrying. There is a great risk that the safety and security of inmates will be compromised.

According to the Prison and Probation Service, the number of reported cases of threats between inmates in remand prisons increased in 2023, while reported violence remained at the same level as the previous year. However, the series of inspections shows that inmates far from always tell the staff about the threatening and violent situations that occur. Instead, they remain silent or prefer to resolve the matter themselves. My assessment is that there are most likely a number of unreported cases and that the reported numbers do not reflect reality.

I cannot draw any other conclusion from what has emerged from the investigation carried out than that the conditions risk resulting in inmates in custody being subjected to inhuman or degrading treatment. The Prison and Probation Service urgently needs to review what measures are necessary to take to eliminate the risks associated with persons deprived of liberty sharing cells.





Report from the OPCAT unit

The consequences of double occupancy for prison inmates

“I haven’t cried
for a year
because
I can’t find space
to do that.”

– Prison inmate autumn of 2024 –

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Foreword

The Parliamentary Ombudsmen perform the tasks of a national preventive mechanism (NPM) as set out in the UN Optional Protocol to the Convention against Torture (OPCAT). The purpose of the mandate is to prevent torture and other cruel, inhuman or degrading treatment or punishment of persons deprived of their liberty. According to the Protocol, the work must be proactive and have a long-term perspective. Another important part is to identify inmates who, for various reasons, are at particular risk of being harmed.

In March 2024, I decided to carry out a number of inspections under the OPCAT mandate to examine in particular the consequences and risks that double occupancy in remand prisons and prisons may entail for those deprived of liberty. In the decision, I emphasise that both my predecessors and I have repeatedly reviewed the Prison and Probation Service's handling of overcrowding and the consequences that the conditions may have for the inmates. Furthermore, I noted that the occupancy situation is extremely strained and is expected to remain so for some time to come, and that the Prison and Probation Service is implementing and planning for double occupancy, i.e. placing two inmates in the same cell, to a greater extent than before.

Earlier this year, the report *The consequences of double occupancy for remand prison inmates*¹ was published. The report now being presented deals with corresponding conditions in prisons.

Five prisons were inspected between July and October 2024. The report is thus based on the situation at the time, meaning, inter alia, that there was still some space in many places of operation to place those deprived of liberty in single cells. During the inspections, a variety of questions have arisen and it has been necessary to make certain delimitations. The focus has been on what the Prison and Probation Service as a government agency can do to improve the situation for the inmates who need to share a cell with another inmate. It may be noted that I do not take a position on the appropriateness of double occupancy in the report. I have merely used the starting point that the Prison and Probation Service has decided that such placements shall be made.

In this report, I have compiled my most important observations and recommendations based on the inspections of prisons. My hope is that the report will contribute to the work of preventing risks in the event of double occupancy and thus increase security for those deprived of liberty who share a cell.

Stockholm May 2025



Katarina Pahlsson

Parliamentary Ombudsman

¹ The report was published in February 2025 and, like the present report, published as part of the joint case file, ref. no. O 14-2024.

1

The OPCAT assignment

1

The OPCAT assignment

Under the 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture)¹, States Parties have undertaken to take effective legislative, administrative, judicial and other measures to prevent acts of torture within any territory under its jurisdiction. The Convention against Torture has been in force in Sweden since 1987.

The Convention against Torture provides a relatively comprehensive definition of torture (Article 1). In short, torture is the intentional infliction of severe mental or physical pain or suffering for a specific purpose, for example to extract information or to punish or threaten a person. On the other hand, the Convention lacks definitions of cruel, inhuman or degrading treatment, but the States Parties must also prevent such acts from being carried out by representatives of public authorities within their territory (Article 16).

The countries that have signed the UN Convention Against Torture are reviewed by a special committee, the Committee against Torture. In its country reports, the Committee makes statements and recommendations on compliance with the Convention. If a signatory state has authorised it, the UN Committee can also examine individual complaints if there has been a violation of the Convention.² The Convention against Torture itself does not provide the Committee the mandate to conduct visits of member states. In order to allow, inter alia, international visits, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was adopted in 2002 by the UN. The Protocol entered into force for Sweden in June 2006. OPCAT established another committee, the Subcommittee on Prevention of Torture (SPT).

The work performed in accordance with OPCAT is to be conducted with the aim of strengthening the protection of individuals deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment. Preventive work can be carried out in a number of ways, including through visiting the environments where the risk of abuse and violations is particularly high. Another important aspect of the preventive work is the identification and analysis of factors that can directly or indirectly increase or reduce the risk of torture and other forms of inhuman treatment.

The activities must be proactive and aimed at systematically reducing or eliminating risk factors and strengthening preventive factors and protective mechanisms. Furthermore, the work shall have a long-term perspective and focus on achieving improvements through constructive dialogue, proposals for safeguards and other measures.

States parties to OPCAT are also obliged to designate one or more bodies charged with the role of National Preventive Mechanism (NPM). Since 1 July 2011, the Parliamentary Ombudsmen have carried out the tasks of a National Preventive

Mechanism pursuant to OPCAT. As a National Preventive Mechanism, the Parliamentary Ombudsmen are to, inter alia, regularly inspect places where people may be deprived of their liberty, e.g. remand prisons and prisons. Another task is to make recommendations to the competent authorities with a view to improving the treatment of and conditions for individuals deprived of their liberty and preventing torture and other cruel, inhuman or degrading treatment or punishment. The Parliamentary Ombudsmen shall also participate in dialogues with competent authorities and civil society.

¹ Convention against torture and other cruel, inhuman or degrading treatment or punishment (CAT).

² CAT art. 22.1.

2

Regulation and guidelines on double occupancy

2.1

Regulation and guidelines on double occupancy

International legal rules and standards

The UN Convention Against Torture and the optional protocol, OPCAT, was presented in the previous section. In addition, the following should be highlighted.

The European Convention on Human Rights (ECHR) was developed within the framework of the Council of Europe in 1950. As a member of the Council of Europe, Sweden was obliged under international law to comply with the Convention's catalogue of rights ever since it entered into force three years later. The ECHR has been in force under Swedish law since 1 January 1995.¹

In 1987, the Council of Europe adopted the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. It entered into force in 1989 and, in connection therewith, the Council of Europe's Committee for the Prevention of Torture (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CPT) was established. It is composed of independent experts and is tasked with visiting places where people may be deprived of liberty in the 46 member states of the Council of Europe. After each visit, the CPT submits a report, which usually contains a number of recommendations to the visited country with the aim of improving the situation of persons deprived of their liberty.

The CPT also publishes more general statements on thematic issues, including in specific standards and in annual reports. Sweden has had a total of seven visits from CPT, most recently in 2021.

The CPT has repeatedly commented on the risks and consequences of overcrowding in remand prisons and

prisons, observing, inter alia, that countries are trying to solve the problem of overcrowding by having two or more inmates share a cell, so-called double occupancy. In a standard regarding overcrowding, the Committee has established that a lack of personal space and a lack of privacy entail risks for all inmates, especially for the extra vulnerable.²

When examining complaints concerning violations of the prohibition of torture or inhuman or degrading treatment or punishment under Article 3 of the ECHR, the European Court of Human Rights (ECtHR) has commented on the cumulative effects of the physical and other circumstances of the deprivation of liberty. In a precedent, *Torreggiani and Others v. Italy*, the Court found that there was a violation of Article 3. It was found that the living space of the inmates, who shared a cell with at least one fellow inmate, was smaller than what is considered acceptable. In that part, the Court referred to CPT's recommendations that each inmate shall have a cell area of four square meters.

Furthermore, the Court pointed to other conditions, such as the lack of hot water over long periods, poor lighting in the cell and inadequate ventilation, which exacerbated the situation. All these circumstances, although not in themselves considered inhuman and degrading, intensified the suffering. While there was no expressed intention to humiliate or debase the inmates, the Court considered that their hardships combined with the length of their deprivation of liberty exceeded the level of suffering considered acceptable. The complainants were found to have been subjected to inhuman and degrading treatment.³

2.1

Regulation and guidelines on double occupancy

It is unusual for the ECtHR to conclude that treatment shall be considered torture. The difference between this term and inhuman or degrading treatment is not entirely clear, but it is clear from the case-law of the Court that a special stigma is attached to torture and that it must have been an intentional infliction of severe or intense suffering. In short, inhumane treatment involves treatment which intentionally causes someone serious mental or physical suffering and which, in the situation in question, can be regarded as unjust. According to the Court, conduct that creates feelings of fear, anguish and inferiority in the victim may constitute degrading treatment. An assessment of the circumstances as a whole shall be made on a case-by-case basis when examining whether there has been a violation of Article 3.⁴

According to the ECtHR, each Member State has an obligation to organise its correctional system in such a way as to guarantee the dignity of inmates, regardless of financial or logistical difficulties.⁵ The Court has further stated that, even if a measure is not considered to constitute a violation of Article 3, it may constitute a violation of the right to privacy under Article 8.⁶

It also follows from the Court's case-law that the authorities must provide access to sanitary facilities that are separated from the rest of the prison cell in a way that ensures a minimum of privacy for the inmates. In this context, the Court has also referred to CPT standards and recommendations.⁷ Furthermore, the ECtHR has stated that each Contracting State must ensure that persons deprived of liberty are offered adequate health and medical care, both somatic and psychiatric, and that various types of health problems

that the person deprived of liberty may suffer from are taken into account.⁸

Both the UN and the Council of Europe have adopted special rules for the treatment of persons deprived of liberty in, inter alia, remand prisons and prisons (the so-called Mandela Rules and the European Prison Rules, respectively).⁹ As a member of the UN and the Council of Europe, Sweden has been involved in developing and deciding on these documents. The rules are not binding, but they are of fundamental importance as they are intended to guide the Member States and their government agencies both in the design of the national regulation and in the proportionality assessment on a case-by-case basis. Thus, they are also important in the Prison and Probation Service's development of regulations and other governing documents, but also in the day-to-day operations of the prisons.

The UN Mandela Rules address the conditions that should apply during deprivation of liberty in a remand prison or prison. The rules deal with, inter alia, issues relating to the physical environment, the opportunities for an hour's outdoor access, and access to medical care. It is also stated that, in the event of temporary overcrowding, there should never be more than two prisoners in a cell.¹⁰

The European Prison Rules contain certain recommendations regarding placement. According to these, inmates shall normally be placed in individual cells during the night, except where it is preferable for them to share sleeping accommodation. However, inmates may only share a cell if it is suitable for this purpose and they can be placed together. As far as possible, inmates shall be given a choice before they

2.1

Regulation and guidelines on double occupancy

have to share sleeping accommodation with others.¹¹ Furthermore, the right to occupation and, unless there are exceptional reasons against it, the right to spend at least one hour each day outdoors is regulated. Inmates shall be allowed to receive visits to the extent that visiting can be conveniently arranged. The European Prison Rules also state that conditions which infringe on the human rights of prisoners cannot be justified because of lack of resources and that procedures that regularly allow such violations are not acceptable.¹²

1 Section 1 of the Act on the European Convention for the Protection of Human Rights and Fundamental Freedoms (SFS 1994:1219).

2 See CPT/inf (2022) 5-part, Combating prison overcrowding.

3 See *Torreggiani and Others v. Italy*, No 43517/09 et al. of 8 January 2013.

4 See Danellus, *Mänskliga rättigheter i europeisk praxis* [Human Rights in European Practice], (2023, version 6, JUNO) p. 89 f. and, inter alia, the judgment in *Ireland v United Kingdom* [Court Plenary], No 5310/71, of 18 January 1978.

5 See e.g. *Muršić v Croatia* [GC], No 7334/13, 20 October 2016.

6 See *Wainwright v. United Kingdom*, No 12350/04, 26 September 2006.

7 See *Szafrański v. Poland*, No 17249/12, 15 December 2015.

8 See e.g. *Kudła v Poland* [GC], No 30210/96 of 26 October 2000, *Sławomir Musiał v Poland*, No 28300/06 of 20 January 2009, and *Grimallovs v Latvia*, No 6087/03 of 25 June 2013.

9 See the UN Standard Minimum Rules for the Treatment of Prisoners, the so-called "Mandela Rules", and the Council of Europe's Recommendation Rec(2006)2-rev of the Committee of Ministers to Member States on the European Prison Rules, see also Gov. Bill 2009/10:135 p. 68.

10 The Mandela Rules, 12 and 23–35.

11 European Prison Rules, 18.5–18.7 and 96.

12 European Prison Rules 4 and the Commentary on this rule, CM(2020)17-add2.

2.2

Regulation and guidelines on double occupancy

National regulations and the Prison and Probation Service's Instructions

The introduction to the Act on Imprisonment (SFS 2010:610) contains provisions that embodies the fundamental values that should permeate the treatment of prison inmates. Of particular interest is that every inmate shall be treated with respect for their human dignity and with understanding for the special difficulties associated with the deprivation of liberty. Furthermore, it is stated that enforcement shall be devised so as to counteract the negative consequences of deprivation of liberty. According to the legislative history, negative consequences refer to the psychological, social and economic consequences that the deprivation of liberty may have for the inmate. Finally, enforcement may not entail limitations of the inmate's liberty other than those that follow from the Act on Imprisonment or are necessary to maintain good order or security.¹

An inmate may not be placed in such a way that they are subject to more intrusive supervision and control than is necessary to maintain order or security. When deciding on placement, the inmate's need of occupation, care, and appropriate release planning shall be taken into account to the extent possible. An inmate may not be placed so that they live together with inmates of the opposite sex. However, it may be permitted if this is appropriate and the inmates consent to it. An incarcerated child, i.e. a person under the age of 18, may not be placed so that they live together with inmates aged 18 or over unless this can be considered to be in their best interests.²

During the time that they are obliged to carry out or take part in an occupation, an inmate shall stay with other inmates (association) unless otherwise provided in the Act on Imprisonment or resulting from the special nature of the occupation. Furthermore, an inmate shall be given the opportunity to spend their leisure time associating with others.³

The starting point is thus that prison inmates have association with others but they may be held separate from one another in connection with the daily rest period.⁴ Such separation generally applies in prisons in security class 1 and 2. In this context, it may be noted that the Act on Imprisonment, unlike the Act on Detention, does not contain any regulation stating that an inmate has the right to be placed in their own room as a general rule. An inmate may, if appropriate, be allowed to be separated from other inmates at their own request. In addition, inmates may be held separate from one another if it is necessary to maintain order or security, and an individual inmate may be placed in segregation if necessary, for example, having regard to the existence of a risk to the life or health of the inmate or some other person. The regulation contains different but specific requirements for the re-examination of decisions on separation. An inmate who is being held separate from others because they behave violently or are a danger to their own life or health shall be examined by a doctor as soon as possible. Medical examination in other cases shall take place if needed having regard to the state of the inmate's health and at least once per month.⁵

The Ordinance (2023:797) with instructions for the Swedish Prison and Probation Service states that the authority's activities must be conducted in a safe, humane and efficient manner and prevent recidivism. In particular, the Prison and Probation Service shall take measures aimed at, inter alia, preventing criminal activity during enforcement and adapting the content of the enforcement to each individual's needs. The number of remand prison and prison places shall be continuously adapted to the need.

The Prison and Probation Service has decided on instructions on how to handle issues of double occu-

2.2

Regulation and guidelines on double occupancy

pancy.⁶ In these, double occupancy is defined as two inmates staying in the same room in connection with the daily rest period. It also states that the authority considers that there are reasons that indicate that it is more appropriate to double occupy residential rooms in prisons than in remand prisons, especially as inmates in prisons have greater opportunities for being outside the residential room, occupation, other leisure activities, and association.

The instructions note that Swedish legislation has no special requirements on how residential rooms in prisons shall be designed, like there are for remand prisons. The Prison and Probation Service refers to

international standards and states that the starting point should be that the cell has a floor area of at least eight square metres, excluding sanitary space, in case of double occupancy in prisons. If such spaces are not available, residential rooms with a floor area of six to eight square metres, excluding sanitary space, can also be used for double occupancy. In such placements, the total floor area must be large enough to allow for unhindered movement between furniture. Against this background, the residential room shall be equipped with a bunk bed. If a bunk bed is not installed and a double occupancy space still needs to be used, a mattress may be used for the limited time a bunk bed is installed.

Before using double occupancy, the following circumstances must also be taken into account.

- If the double occupancy may pose security risks, e.g. significant risk of violence, risk of continued criminal activity, particularly unsuitable client constellations or other significant risks.
- The inmate's individual circumstances and suitability to be placed in double occupancy, especially with regard to his or her mental and physical state of health. Note that no consent is required from the inmate for double occupancy to take place.
- The extent to which the inmate has the opportunity to spend time outside the residential room through, e.g. occupation and leisure activities and to spend time outdoors/have access to daylight and fresh air (in the case of double occupancy in residential rooms 6-8 sqm, the longer a placement lasts, the more important it becomes to consider the possibility of spending time outside the residential room).
- If the residential room is appropriately designed (compare what applies to residential rooms in remand prisons and police custody facilities in Section 2 of the Ordinance (2014:1108) on the design of remand prisons and police custody facilities). If the residential room is appropriate and suitably equipped (see Chapter 1, Sections 17 and 18 of the Prison and Probation Service's Regulations and General Advice (KVFS 2011:1) on prisons, FARK Prison).
- If the inmate has the opportunity to use the toilet separately and under acceptable hygienic conditions.
- If the conditions in the residential room in terms of air volume, lighting, heating and ventilation are acceptable.

1 Chapter 1, Sections 4–6 of the Act on Imprisonment and Gov. Bill 2009/10:135 p. 70 f. and 119 ff.

2 Chapter 2, Sections 1–3 of the Act on Imprisonment.

3 Chapter 6, Sections 1 and 2 of the Act on Imprisonment.

4 Chapter 6, Section 3 of the Act on Imprisonment.

5 Chapter 6, Sections 4–10 of the Act on Imprisonment.

6 See the Prison and Probation Service's instructions for occupancy of more than one inmate in the same space (2024:4), which in April 2024 replaced the Prison and Probation Service's instructions for double occupancy in prisons and in remand prisons (2020:8).

3

Overcrowding and double occupancy

3.1

Overcrowding and double occupancy

Review and reports in recent years



Former sports hall in Rosersberg Prison.

3.1.1 Introduction

Overcrowding in remand prisons and prisons is a recurring problem and occurs in several European countries. As early as 1999, the Council of Europe adopted a recommendation that a maximum capacity should be set for the number of inmates that each remand prison and prison can receive to avoid excessive levels of overcrowding.¹ According to the Council of Europe, an occupancy rate of more than 90% is an indicator of imminent overcrowding.² The CPT has drawn attention to various explanations for overcrowding and established that *“We know that prison overcrowding may seriously harm prisoners and those around*

*them.”*³ As previously mentioned, the CPT has also observed that a common way to deal with overcrowding is to let two or more inmates share a cell, i.e. through double occupancy.

3.1.2 Research reports on double occupancy

Research on the effects of double occupancy is limited. Some studies deal with questions about the psychological, physical and social consequences for the inmates and how the staff’s work environment is affected. In the Netherlands, double occupancy was introduced in the prison system in 2004 with the aim of increasing capacity. In a couple of studies that were subsequently carried out, it was reported that inmates who share a cell generally experience the prison climate as worse than inmates who are placed in their own cell, which, inter alia, leads to poorer relationships between staff and inmates.

One conclusion drawn is that double occupancy undermines the Dutch so-called penological philosophy, which means that relationships between staff and inmates are key to the treatment and rehabilitation of inmates. The studies also highlight that overcrowding not only causes crowding but also affects the mental health and well-being of the inmates. The situation often leads to an increased number of violent incidents between inmates and between inmates and staff. This is a direct consequence of more people being forced to live in confined spaces for long periods without adequate access to recreation or rehabilitation. Other consequences of overcrowding include worsening hygiene conditions and an increased risk of spreading diseases, which further strains the resources and staff of remand prisons and prisons. The relationship between

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Overcrowding and double occupancy

inmates who are forced to share a cell can also be a source of stress and conflict, and those who have not chosen a cellmate themselves may experience increased fear and insecurity. This is said to be particularly problematic for vulnerable inmates, who may be more likely to react negatively to things that cause stress. To reduce these risks, it is considered important to carefully consider which inmates are placed together and to give the inmates the possibility to change cellmates if conflicts arise.⁴

3.1.3 The Prison and Probation Service's report on overcrowding

In March 2024, the Prison and Probation Service published the report *Kort om överbeläggning, Risker för klienter och personal* [Briefly on overcrowding, Risks for clients and staff]. It is a so-called brief report, which is part of a series of publications on current topics related to correctional care. The report concludes that the studies presented therein indicate that overcrowding does not entail a clearly increased risk of negative outcomes for inmates. On the other hand, the Prison and Probation Service believes that the research is more consistent that there are such correlations when it comes to the consequences of overcrowding for staff.

The report is based on a selection of previous research studies, the majority of which come from American institutions where overcrowding has been a reality for a long time. There is no information on how the scientific and other studies referenced have been selected. It can also be noted that it is most often overcrowding that has been studied, while studies of double occupancy have only been done to a lesser extent. It is emphasised that the brief reports are a complement

to the more thorough, scientific and quality-assured R&D reports, which include more detailed analyses, systematic evaluations, and in-depth studies. The brief reports are, unlike the R&D reports, not peer-reviewed outside the Prison and Probation Service. Instead, the ambition is said to have been to produce a discussion paper or knowledge support that can quickly benefit the activity. Thus, the report has not been reviewed by the scientific council tied to the Prison and Probation Service or by any other external researchers. To the best of our knowledge, no specific R&D report on double occupancy and its consequences has been produced by the authority. Against this background, it is not entirely clear how the brief report on overcrowding arrived at the overall assessments just presented.

3.1.4 Previous reviews of overcrowding and double occupancy by the Parliamentary Ombudsmen

As early as in December 2000, the Parliamentary Ombudsmen stated in a decision, in the light of safety and environmental factors, but also taking into account the purely human aspect, that a more or less routine double occupancy of cells in remand prisons may not be used to solve a strained occupancy situation.⁵ The consequences of inmates sharing a cell have subsequently been repeatedly highlighted by the Parliamentary Ombudsmen, in both major reviews and individual cases and decisions. In 2019, a major survey of the occupancy situation in remand prisons and the National Assessment Unit at *Kumla Prison* was carried out within the framework of the Parliamentary Ombudsmen's OPCAT assignment. In the subsequent decision, the Parliamentary Ombudsmen emphasised, inter alia, the following.

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When double occupancy is deemed necessary, it is in light of the fact that enforcement shall take place under safe and secure conditions and with respect for the inmate's human value, a reasonable starting point is that it is primarily consenting inmates who share cells. The staff must also explain that the inmates can decline. As an inmate is always in a position of dependence on the staff, the question of sharing a cell must not be posed in such a way that they feel forced or as if the matter has already been decided. Furthermore, the conversation should also be conducted under such conditions, e.g. in private, that the inmate does not feel pressured to consent. The Parliamentary Ombudsmen also established that it is not possible to ignore the increased risk for conflicts. An inmate who is forced to share a cell and feels fear or anxiety must be taken seriously and the staff has a great responsibility to continuously check up on inmates sharing cells.

Such follow-up should reasonably be done in private and be documented. In addition, there must be a readiness to immediately interrupt a double occupancy. Inmates must also be given the opportunity to spend parts of the day alone or with other people than the person they share a cell with, and to spend time with other inmates during their outdoor access. According to the Parliamentary Ombudsmen, it is not acceptable for inmates to share a cell for weeks.⁶

3.1.5 The occupancy situation in the Prison and Probation Service's prisons 2019–2024

In December 2019, there were 45 prisons with a total of 4,497 places.⁷ From the memorandum *Ökat klientflöde – Kriminalvårdens samlade bedömning och förslag till åtgärder* [Increased Client Flow - The Prison and

Probation Service's Overall Assessment and Proposed Measures] of February of the same year, it is clear that the authority then calculated that ten years later there would be a need for about 9,500 places in remand prisons and prisons.

In the *Prison and Probation Service's capacity report 2024–2033*, the authority points out that previous impact calculations are uncertain but that they indicate, regardless of the range, a drastically increased need for places in the coming ten-year period, especially in prisons. With this in mind, the authority intends to implement a historically powerful expansion plan with a tripling of the number of places. Together with an increase in temporary and standby places, the plan is for the Prison and Probation Service to have a total of about 27,000 places in remand prisons and prisons in 2033. The number of places in December 2023 was approximately 9,000, of which approximately 6,000 were prison places. The authority's assessment is that the number of full-time equivalents would need to more than triple, but at the same time notes that such an increase is not possible.⁸

In the aforementioned latest major Parliamentary Ombudsmen's review of the occupancy situation in the Prison and Probation Service, it was noted that the authority had previously strived for an occupancy rate that would make it possible, if necessary, to break up negative groupings, relocate inmates, and avoid serious incidents. From the point of view of both clients and staff, the authority considered that a normal occupancy rate corresponding to 90 per cent was an important success factor for the dynamic security work. The Prison and Probation Service considered

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that an occupancy level close to or exceeding 100 per cent over a longer period posed significant risks in the security work, which was said to be due to the risk of major incidents increasing as well as the pressure on the employees. Nowadays, the Prison and Probation Service states that the authority's focus is to reach a normal where the occupancy rate is 98 per cent of the regular places to enable differentiation of the inmates. According to the authority, the reason for this adjustment is primarily the volume changes that the planned expansion entails.⁹

3.1.6 The Prison and Probation Service's handling of overcrowding in prisons

At the end of 2023, the Director-General of the Prison and Probation Service made a policy decision that the authority shall take measures that ensure the objective of sufficient capacity in remand prisons and prisons to be able to receive all remand prisoners and those sentenced. According to the decision, the measures will primarily be aimed at creating more prison places, which will enable sentenced persons with enforceable judgments to be moved from remand prison to prison.¹⁰ To achieve this, the Prison and Probation Service's regions would be tasked with creating a certain number of places.

According to the decision, the measures could also involve the construction of simpler and temporary buildings.

On the same day, the director of probation, remand prisons and prisons decided to assign the regional managers the following tasks in prison operations:

- Plan and take measures to ensure that all prison residential rooms exceeding 6 square metres can be double-occupied.¹¹
- Ensure that two-thirds of existing visiting rooms in security classes 1 and 2 are made available for occupancy from 16 October 2023 at the latest and, to the extent possible, equip these so that they meet the requirements for residential rooms.¹²

In February 2024, the department director made a new decision on further increased capacity in certain prisons.¹³ The reason given was that there were signals of severe delays in the progress of increasing density in many prisons. The Regional Managers for Mid, North, South, West and East were tasked, with the support of the national task force, to:

- Investigate the conditions for and describe the consequences of urgently using all residential room exceeding 6 square meters for double occupancy in the *prisons Salberga, Härnösand, Ringsjön, Johanneberg, Östragård and Västervik*.
- The investigation and description shall state how many places are possible to create, should the need for additional staff arise, the preliminary cost and time for this, as well as any obstacles and need for compensatory measures to occupy all potential rooms.

It may be noted that the latter assignment, concerning double occupancy in cells with a floor area of only six square meters, gives the impression of going beyond the authority's instructions on occupancy of more than one inmate in the same space.

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- 1 See Committee of Ministers of the Council of Europe, Recommendation No. R (99) 22 on prison overcrowding and prison population inflation.
- 2 See White paper on prison overcrowding, CM(2016)121-add3.
- 3 See CPT/Inf (2022) 5-part, Combating prison overcrowding.
- 4 See Molleman, T., and van Ginneken, E. F. J. C. (2015). A Multilevel Analysis of the Relationship Between Cell Sharing, Staff–Prisoner Relationships, and Prisoners' Perceptions of Prison Quality. *International Journal of Offender Therapy and Comparative Criminology*, 59(10), 1029–1046. <https://doi.org/10.1177/0306624X14525912>. See also van Ginneken, E (2022). Is Cell Sharing Associated with Wellbeing, Misconduct and Prison Climate? Evidence from a Dutch Study. *European Journal of Crime, Criminal Law and Criminal Justice*. 30, 41–68. <https://doi.org/10.1163/15718174-bja10029>.
- 5 See the Parliamentary Ombudsmen's decision of 21 December 2000, ref. no. 857-2000.
- 6 See JO 2021/22 p. 261, ref. no. O 19-2019.
- 7 See the Prison and Probation Service's annual report 2019, which shows that the figure indicates the average number of places including standby places.
- 8 See the Prison and Probation Service's capacity report 2024-2033, ref. no. KV 2023-14991. It can be noted that the authority in its latest capacity report indicated that the need for places in 2034 amounts to 29,000 but at the same time noted that the forecasts are uncertain, Prison and Probation Service's capacity report 2025-2034 ref.no. KV 2025-3916.
- 9 See the capacity report 2024-2033, p. 26.
- 10 See decision of 16 October 2023, ref. no. KV 2023-23402.
- 11 See decision of 16 October 2023, ref. no. KV 2023-23462-3.
- 12 See decision of 16 October 2023, ref. no. KV 2023-23462-2.
- 13 See decision of 19 February 2024, ref. no. KV 2024-4984-2.

4

How the series of inspections has been carried out

4.1

How the series of inspections has been carried out

Different types of prisons and places



Cell corridor in Brinkeberg Prison.

On 31 December 2023, there were a total of 46 prisons within the Prison and Probation Service (40 for men and 6 for women) with an average of 5,782 places.¹ This includes the average number of available places, including temporary and standby places. Within the Prison and Probation Service, there are thus different types of places. Standby place refers to a place for double occupancy within existing infrastructure in a cell that is originally intended for one inmate. The standby places are normally opened for a limited time to deal with overcrowding. When two inmates share such a cell, the places consist of a *permanent (regular) place* and a standby place. A *temporary place* is opened for a limited time to handle a particularly high occupancy. Temporarily opened places are usually located in other types of rooms than regular cells, e.g. in visiting rooms.

The prisons are divided into three security classifications: 1, 2 and 3. Class 1 prisons have the highest security and Class 3 prisons the lowest security. It is primarily the ability to prevent escapes and freeing attempts that determines the security classification of the prison. A prison can have more than one security classification if the departments have different levels of supervision and control. At three prisons in security class 1, there are security departments in special buildings (the so-called Fenix units in *Hall*, *Kumla* and *Saltvik prisons*). These are specially adapted for, inter alia, inmates who are assessed to have a high and persistent risk of escaping and are also particularly prone to relapse into serious crime.

4.2

How the series of inspections has been carried out

Selection of the inspection objects and more details on the work

Five prisons have been visited during the series of inspections. All inspections have been carried out during the period July–October 2024 and all were unannounced. The selection of inspection objects has been based on the security classification and size of the prisons, i.e. the number of places. Another criterion has been to visit prisons for both women and men and to achieve a spread across the country. Furthermore, when a prison was last visited by the Parliamentary Ombudsmen has been taken into account to some extent. Another important factor in the selection has been the number of additional standby places that the Prison and Probation Service has created in connection with the increased influx of persons deprived of liberty. The fact that the prison has decided to extend the lock-up period in connection with the so-called daily rest period has also been taken into account.²

4.2.1 Issues etc.

Before the series of inspections, a number of questions were prepared as a basis for the thematic focus on double occupancy. The questions included, inter alia, reported incidents as a result of two inmates sharing a cell, the physical environment, and matching of inmates for double occupancy. Throughout the various visits, special questionnaires have been used for the interviews held with inmates and staff. These have mainly concerned the areas dealt with in section five. There have also been a number of selection criteria for conversations with the inmates, e.g. age, length of the imprisonment, and state of health. All conversations with inmates were voluntary. Furthermore, interviews have been held with different categories of staff, such as prison officers, prison inspectors, officers on duty

and the prison director, as well as with both permanent and hourly employees.

A starting point has been to hold interviews with at least one nurse at each inspected prison and, where possible, with a psychologist.

When conducting the inspections, the OPCAT unit's employees and, to some extent also employees from other parts of the Parliamentary Ombudsmen's activities, have participated. The Parliamentary Ombudsmen's experts in medicine and psychology have participated in the preparatory work and in the inspections. These experts have also made significant contributions to the work on this report.

Although the review has had a thematic focus on the risks and consequences of double occupancy, the Parliamentary Ombudsmen's employees have encountered other issues relating to the inmates' situation. In some cases, the Parliamentary Ombudsman has decided to investigate the situation of an individual inmate in greater detail and will revisit this in another context.

4.2.2 Prisons inspected

Rosersberg Prison (previously *Storboda*) is located in Sigtuna municipality and opened in 1988. It is a prison for men with places in security class 2. The Parliamentary Ombudsmen's most recent inspection of the prison took place in 2011.

Brinkeberg Prison is located in Vänersborg and opened in 1994. It is a prison for men with places in security class 2. The prison has not previously been inspected by the Parliamentary Ombudsmen.

4.2

How the series of inspections has been carried out

Saltvik Prison is located in Härnösand and opened in 2010. It is a prison for men with places in security class 1. At the time of the inspection, the prison had an extended lock-up period in connection with the so-called daily rest period. The Parliamentary Ombudsmen's most recent inspection of the prison took place in 2018.

Hällby Prison is located outside Eskilstuna and opened in 1958. It is a prison for men with places in security class 1. At the prison, an extended lock-up period in

connection with the so-called daily rest period is used. The Parliamentary Ombudsmen's most recent inspection of the prison took place in 2016.

Färingsö Prison is located on Ekerö and opened in 1989. It is a prison for women with places in security class 2 and 3. The inspection carried out as part of the series of inspections concentrated on the part of the prison with security classification 2. The Parliamentary Ombudsmen's most recent inspection of the prison took place in 2022.

4.2.3 Number of places according to the Prison and Probation Service's placement decision

A placement decision from January 2024 states how many places shall be available during the year within the Prison and Probation Service, ref. no. KV 2024-213. The information on different places in the prisons visited during the series of inspections has been obtained from the decision and is presented in the following table.

Prison	Total number of places	Of which standby places	Other places
Rosersberg	112	45	–
Brinkeberg	130	32	–
Saltvik	129	25	24 ³
Hällby	180	30	–
Färingsö ⁴	45	13	–

4.2.4 Number of places and occupancy rate, etc. at the time of inspections

The table below presents the occupancy rate in each prison during the Parliamentary Ombudsmen's visit as part of the series of inspections. Occupancy rate refers to the ratio between actual occupancy and capacity.

Prison	Total no. of places	No. of inmates	Occupancy rate with standby places/ regular places only	Other places
Rosersberg	113 ⁵	116	98 / 168 %	6 ⁶
Brinkeberg	130	131	98 / 139 %	4 ⁷
Saltvik	164	163 ⁸	99 / 157 %	24
Hällby	184 ⁹	207	113 / 160 %	–
Färingsö ¹⁰	46 ¹¹	47	102 / 147 %	–

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How the series of inspections has been carried out

4.2.5 Minutes on inspections

Following the inspections, brief minutes have been drawn up.¹² The minutes show, among other things, who from the Parliamentary Ombudsmen has participated in the inspection, the number of places and how many interviews have been held. In total, the Parliamentary Ombudsman and her colleagues have spoken to more than 110 inmates, of whom the majority shared a cell with other inmates at the time of the visit. It may be noted that many of these detainees had shared a cell with more than one fellow inmate since they arrived at the prison. Furthermore, interviews have been held with a total of about 70 employees.

1 See the Prison and Probation Service's annual report 2023. Two of the prisons were only open for part of the year (Kolmården and Åby).

2 See Chapter 6, Section 1 The Prison and Probation Service's Regulations and General Advice (KVFS 2011:1) on prisons, FARK Prison.

3 Special security places in the Fenix building, which are not double-occupied.

4 The report only refers to places in security class 2.

5 At the time of the inspection, a standby place had been added compared to the placement decision.

6 Temporary places added due to renovation.

7 Cells that were not bookable by the Prison and Probation Service's placement department.

8 Excluding the special security places.

9 The inspection found that the number of standby places was 54 and that 20 permanent places had been converted to separated places.

10 The report only refers to places in security class 2.

11 At the time of the inspection, a standby place had been added compared to the placement decision.

12 See ref. no. O 17-2024, O 18-2024, O 19-2024, O 24-2024 and O 25-2024. All minutes are published on the Parliamentary Ombudsmen's website www.jo.se. The joint case file for this report, as well as the previously published report on the consequences of double occupancy for remand prison inmates, can be found in the Parliamentary Ombudsmen's ref. no. O 14-2024.

5

**Observations made during
the series of inspections,
consequences and risks,
and the Parliamentary
Ombudsman's
recommendations**

5.1

Observations made during the series of inspections, consequences and risks, and the Parliamentary Ombudsman's recommendations

About sharing cells etc.

5.1.1 Starting points

Unlike what applies to a detained person, a prison inmate does not have a statutory right to be placed in a single cell. At the same time, most of the Prison and Probation Service's prisons are built and designed so that those serving a prison sentence shall be placed in a single cell. Until recently, such a placement was also the authority's starting point for the prisons in security class 1 and 2. The prisons have different departments, usually with their own common space that is normally adapted to the number of inmates for which it was originally planned. As previously described, inmates generally have the right to associate with others during the day but are locked in a cell in connection with the daily rest period. As a rule, the daily rest period is 12 hours in a prison in the two highest security classes, but the individual establishments may decide that inmates shall be locked up for a maximum of 14 hours in addition to the time spent locking and unlocking.¹

For a few years now, there has been a major lack of places within the Prison and Probation Service and the overcrowding is palpable. When such a situation arises within a prison system, a common and central measure is to decide on densification and that inmates shall share a cell. Although the focus of this report is specifically the consequences of double occupancy for prison inmates, some attention must be paid to overcrowding, as it in itself has consequences. It means, for example, that a significantly greater number of inmates, even a doubling, are staying in the prisons' departments, while the spatial conditions do not change. When more inmates are forced to share such areas, it often leads to increased friction and more

incidents of violence between inmates who share a cell. According to the Council of Europe's Committee against Torture, CPT, overcrowding can turn a prison into a human repository

and undermine all efforts to give practical meaning to the prohibition of torture and other forms of inhuman treatment. The resulting lack of personal space and privacy leads to a risk of danger to all inmates, especially those who are most vulnerable.²

overcrowding also affects the ability of inmates to participate in occupation, as there is often a lack of both physical and staffing conditions to have inmates in work programmes, programme activities or other structured activities. In a 2024 report, the Swedish National Audit Office pointed out that high client pressure, double occupancy of cells, and a large number of clients in a small area mean that the effects of treatment activities are affected by the fact that the supportive environment around the inmates becomes difficult to maintain. Crowding and staff shortages also make it difficult to offer clients sufficient occupational activities, which leads to more conflicts and to increased ill health.³

5.1.2 Observations and data collected

During the inspections, it became clear that the vast majority of inmates prefer to have their own cell rather than share a cell with another inmate. This applies even if they get along well with their cellmate. A clear majority of both inmates and staff are negative towards double occupancy and find it difficult to see any advantages in inmates sharing a cell.

5.1

Observations made during the series of inspections, consequences and risks, and the Parliamentary Ombudsman's recommendations



Kitchen in Saltvik prison.

As an example of advantages of sharing a cell, it was basically only mentioned that you have the company of someone and preferably someone you really enjoy being with. However, many described double occupancy as very trying in these situations as well – especially in the long run. Several also emphasised that these are exceptional cases.

Staff emphasised, e.g., that if so, it is a matter of “chance” and “flukes” and that “*in the vast majority of cases it is all negative*” with respect to double occupancy. Inmates also described it as a “lottery”. One inmate explained that “*There are many advantages if you are respectful towards each other and share your experiences with each other, but at least as many disadvantages*”. Another stated that “*It’s positive if you live with someone you like and you encourage each other to improve*” but otherwise described it as “torture”.

Lack of alone time is a common thread

The interviews with inmates and staff provide a coherent picture of the fact that an inmate who shares a cell basically has no time for themselves, i.e. room for

alone time is exceptionally limited. Depending on the time of the daily rest period, you are locked up with the cellmate for 12 or 14 hours a day and the only opportunity for alone time is basically when the cellmate is out in the department or engaging in occupational activities. However, many inmates engage in occupational activities at the same time as their cellmate. Both inmates and staff said that inmates sometimes take sick leave from their occupational activities in order to be alone and have some privacy for a while.

But if you have a cellmate who stays in the cell for large parts of the day, it is almost impossible to get any alone time. It is also perceived as difficult to ask the cellmate to leave the cell, e.g. because the cellmate is unwell or because it risks leading to a conflict. One inmate described that “*There are people here who are totally steamrolled – older people, people who are a little fearful. If you don’t have authority, you’ll be steamrolled and will never get your alone time*”. Several inmates stated that the only time they are actually alone is when they shower.

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The majority of the inmates highlighted the lack of alone time as the main disadvantage of double occupancy. They described it as very taxing not having any “privacy” and expressed a need to be left alone to be able to unwind, reflect and process emotions – especially at night after lock-up. One inmate expressed it as “*you just want to be left alone, reflect or devote oneself to personal matters*”, another that “*you have to have your alone time*” to “*sit and write your innermost thoughts on letters to the family*”. Another explained that “*You don’t have much time to think about your mistakes when you’re in double occupancy. There is no reflecting on what you have done.*”

The need to maintain a façade was a recurring theme in many interviews, and several inmates expressed that you can never “*unmask*” or be “*yourself*”. One inmate said “*You get emotionally disturbed in some way. You have to keep in mind that there is someone else there.*” Others described it as “*Very stressful in the long run*” to not be able to “*shed a tear or show your true self*” and that “*you are constantly on your toes*”. Several expressed a need to be able to cry in peace. One inmate commented that when he is sad, e.g. after receiving letters from his children, he “*can’t sit and break down in here*” and another said that she “*haven’t cried for a year because I can’t find space to do that*”.

The inmates who studied or participated in programme activities felt that the lack of alone time made it more difficult for them both with studies and participation in programme activities. For example, one inmate said it is “*nearly impossible*” to study if you are placed in a double-occupied cell. Another described that “*I’m trying to study but it’s not possible because it’s so noisy and I can’t be in the cell either*”. Regarding programme activities, one inmate expressed that “*Alone time is super important for one’s personal development. If I am in a programme, I want to reflect on it, otherwise it*

will be meaningless”. Several inmates also mentioned that cellmates can affect each other negatively: “*With two criminals, there will be talk of criminal activity. I want alone time to think about what I’m going to do in the future.*”

Mental health is also adversely affected by the lack of alone time, according to the inmates. Many described that it leads to increased stress, irritation, and aggression. One inmate described it as “*You become a ticking time bomb*”. Another said that they “*feel terrible*” and “*can wake up angry*”. Others stated that they become depressed and several had difficulties sleeping. Inmates with previous experience of being placed in their own cells described that lock-up in connection with the daily rest period used to be the “*best time*” of the day but, due to double occupancy, that is no longer the case. One inmate explained that he felt “*a different kind of freedom*” when he temporarily lived alone in a double-occupied cell.

Another said that he didn’t realise how miserable he was being placed in a double-occupied cell until he was placed in his own cell. He likened it to the feeling when he was detained after having been both wanted and under death threat: “*I will live, I will not die*”.

Some staff members did not seem to have reflected on whether the lack of alone time can affect the inmates, but most who the Parliamentary Ombudsmen’s employees interviewed felt that this adversely affects the inmates and described the situation as problematic. For example, one employee stated that “*The inmates are more irritated – losing their temper and patience. They can never be alone and there is constant noise at all times everywhere in the department. I understand that many people really don’t cope well in this situation.*” Another described that the inmates “*are already in a closed environment that has been found to cause more*

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trouble and now we are restricting the person's space even more – forcing them into cramped social situations". Several expressed understanding: "It's terrible that they don't get alone time. I would go crazy in a week. I don't understand how they manage it." Other staff members expressed frustration over the situation: "It feels a bit hopeless sometimes. You talk about them getting better when they get out and then the housing situation is the way it is."

Both inmates and staff emphasised that there are inmates who have a special need for alone time and believed that double occupancy therefore puts extra pressure on them. For example, one employee noted that many inmates are very unwell and have experienced different forms of trauma. Others described that many inmates have difficulty managing their thoughts and feelings, especially in tense situations. An employee expressed that *"Many inmates have some form of diagnosis and it complicates things when you share. It's downright crap."* Another employee considered that *"at least a third can't really live with another person"*. One inmate described it as *"99 per cent of us convicted have different diagnoses. We must suffer together – cope with each other – just because we are criminals, but that is not possible."*

Sharing a cell and other spaces with other inmates leads to more conflicts

Many inmates told of conflicts with their cellmates and described the overcrowding as very trying. Several had seen recurring conflicts between cellmates out in the department. The descriptions were similar: *"little things grow huge"* and develop into *"conflicts that can escalate over nothing"*. For example, one inmate had *"seen a lot of conflicts in rooms – a small irritation that builds and becomes huge. Eventually, someone says something stupid and it's on."* Even inmates who got along well with their cellmate described it as inevitable that irritation occurs when you are forced to spend

so much time together in a small area. For example, they stated that *"you are annoyed by each other's habits"*, *"eventually, there will be a quarrel even if you like each other"* and *"even if it had been my own siblings, it's not tenable in the long run."* Several inmates described that the general level of conflict in the department is increasing due to the double occupancy, among other things because it leads to more irritation and anger.

The circumstances most often cited as a reason for disagreements between cellmates were lack of personal hygiene, different perceptions of order in the cell, different routines or circadian rhythms, disturbing each other at night in different ways, and having different personalities. One inmate described that *"It is inhuman in some way that you end up with someone who snores a lot, is unhygienic, has stuff everywhere, doesn't clean the toilet after them. It builds up inside you."*

At all prisons, except for Färingsö Prison, staff described that inmates are regularly threatened away from a department. This is done by an inmate telling their roommate that they must leave the department, otherwise there is a risk of being exposed to violence. A threat can also mean that several inmates at the same time violently attack a fellow inmate who they do not want to keep in the department. The management at Saltvik Prison believed that a contributing factor to the threats is that there are no single cells, which has previously been a protective factor for this type of violence.

Overall, staff in the various prisons confirmed the view of the most common areas of conflict between cellmates. Several staff members also described that the environment has become tougher and that the number of incidents between inmates has increased. Some employees believed that conflicts arise between cellmates that would not occur if the inmates were placed in their own cells and that this affects the atmosphere in the department.

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Cell in Hällby Prison.

Overcrowding means less client-oriented work

A clear majority of the inmates felt that the staff are very rarely in the department. This generally only happens in connection with locking and unlocking, supervision and searches, or other practical tasks that arise. Other times, the staff are mainly in the guard booth and very little client-oriented work is done. However, several inmates expressed a desire for staff to be more present in the department to see what needs exist and to have control over what is going on. The inmates also described being left alone to handle conflicts that the staff should help with. One inmate stated *"It becomes the inmates' job to maintain order when individuals don't follow the rules and there is a lot of pressure on us. They approve of us reporting each other."* Another inmate said: *"I think that the younger ones who have a gangster mentality can't handle staff, they make it so they're never there. I wish there were more staff in the department for better relations."*

The view that staff are not present in the departments was shared by both employees and the management of the prisons. As an explanation, it was mentioned, inter alia, that there is a large number of clients in a small area, which means that it can feel risky to be in a department. One prison officer expressed that *"you can't go in there, they're younger and many staff members don't want to be in the department."* Another employee described that *"You can't stand around in the department and talk to inmates. It is usually not threatening, but you have to be vigilant"*. Several staff members were of the opinion that the inmates do not want them to be in the department.

The management of one prison said that it is an extremely tough environment out in the departments and that it is not easy for the staff to be there. Furthermore, they noted that the departments do not have any natural spaces for interaction between inmates and

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staff, which further complicates the client-oriented work. Another prison management described that the staff now have a more strained situation due to the fact that the prison receives more clients but does not have more premises. They also felt that the situation is affected by the fact that many of the new employees have limited professional experience, which risks leading to a deterioration in contact between staff and inmates. One consequence is that the staff have a low knowledge of individual inmates. During an interview with a psychologist, they expressed concern that the distance between inmates and staff is growing and that it may be a breeding ground for incidents. There is a big difference between conversations that concern the exercise of public authority and having a conversation on a human level, and the psychologist

believed it is important that both types of conversations are allowed to take place to counteract an inappropriate jargon and an “us” and “them” feeling.

Sharing a cell gives less opportunity to have private conversations with relatives and others

Both inmates and staff described that it is difficult for inmates to have private phone calls with relatives, as well as with lawyers and authorities, due to the double occupancy. Several inmates explained that their relatives are unable to talk on the phone during the day and that they therefore had to call in the presence of their cellmate after lock-up. Some only called if they were alone in the cell – which is especially difficult if you have a cellmate who often stays there – or if they can retreat into other spaces, such as the corridor, gym or shared toilets and shower rooms. Some inmates said they are usually considerate towards their cellmate and leave the cell or refrain from entering when the cellmate is on the phone. However, many explained that they themselves are reluctant to ask their cellmate to leave the cell, i.e. to avoid a conflict.

Not being able to speak privately with close relatives affected the inmates. One described that “*For example, I can’t talk to my partner like I would if I were alone*” and another that you “*have a lot to say but can’t because you have to keep up a front*”. One inmate explained that it is “*Impossible to talk to the kids in peace*”. Some inmates said that it can also be uncomfortable to talk to relatives in the presence of the cellmate because it annoys them. Another problem raised was the risk of phone calls within the Prison and Probation Service’s special telephone system being cut off because it picks up sound from the cellmate’s TV, which can affect a phone permit.

The inspections also showed that a hierarchy in a double-occupied cell can affect how telephone calls with relatives are handled. For example, one employee said it could be the “*strong one*” who takes care of the phone if inmates are allowed to have one in the cell after lock-up. A couple of inmates confirmed that view, and also said they have to put on headphones or go into the toilet when their cellmates want to talk on the phone.

5.1.3 Consequences and risks

As previously reported, the Council of Europe has recommended that a ceiling should be set for the number of inmates that each remand prison and prison can receive, in order to avoid excessive levels of overcrowding, and has assessed that an occupancy rate of more than 90 per cent is an indicator of imminent overcrowding. According to the Prison and Probation Service’s annual report 2024, the average occupancy rate in the prison at the time was 98 per cent calculated on all available places and 131 per cent calculated on permanent places.

It is not easy to identify what constitutes direct consequences of the overcrowding in itself and, respective-

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ly, of double occupancy. The conditions that emerged from the investigation thus mean that the opportunities for other breathing spaces, such as receiving visits from relatives, are also limited, and it emerged that there is a lack of premises for occupation activities. Overall, the environment becomes messy, restless, and very tiring, which in turn affects the inmates' opportunities for recovery and calm. It is also clear that the so-called dynamic security work is affected. As the staff presence in departments and client-oriented work are lacking, it is reasonable to conclude that the inmates do not receive the support necessary to meet their needs in a satisfactory manner, and that particularly vulnerable persons deprived of liberty may be harmed.

The lack of alone time is a recurring theme throughout the series of inspections and is a central consequence of inmates being forced to share a cell. These inmates are basically never alone but spend all hours of the day in the presence of their cellmate or other inmates. As evident, the departments' common areas and the other environment they spend time in are also characterised by crowding. It is obvious that the risk of, inter alia, ill health and conflicts increases.

It is reasonable to assume that alone time is necessary for the psychological and emotional well-being of prisoners, who are subject to constant control and are also confined to small and locked spaces. Alone time enables reflection and can promote mental health as well as recovery and rehabilitation. Conversely, the absence of alone time can lead to significant negative effects, exacerbating the already challenging conditions for prison inmates. Prisons have a physical and social environment that is reasonably psychologically stressful for most inmates. Alone time gives inmates a refuge from the constant presence of staff and other inmates as well as other physical and mental stresses that upset the body's equilibrium (stressors).

Alone time is also crucial for enabling reduced stress and preventing mental health issues, such as anxiety and depression.⁴ Without sufficient alone time, it is conceivable that inmates are at risk of various stress-related conditions. The constant interaction and engagement with other inmates and correctional staff can lead to cognitive overload, where the brain is overworked and unable to function optimally. This state of chronic stress can culminate in burnout, characterised by emotional, physical, and cognitive exhaustion.⁵ Lack of alone time may also exacerbate feelings of frustration and aggression among inmates. Without the possibility to process and regulate their emotions, they may be more prone to outbursts and behavioural problems. This lack of emotional regulation can lead to increased conflicts within the prison environment.

Another clear consequence of the double occupancy is conflicts between cellmates and the risk of such arising. It is almost inevitable that various forms of conflict arise between inmates who are forced to stay together in a small space for large parts of the day. Sharing a very limited area with an unknown person is in itself an ordeal, which reasonably causes stress for many. The more the situation is characterised by conflicts, the worse that stress risks becoming. After lock-up, inmates who share a cell also have no possibility of withdrawing to avoid a brewing conflict. The fact that some of the visited prisons had decided on extended lock-up time likely causes the inmates additional stress. However, the basic data regarding normal and extended daily rest period was too limited to be able to make any far-reaching comparisons. In any case, it is clear that the space for alone time for the inmates who are locked up for 14 hours instead of 12 hours will be limited further.

The legislator has considered that inmates' contacts with the outside world, and especially those closest

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to them, are crucial for a humane correctional treatment. Not being able to have phone calls with relatives in peace and without the presence of the cellmate or other inmates can make it difficult for the inmates to maintain pro-social contacts and also impair their own well-being. When such contacts are restricted, it can contribute to a reduced opportunity for rehabilitation. Another consequence that has come to light during the series of inspections is that the actual conditions can also prevent private conversations and contacts that inmates need to have with lawyers or government representatives, such as a senior probation officer or social worker.

5.1.4 The Parliamentary Ombudsman's recommendations

The Prison and Probation Service is recommended to:

1. strive for an occupancy rate that gives the individual establishments actual space to differentiate inmates and, if necessary, relocate inmates within a prison,
2. draw attention to the importance of alone time and structure the activities in a way that ensures that inmates who share a cell are given the opportunity to spend a certain part of the day alone,
3. ensure that there is sufficient staff presence in the departments to maintain client-oriented work, and
4. ensure that inmates who share a cell are regularly given the opportunity to make phone calls to relatives and other justified calls without the presence of fellow inmates or prison staff.

1 Chapter 6, Section 3 of the Act on Imprisonment and Chapter 6, Section 1 FARK Prison.

2 See CPT/inf (2022) 5-part, Combating prison overcrowding.

3 *Verktyg för förändring – Kriminalvårdens behandlingsverksamhet, Riksrevisionens granskningsrapport* [Tools for change – The Prison and Probation Service's treatment activities, The Swedish National Audit Office's audit report] RiR 2024:13.

4 e Nguyen, T. T., Ryan, R. M., & Deci, E. L. (2018). Solitude as an Approach to Affective Self-Regulation. *Personality & Social Psychology Bulletin*, 44(1), 92–106. <https://doi.org/10.1177/0146167217733073>.

5 See O'Connor, D. B., Thayer, J. F., & Vedhara, K. (2021). Stress and Health: A Review of Psychobiological Processes. *Annual Review of Psychology*, 72(1), 663–688. <https://doi.org/10.1146/annurev-psych-062520-122331>.

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Physical environment

5.2.1 Starting points

When it comes to the physical environment, there are a number of international documents and standards for Sweden to consider and abide by. It is mainly about what the Council of Europe's Committee against Torture, CPT, has recommended and what is stated in the European Prison Rules.

The European Prison Rules include, inter alia, provisions on the spaces where persons deprived of liberty are placed. These state that the placement offered to inmates, especially for the daily rest period, shall be humane and respect, as far as possible, the need for privacy and meet the requirements of health and hygiene. Due consideration shall be given to climatic conditions and in particular to floor space, air volume, lighting, heating and ventilation. Inmates shall also have access to sanitary spaces that are hygienic and offer privacy. Furthermore, the windows shall be large enough to allow inmates to read or work in daylight under normal conditions, and there shall be an alarm system that enables inmates to quickly get in touch with staff. Minimum requirements for living conditions shall be laid down in national law, which shall also include mechanisms to ensure that these requirements are not waived due to overcrowding in the prisons.¹

The CPT provides recommendations in the form of standards, among other things. In a later standard on living spaces for inmates, the CPT states that a cell where two inmates are placed should have a floor area of at least ten square metres, excluding sanitary

space. Furthermore, the CPT considers that if the cell is equipped with a sanitary space, it shall be separated from the rest of the floor area from floor to ceiling.² The Parliamentary Ombudsmen have endorsed both of these recommendations.

However, as reported, *Kriminalvårdens anvisningar för beläggning av fler än en intagen i samma utrymme* [the Prison and Probation Service's instructions for accommodating more than one inmate in the same space] (2024:4) are based on the assumption that a cell should normally have a floor area of at least eight square metres, excluding sanitary space. If such cells are not available, double occupancy, according to the authority's instructions, can also take place in cells that are six to eight square metres, excluding sanitary space. The instructions were revised in April 2024. Previously, such small cells could only be used for double occupancy as a temporary measure under certain conditions and for a shorter period of time.

The legislator has not specified how a cell in a prison shall be designed.³ However, the Swedish Prison and Probation Service's Regulations and General Advice (KVFS 2011:1) on prisons, FARK Prison, state that an inmate's residential room shall be equipped with a chair, table, cabinet or shelf, a bed, bedding, a mirror, a notice board, a mug, an alarm clock, a radio, and a device that allows the inmate to regulate the inflow of daylight. In a prison where the inmates are locked in the cells in connection with the daily rest period – which is the case in prisons with security class 1 or 2 – there shall also be a TV in the cells. Such cells shall also have a signalling device to attract attention.⁴

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Cell in Rosersberg Prison.

5.2.2 Observations and data collected

The size of the cells and equipment

None of the inspected prisons are designed for regular double occupancy of cells. Various adaptations have therefore been made to handle the double occupancy that each establishment has been tasked with implementing, which has been associated with certain difficulties. The cells that are now used for double occupancy were previously usually only occupied by one person and the majority varies in size between about six and nine square meters, excluding sanitary space. Some of the prisons, however, have a few cells that are larger than that. For example, a cell in *Färingsö Prison* was inspected where the floor area was measured at just over seventeen square metres.

Many inmates expressed that the space in the double-occupied cells is too small for two people. One

inmate described that you “*clash*” with the cellmate. Another stated that “*these rooms are so tight, too, you walk into each other*”. And: “*The rooms are really way too small. If they had been bigger and airy enough it would have been okay.*”

With a few exceptions, the double-occupied cells visited by the Parliamentary Ombudsmen's employees were equipped with a bunk bed with two beds, two bedside tables, two bedside lamps, two TVs, a desk, a chair and various types of storage spaces.

Especially the storage spaces and the bedside tables varied in size. This was the case both between cells and within one and the same cell. In *Brinkeberg Prison* for example, there was one smaller and one larger cabinet for storing personal belongings in the same cell. A recurring opinion from inmates was that they want larger lockers, more storage spaces and the opportunity to lock up certain belongings, such as photographs and letters from close relatives. At several prisons, the inmates described that they have access to a small locker that is supposed to be lockable, but that the lock does not work or that they do not have a key to it. For example, one inmate was worried that someone would get their hands on his journal as he can't lock it up. Some explained that they would lock up basically all their belongings if they had the opportunity. Several also reported that there are thefts of things they cannot lock up, such as snus and phone cards.

Many lacked headphones for the TV, which meant that you might disturb one another. Several explained that they had asked for headphones but been told there were none or that it would take a while due to long delivery times. Some stated that the person who arrives last to the cell needs to use headphones, while the person who lived in it first can watch TV without headphones, which is considered a privilege. One inmate said that he had been given his own headphones,

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but the cord is too short for him to lie down in bed when watching TV.

Ventilation in the double-occupied cells

The majority of the inmates felt that the ventilation in the cells is inadequate; it gets hot and muggy in the summer and cold in the winter. One inmate described that it gets stuffy *“like living in a shoebox”* and another described the cell *“like a Silja Line booth”*. Many inmates felt that the air is also poor in the common areas.

According to many inmates, it is difficult to breathe due to the poor air – especially at night. Several inmates also described physical ailments, such as fungal skin infections on their backs. *“You wake up with phlegm in your throat. Your nose is always stuffy”* said one inmate. Another said, *“you often wake up with a thick throat, especially when it’s stuffy”*.

Several inmates spoke about different ways of trying to improve the air quality. Some stated that they get table fans if it’s too hot in the cell, but that it doesn’t help. One inmate said he has difficulty sleeping if the fan is on at night. In *Saltvik Prison*, one inmate said they are not allowed to have the cell door open to air out for a while during the day because it covers the camera, which results in a warning. In *Brinkeberg Prison*, a couple of inmates said they need to have the toilet door open for the ventilation to work, which is not viable in a double-occupied cell. Several inmates in *Rosersberg Prison* said there is a ventilation window but that they are not allowed to use it because it adversely affects the ventilation system. If they open the ventilation window, they receive a warning. In *Färingsö Prison*, a couple of inmates said the ventilation hatches in the cells are locked, which was said to be due to the fact that the ventilation system would be ruined otherwise.

Many staff members also expressed that the ventilation is poor. *“When it’s hot outside, it’s hot inside. Almost*

inhumane. The inmates get annoyed – not with staff, but with the building” said one employee. Staff in *Rosersberg Prison* described a department in the prison as *“a sauna”* and confirmed that the inmates receive a warning if they open the ventilation hatches.

During several of the inspections, the Parliamentary Ombudsmen’s employees raised the issue of air quality with the respective prison management. At the time, it was stated that the prisons have a dialogue with the property owner, who has mainly assessed the ventilation as satisfactory based on certain measurements. However, it did not in any case appear that measurements of the air in double-occupied cells had been made after inmates had been locked in there for some time, e.g. in the morning.

The sanitary spaces do not always have a door

In most of the prisons visited, the double-occupied cells have a sanitary space with a sink and a toilet. The exception is *Färingsö Prison*, where the cells lack a toilet and, in some cases, also a sink. After lock-up, the inmates there need to call for staff to go to the toilet. Several inmates said that it can take a long time to be let out, sometimes up to two to three hours. One inmate explained that *“I don’t think it’s okay at all. Feels like a right you should have: be able to go to the toilet”*. Several inmates said they have a potty in the cell, but that it feels awkward to use it in the presence of their cellmate. *“There is a potty, but it’s unsanitary so you don’t use it”* explained one inmate.

In *Brinkeberg* and *Rosersberg prisons* and parts of *Saltvik* and *Hällby prisons*, the sanitary space is separated from the other parts of the cell by a floor-to-ceiling door. In *Hällby Prison*, however, there are cells separated by so-called saloon doors, i.e. doors that do not reach down to the floor or up to the ceiling. According to the prison management, this is due to fire safety – if the door goes all the way up to the ceiling, an additional

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Curtain for toilet in Hällby Prison.

sprinkler needs to be installed. In *Saltvik Prison*, the areas of the majority of the double-occupied cells are only separated by a curtain. In both *Hällby Prison* and *Saltvik Prison*, there are double-occupied cells that completely lack anything to separate the sanitary space from the rest of the cell.

Many inmates described difficulties relieving themselves because the toilet is not sufficiently separated from other parts of the cell and experienced the situation as very difficult, especially after lock-up. Several commented that it feels “*like shit*” and “*degrading*” to use the toilet in such conditions. One inmate stated that the feeling persists “*no matter how long you live with a person*” – it’s “*still awkward*” and “*embarrassing*”. Another also explained that “*you feel stressed and can’t settle down*”. In *Hällby Prison*, one inmate described

that he and his cellmate usually hang a blanket in front of the short toilet door to cover the gap, even though they are not really allowed to do so. Two others said that the one who sleeps in the top bunk can see straight down and inside the toilet because the saloon door does not go all the way up to the ceiling. In *Saltvik Prison*, one inmate stated there is not even a curtain in his cell and when he asked for one, he was told there are no hooks. He commented that it “*doesn’t feel humane*” that you “*are eating while the other poops*”.

Many inmates said they try to plan their toilet visits to when they can be alone in the cell during the day and “*hold it*” the rest of the time. One stated, for example, that “*It is not human to be without doors. We try to hold it as best we can.*” Furthermore, many described that their “*health is affected*” by the fact that they hold it for long periods of time and get stomach problems. Several also mentioned that sleep is adversely affected by the fact that they avoid using the toilet at night when they really need to. This was also confirmed by medical staff.

Through the interviews with inmates, it also became clear that the toilet is a source of conflict between cellmates because they are annoyed with each other and because there is a bad smell in the cell when the toilet has been used: “*Stinks up the room*” and “*You can get tagged because you need to take a shit at night.*” Several expressed that they don’t “*dare*” to use the toilet if they aren’t alone in the cell.

Several of the inmates who live in cells with doors to the sanitary space stated that they would like to lock the door when they use the toilet, but that the doors lack a locking device. In *Hällby Prison*, several inmates described that they can lock the door to the cell from the inside and that they do so to be able to use the toilet in peace during the day.

The common areas have limited space

As the inspected prisons are built based on a cell accommodating one inmate, the common areas are

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in most cases not dimensioned for the number of inmates that the overcrowding, and thus the double occupancy, entails. The Parliamentary Ombudsmen's staff measured the floor spaces in certain common areas, e.g. in two different departments of *Hällby Prison* where all cells would be double-occupied within the next few months. At full double occupancy, 26 and 32 inmates, respectively, would share a common space, instead of 13 and 16, respectively, as before. The measurements showed that, at full double occupancy, this means just under two and three square metres of floor space per inmate, respectively, without regard to furniture and other furnishings in the room such as refrigerators and kitchen counters. In practice, the floor area per inmate would thus be less than that. Similar observations were made at, inter alia, *Saltvik Prison*.

Many inmates experienced the common areas as cramped and that they were poorly adapted to the number of inmates. One said *"it felt like I was entering a 400-men zoo"* the first time he came to the department. Another expressed that he *"understand they need places, but they also need understanding of how we feel in here – weigh: hell in here or check other options. Packing us like sardines makes it worse in the long run, worse for us, even more terrible for the weak in here."*

In most cases, the equipment in the common areas was not adapted to the number of inmates and there was a lack of sufficient chairs, for example. Several inmates said they eat in shifts or inside the cells because there are no seats at the dining tables. In *Saltvik Prison*, many inmates and staff described that the electricity supply to the department kitchens is insufficient, which affected the ability to cook and maintain self-management⁵. One inmate stated that *"the fuse blows when you use multiple gadgets"*. In *Hällby Prison*, several inmates mentioned a lack of space in the fridges. A recurring opinion among inmates in *Hällby* and *Saltvik prisons* was that the number of showers is not enough and several described that many people

need to shower in a short time before lock-up when they have had the opportunity to exercise. One inmate summed up the situation by saying: *"no room in the showers, no room in the fridges, no room to sit"*.

During the inspections, the Parliamentary Ombudsmen's employees were also able to establish that many of the gyms were small and that they were neither dimensioned nor equipped for the actual number of inmates. Many inmates raised this in the interviews and said that the opportunity to use the gym is important to them. Some also described that the hierarchy on the ward means that not all inmates have the same access to the gym. *"Those who have been here longer have the gym slots"*, one of them explained.

5.2.3 Consequences and risks

The floor area of the cells that were double-occupied in the visited prisons was mainly between six and eight square meters, which clearly deviates from the CPT's recommendations.

Not having enough space to stay in after being locked inside the cell means that it is difficult to maintain reasonable distances from each other. It also becomes difficult not to disturb the other person in connection with transfers and any movements whatsoever. The situation also entails risks to the mental health of inmates, especially as there is also limited space in the common areas, gyms and the premises for occupational activities.

It is only in *Rosersberg* and *Brinkeberg prisons* that there are proper doors to the toilet in all cells. In the other prisons, there is no sufficient separation between the toilet and the rest of the space. In some places, cells lack such sanitary space entirely. Curtains and saloon doors only offer some privacy and do not help with other inconveniences. Not being able to relieve oneself in sufficient privacy is both humiliating and undignified. There is a risk that this will have a major impact on the mental health of the inmates and that

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their personal integrity will be seriously violated. There are also risks and consequences linked to the physical health of the inmates. Holding themselves instead of going to the toilet when necessary can cause disturbances in bowel movements, for example in the form of constipation. Furthermore, particles that cause diseases, such as bacteria, can become airborne in connection with flushing the toilet, thereby making the cellmate sick.

It may be considered obvious that a cell in which two inmates will stay is equipped for two inmates. It is equally obvious that inmates should also be given access to the accessories needed for them to be able to stay together in a cell without the risk of conflict and unnecessary disturbances. One consequence of not providing both inmates with headphones or earplugs, for example, is that the cellmates disturb each other. Furthermore, a lack of opportunities to lock up certain belongings entails a risk of theft and conflicts.

As regards ventilation in the cells, the data collected suggests that it is not always adapted to two inmates staying there for at least half of the day. Although some prisons had had air quality measurements carried out, it was unclear whether these had been carried out after long periods of confinement in double-occupied cells and how the checks had otherwise been carried out. The inspections also revealed information indicating that the ventilation in the common areas is not always adapted to the actual number of inmates. Lack of ventilation can give rise to health problems such as breathing and respiratory problems, irritation of mucous membranes and eyes, headache, undue fatigue, concentration problems, susceptibility to infection, and skin rashes. Poor air quality also amplifies the other nega-

tive consequences that confinement to a double-occupied cell during the daily rest period brings.

It must be considered common ground that exercise and physical activities have many positive effects on both physical and mental health. As evident, the fact that common areas and gyms are not adapted to the increased number of inmates can create a stressful environment where, inter alia, the risk of confrontations and conflicts increases. The fact that the inmates under the current conditions are not given sufficient opportunities to exercise and use the gym can thus have negative consequences for their health.

5.2.4 The Parliamentary Ombudsmen's recommendations

The Prison and Probation Service is recommended to:

1. if double occupancy is deemed necessary; only use cells with a floor area of at least ten square metres, excluding sanitary space,
2. never double-occupy cells that have a floor area of less than eight square metres, excluding sanitary space,
3. divide the sanitary space in the cells used for double occupancy with a door that goes from floor-to-ceiling,
4. provide double-occupied cells with the equipment prescribed in the legal regulation and provide both inmates with things that can alleviate the situation,
5. ensure that the ventilation in cells used for double occupancy is adapted both to two people and to current lock-up times, and
6. ensure that all areas to which inmates shall have access – such as common areas and exercise rooms – are adapted in size, number, and design to the actual number of inmates.

¹ European Prison Rules, 18.1–18.4 and 19.3.

² See CPT/Inf (2015) 44, Living space per prisoner in prison establishments.

³ Cf. the Ordinance (2014:1108) on the design of remand prisons and police custody facilities.

⁴ Chapter 1, Sections 17 and 18 FARK Prison.

⁵ In a department with so-called self-management, the inmates take care of the household on their own – from planning a budget and grocery shopping to washing dishes after dinner. Self-management also includes cleaning and doing laundry.

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The process leading up to a decision on double occupancy

5.3.1 Starting points

Both the legal regulation and the Prison and Probation Service's own governing documents contain circumstances and individual factors to be taken into account by the authority in a placement decision. The Prison and Probation Service describes the work on placement of inmates as follows. The authority's placement section is tasked with finding a suitable placement for the sentenced person with an enforceable sentence based on a risk and needs assessment. The placement section makes an initial assessment of which degree of supervision and control that the sentenced person needs. This may refer to circumstances such as the risk of escape, continued criminal activity and substance abuse. Furthermore, needs for occupational activities and care are taken into account. This assessment primarily determines which security classification the prison should have. The prisons that have or will have a vacancy will then receive a request from the placement section about the possibility of receiving the sentenced person. According to the Prison and Probation Service, the opportunities for the placement section to place inmates based on set criteria are greatly affected when capacity is strained.¹ The individual prisons then decide which inmates will share a cell.

The well-being of inmates sharing a cell is strongly linked to how well they get along with their cellmate and whether they have been asked their opinion and whether that has been considered.² The process before a decision on which inmates shall share a cell is thus of substantial importance for double occupancy to work.

5.3.2 Observations and data collected

Information, matching, and participation

The process leading up to double occupancy is generally the same in all inspected prisons. When the Prison and Probation Service's placement section sends a booking request to the prison, the local placement officer checks whether the sentenced person can be accommodated. Priority is given to whether there is a suitable department based on security factors, e.g. existing client constellation and possible links to criminal groups. As a rule, health and medical care is not involved in the process. Although some prisons also considered factors such as age, language, criminal activity, length of sentence and misconduct in previous deprivations of liberty, the series of inspections showed that basically only security risks and documented cases of certain psychiatric conditions are considered to be impediments to double occupancy.

There is no real matching at the individual level, i.e. any assessment of the appropriateness of the inmate being placed together with the prospective cellmate. Both staff and prison management noted that the limit for what is considered acceptable has been pushed and that the threshold is higher than before. For example, one placement officer explained that if there is no clearly documented reason against double occupancy "we have to try it". In *Hällby Prison*, the inmates could be given the opportunity at a later stage to submit proposals for rotation in a department when a new inmate was to come in.

It was also possible to write a request to change cellmate, which could only be granted if the current

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Cell corridor in Hällby Prison.

cellmate agreed to this. Inmates emphasised that it was good that this opportunity exists. In *Rosersberg Prison*, there were times when department staff decided which cell the inmate should be placed in. At the same time, it was pointed out during all inspections that there was often only one vacancy in practice – “one out, one in” applies.

According to the prisons visited, the possibility of planning the placement of new inmates may to some extent be affected by the fact that people with enforceable prison sentences appear on their own without warning. The same applies to the fact that such persons may be sent by the police, which the prison is only informed of a short time in advance. In the case of inmates who are already deprived of their liberty within the Prison and Probation Service, i.e. detainees in remand prisons or another prison, the forward

planning is better. Staff at *Hällby* and *Saltvik* prisons stated, for example, that places can be booked several months in advance.

The inmates are not given any written information on double occupancy, but according to the prison management, verbal information shall be provided at the time of registration. In the interviews with inmates at *Rosersberg Prison*, most of them confirmed that they had received such information. In other prisons, the information differed. While some stated that they had been informed about double occupancy at the time of registration or on the way to the department, many said they had not received any information whatsoever, but had discovered that they would be sharing a cell with another inmate when they arrived in the department. One inmate described the situation as “it was just like that, no information”. However, several explained that they had expected to be placed in a double-occupied cell due to the occupancy situation within the Prison and Probation Service.

No prisons except for *Rosersberg Prison* ask the inmates’ opinion on double occupancy. There, the inmates were asked upon registration if there were any special reasons against double occupancy in their case. In interviews with inmates at the prison, many confirmed that they had been asked about their opinion on double occupancy at the time of registration, but at the same time commented that there was really never any choice. Prison management were of the same opinion.

It happens that an inmate who arrives at a prison in the evening is taken directly to their cell and is locked up with another, unknown inmate. The staff at *Hällby Prison* had experienced this and according to the prison management at *Saltvik Prison* that is how the situation is regularly handled there. Several inmates there said that they had experienced this and that the

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situation felt particularly unsafe. One of them described that it *“felt uncomfortable, they don't monitor what's going to happen”*. Another stated that *“at that point, you don't know what can happen to you and the staff don't know either”*.

A recurring opinion in the interviews with staff at the various prisons was that a better matching at the individual level would improve the situation for both inmates and staff.

For example, one prison officer described how it can feel hopeless to see matches you understand from the start will not work: *“I can already see, the way they choose to put people together, that this will not work.”*

More on the inmates' view on information, matching and participation

In interviews, many inmates described that a determining factor for a placement to work well is for them to share a cell with the right person. A clear majority also highlighted the importance of the Prison and Probation Service working with matching before two inmates are placed in the same cell. In this matching, the inmates think that factors such as circadian rhythm, routines, interests, and personality traits should be taken into account, but also length of sentence, language, age, religion, and culture. For inmates with different circadian rhythms, this often leads to both irritation and insomnia, which was particularly noted in prisons where inmates are not provided with headphones for the TV. One circumstance that was described as particularly troublesome is when an inmate shares a cell with someone who has a different view of personal hygiene. Several inmates said they had set up common rules, for example on how to visit the toilet.

It emerged from the interviews that participation in the process and information about impending double occupancy is of crucial importance for security. In ge-

neral, however, the inmates did not know whether any matching had been done. Ending up in the situation of sharing a cell with someone you had never met caused both anxiety, insecurity, and difficulty sleeping. Most perceived that no matching is made at all, neither for the initial placement, nor for the arrival at the prison or changes of cellmates. Some inmates highlighted a fear of being placed in double occupancy with an *“enemy”* or with someone convicted of a much more serious crime than them.

For example, one inmate stated, *“you're scared before, when you don't know the person”* and another that you *“don't know who you're sharing with – psychopath, murderer”*. Another explained that *“if you say you're friends with the wrong someone, it can get dangerous”*. Furthermore, the inmates thought that the prison should take into account how long you have left to serve a sentence to avoid frequent changes of cellmates. Many inmates had experienced changing cellmates several times in a relatively short period of time and described that each such change entails a new stressful period of adjustment and insecurity.

5.3.3 Consequences and risks

Inmates who share a cell spend large parts of the day together in a very limited area, in a space usually designed for one person. This circumstance in itself constitutes a great burden. The observations during the series of inspections show that untenable double occupancy occurs and that they are often due to the fact that the Prison and Probation Service has not considered that some people are actually unable to share a cell with another inmate at all or are unable to do so in the current constellation. This in turn is due to the fact that no actual matching at the individual level has been done. The process preceding double occupancy largely focuses only on an initial security vetting. Thus, in practice, it appears that a vacancy is

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regularly filled by the next new inmate, unless prevented for security reasons. Inmates who are to share a cell are also not given the opportunity to give their opinion. This, combined with a lack of information about the considerations made before double occupancy causes both anxiety and irritation and insecurity and can contribute to inmates having difficulties sleeping. There is also a risk that inmates who should not share a cell whatsoever still end up doing so, and that inmates with widely differing personality traits and routines are placed together. This can in turn increase the risk of e.g. mental stress, conflicts and, ultimately, violent incidents.

Naturally, it is incumbent upon the Prison and Probation Service to determine placements, but the observations and the information collected during the series of inspections highlight the importance of the inmates being included in the matching process in such a way that they feel involved, even if they do not get their wish. It is only when inmates feel that their opinion is sought and they actually have the opportunity to participate in the process that the basic respect for the human dignity of inmates is maintained. Inmates feeling involved also requires that the staff provides respectful and empathetic personal treatment and maintain a good dialogue with them.

5.3.4 The Parliamentary Ombudsman's recommendations

The Prison and Probation Service is recommended to:

1. ensure that the circumstances designated by the authority to be taken into account before double occupancy are maintained,
2. further specify and define the criteria that generally mean it is inappropriate for an inmate to share a cell with another inmate, and
3. ensure that prisons make a careful matching when considering whether an inmate should share a cell, and as far as possible, give the individual the opportunity to be heard and inform about the criteria considered in the placement.

¹ <https://www.kriminalvarden.se/for-domd-eller-haktd/domd-till-fangelse/placering/> and <https://www.kriminalvarden.se/om-kriminalvarden/kriminalvardens-uppdrag/kriminalvarden-vaxer/platssituationer/>

² See Murihead et al (2023a). Behind closed doors: An exploration of cellsharing and its relationship with wellbeing. *European Journal of Criminology* 20, p. 349 and Van Ginneken, E.F.J.C. Is Cell Sharing Associated with Wellbeing, Misconduct and Prison Climate? Evidence from a Dutch Study. *European Journal of Crime, Criminal Law and Criminal Justice*, 30, (2022) p. 57.

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The safety and security of inmates



Common area in Saltvik Prison.

5.4.1 Starting points

The Prison and Probation Service's annual report for 2024 shows that the authority assesses that the security situation remained serious and strained. According to the authority, the capacity expansion and the rapidly growing client population have continued to have a strong negative impact on security. A faster pace and a more extensive conscious risk-taking in the placement of inmates have challenged the work on basic security in prisons. The number of reported violent incidents between inmates has increased in prisons, mainly in security class 1. The number of threats between inmates in prisons has also increased. The authority assesses that there is a high number of unreported cases of threats and harassment between inmates who share a cell, as they cannot be monitored in the same way. Furthermore, it is emphasised that the violence seems

to have increased and that there is thus an increased risk of a fatal outcome.

According to the Prison and Probation Service, the violence between inmates has a clear link to densification and double occupancy. The Prison and Probation Service also notes that the work in the prisons is less client-oriented, which has contributed to a negative impact on preventive work and the handling of incidents. In doing so, the authority noted that interventions in violent incidents were delayed and there was an increased risk of violence and threats between inmates not being detected whatsoever.¹

5.4.2 Observations and data collected

Incidents are not always discovered

The incidents that occur within the Prison and Probation Service are reported in an incident management

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Shower in Hällby Prison.

system, ISAP. The reporting is used by the authority to follow up, provide feedback, and improve security work.

During the series of inspections, it has been difficult, due to limitations in the system, to distinguish incident reports that can be tied to double occupancy issues, but the Parliamentary Ombudsmen's employees have retrieved some reports linked to incidents in double-occupied cells in the prisons visited. For example, one report describes that staff heard loud voices from inside a cell in the evening, but that they did not take any action as the inmates confirmed that everything was as it should be. When unlocking the next morning, it was noted that one of them was red around the eye and on the cheek. He then stated that he had tripped. Another report shows that an inmate

had raised the alarm because his cellmate threatened to subject him to violence after lock-up. When he was sent back into the department while waiting to hear from the officer on duty about possible relocation or segregation, he was assaulted by several inmates. In another report, it is described that an inmate was assaulted by his cellmate and another fellow inmate after he refused to comply with the cellmate's request to tell the staff that he has to move.

In addition to the events described in the incident reports, many specific reports on incidents emerged in interviews with staff and inmates. These were about different types of conflicts between inmates who shared a cell, where it had sometimes escalated into outright brawls. Several inmates described that they themselves had experienced or knew of numerous incidents of threats and violence, inter alia in the departments. For example, inmates at one prison spoke of an adult man who had stood and cried there and begged to not have to go back in but then got into trouble. One of them noted: *"They threw him back and he was beaten."* One inmate described an incident in which a person in his department had been sent back numerous times. He described that *"Eventually, he cut himself and then the staff removed him."* The incident was confirmed by an employee who spoke about the same incident.

Several inmates at one prison painted a coherent picture that there are people with whom others do not want to share a cell, and who risk or have been subjected to violence, but they are forced to remain in the department. One inmate said, *"The staff won't let him out even though they know that he will get beaten up, it is a danger to the inmates' lives."* Another said he had gotten into a fight with his cellmate because one of them snored. Another stated that he had fought with his cellmate out in the department and said that if it

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had happened in the cell instead, they could have “*kept going until unlocking*”. One inmate commented that he had “*seen people go to bed looking normal but wake up with fewer teeth, a crooked nose, and blue*”. Staff also described experiences of violent incidents. Staff at Rosersberg Prison, for example, described an incident where an inmate had stabbed his cellmate in the eye with a sharp object, which led to loss of sight.

It was a common perception among the staff and management that the double occupancy had not necessarily led to an increase in the number of incidents, neither in number nor in severity. They also often felt confident that inmates would report incidents and emphasised that the staff notices or senses if something has happened.

One assistant prison governor stated that “*Inmates don't want to fight at night when staff can't come.*” However, many others noted that there is a culture that means that some inmates do not contact the staff if something happens and that client knowledge is low regarding these inmates. A prison officer commented: “*Think we know very little of what happens after lock-up. Don't think inmates in other rooms flag if they hear fights, because of the culture*”. Another described that if no one in the cell is affected by the distribution of medicine, there is no supervision after lock-up “and anything can happen then”. Another expressed that it is “*terrible if someone is targeted at night. The only thing they can do is press the Stentofon², if they are successful.*”

Apart from in Färingsö Prison, the inmates, on their end, conveyed a clear picture that they do not want to inform or call the staff's attention in the event of incidents in the cell. For example, one inmate explained that “*If you talk, you're done in the entire Prison and Probation Service – the unwritten rule. You don't call if something happens.*” Another described that “*It is not possible to flag if something happens in the room at*

night. Then you're a snitch. You have to survive the night. The next day you have to stay close to the staff so they can see that you are injured.” Regarding incidents in other people's cells, one inmate described that “*You can hear, but no one is talking. We hear screams, e.g. they're fighting and so on.*” Another expressed that “*You don't call. They fight until they can't anymore.*” In Färingsö Prison, the culture of silence was, on the other hand, less pronounced. Many inmates there turned to the staff if their own situation was not working or someone else seemed to be in trouble. Some inmates did explain that they do not talk to the staff for various reasons, e.g. don't want to “*snitch*”, don't think it helps or don't want to be perceived as difficult.

At the same time, the inmates at this prison also expressed that staff should be more present in the departments, to have better control and so that they are not left alone with conflicts.

At the prisons with male inmates, several said that they themselves “*take care of*” the perpetrator if something happens during the night. One inmate spoke of an incident where an inmate had attacked their cellmate: “*Went on for a hell of a long time. Can't just sit and listen as a fellow human being to a person crying for help, but sadly*”. He explained that he could not raise the alarm at the time, because “*people will hear. Grabbed the person the next day. Asked him – either he goes away or we'll clash*”. Some inmates stated that they would be more likely to contact prison staff if they lived in a single cell themselves: “*If you are in a single room, you can flag without anyone knowing it's me if you hear things happening. But if you are in double occupancy, there is no such possibility.*”

In some interviews, it emerged that inmates knew or had heard of other inmates having been sexually assaulted during double occupancy. One inmate commented “*It can be done. No one would say anything*

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and it's probably a high number of unreported cases.”.

The prevailing view among the inmates was that it is more taboo to talk about sexual assault than violent incidents without sexual elements, and a majority of them stated that they would never tell anyone if they were victimised. One inmate explained that *“You can't tell the staff. Then they have to report and then everyone knows you've snitched and it's dangerous. Nor do you talk to the healthcare professionals about those things. The psychologist is employed by the Prison and Probation Service and then you don't trust them either”.*

A majority of staff and prison management in the prisons visited stated that they do not believe that sexual assaults occur and that it would hopefully come to light if something happened. However, some of the prison staff and healthcare professionals stated that they were aware that abuse had occurred or were suspected to have occurred.

For example, one prison officer said that she had experienced finding signs of an inmate having been sexually abused in a cell. The inmate was therefore placed in segregation and was then relocated to another prison. Another prison officer explained that *“I think it's a bigger problem than we realise. They probably wouldn't tell us. It's a macho culture.”* There was a widespread perception among both prison staff and healthcare professionals that inmates wouldn't tell staff if they had been victimised. Several employees expressed that there is generally very little talk about sexual assault and sexual relations between inmates both in the prisons and during training within the Prison and Probation Service. It was also expressed that the authority avoids the issues.

Inmates experience insecurity in several ways

As evident, a large number of inmates feel unsafe when sharing a cell, especially initially with a new cellmate. For example, one inmate described that *“At first, when you get a new one: You sleep like crap. Too scared to turn*

your back on them. You're uncomfortable. No idea who this person is. Don't even know the person's name. Very uncomfortable. After a while when you notice what kind of person it is, it will either get better or worse”. However, several inmates said that they were also anxious before an upcoming change of cellmate. One stated, for example, *“You don't know who's coming. Someone just shows up at your room to move in.”* Another expressed that a cellmate *“can take a toothbrush or pen and stab me in the throat”.* One inmate in Färingsö Prison said that she refused to be locked up again with a brand-new cellmate due to this person's unpredictability and aggression: *“I seriously won't go into that cell and lock myself in with her. I'd rather move to solitary.”* Furthermore, several inmates always tried to fall asleep after their cellmate and one said that he had been awake for two days the first time he shared a cell with someone. In addition, some inmates highlighted that it feels unsafe that the cellmate learns a lot about their life, such as the names of family members and, when relevant, which criminal constellation they belong to.

A couple of inmates commented on the double occupancy situation as follows: *“There will be homicides in the prisons – slip from the top bunk, get electrocuted”* and *“You're afraid there will be a murder.”*

Several inmates described the existence of clear hierarchies in double-occupied cells, i.e. that one is the driving force and tells the other what to do. Among other things, it is about the fact that they force the cellmate to do all the cleaning or do different things *“just to mess with them”.* This was also highlighted by certain employees. However, the majority of the employees did not seem to have reflected on the issue, but an assistant prison governor assessed that it could be grounds for relocating one of the inmates.

Several inmates felt that staff do not prevent violent incidents often enough and that they wait for the situ-

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ation to escalate before they take action. One inmate said, *"The staff stand and watch, they don't come in until it has come to blows"*. A common perception expressed in several of the prisons was that the staff moves the inmate who has been subjected to threats or violence and not those who caused the conflict. One inmate stated that if *"ten men go in and do something to an inmate, they can't ship off everyone. So it's always the victim who goes"*. He added that *"Here, those who behave themselves are forced to join in the misconduct and hit others, otherwise you will get beat up"*.

At the time of the inspections, a queuing system was applied in some prisons, which usually meant that the person who had been in a department with both double-occupied cells and single cells the longest was first in line to be placed in a single cell when one became available. According to both inmates and staff, the system functioned as a *"carrot"* which partly contributed to an increased acceptance of double occupancy and acted as an incentive for good conduct. At the same time, the system was considered to pose certain risks. According to staff, inmates could, for example, threaten others to give up a single cell when it was their turn.

One inmate described exactly that as *"A bit intimidating. There are no limits to how inmates can behave in order to get their own room. Highly creative"*. Staff also pointed out that when exceptions to the basic principle needed to be made, the one who jumped the queue, and might have good reasons for it, could get into trouble. It can be noted that the Prison and Probation Service now strives for all cells in prisons to be double-occupied as far as possible, why these *"queuing systems"* will disappear.

Follow-up of double occupancy is not structured

Unlike what applies to remand prison activities, the Swedish Prison and Probation Service's instructions for accommodating more than one inmate in the same

space (2024:4) do not contain any specific instruction that a placement in a double-occupied cell in a prison shall be followed up. Nor is there any structured follow-up in any of the inspected prisons, and in general there is no active outreach activity where prison staff have direct contact and check in with individual inmates who share a cell. In addition, it was established that there was a complete lack of local written procedures for follow-up.

In most prisons, however, the management and staff emphasised that some follow-up still takes place by highlighting the inmates' situation in connection with the staff's morning meetings, which take place every day. Prison staff can also ask inmates questions in the daily meeting in the department. Among both staff and management, several described that those who work in the department look for deviations and that even though they do not explicitly ask, they can tell how an inmate is doing. If there is a suspicion that something is not right, individual talks can be held with inmates. Several also expressed that a structured follow-up would mean more work tasks in an already strained situation and a risk that they collect information that they cannot process, while raising false hope in the inmates. The prison management in Brinkeberg, for example, asked themselves if *"25 people say 'it absolutely cannot be done' – what do we do then?"* and an assistant prison governor in another prison felt that *"You get the answers you deserve. At the risk of 'No, it's not at all possible' – more people who want to split up and we don't have the space"*.

A clear majority of the inmates said they never or only on occasion had been asked how sharing a cell is working out.

Double occupancy is seldom broken up

Staff in all the prisons visited said that a placement in a double-occupied cell can be terminated if there is vio-

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lence or threat of violence. They described that if such a situation is urgent, there is the possibility of separating the inmates immediately by placing one or both of them in segregation. At the same time, many expressed the view that margins are tight and that the limits of what is acceptable have therefore been stretched. In one prison, for example, an officer on duty stated, *“you have to take more chances today”*. The management of Saltvik Prison was of the opinion that *“You must have exhausted all possibilities before you can relocate to another prison, therefore we have to try”*. Both inmates and staff consistently described that inmates' requests for relocation or change of cellmate are rarely granted, it requires that something serious has occurred. For example, one inmate said that he does not get along with his cellmate and that they jointly explained to the staff that there could be a fight, without being heard. He commented that *“I'm afraid that it will get so bad that I hurt him”*. Another inmate expressed that *“They also don't take it seriously that people want to be separated. They have literally been thrown back in the ward”*.

Many inmates explained that they would not turn to the staff to terminate a placement in a double-occupied cell. Instead, they would threaten the cellmate out of the department or do something to get to leave the department themselves, such as fighting in front of the cameras or doing something threatening to the staff. In some places, it also happens that a chair is thrown against the glass wall facing the guard booth, which according to information obtained among both staff and inmates shall be seen as a request to be immediately separated. For example, one inmate stated *“If I were to end up in such a situation, I would have fought in front of the cameras to get transferred. You don't talk to the guards.”*

The situation in Färingsö Prison differs slightly from other prisons. The inmates turn to the staff to a gre-

ater extent and it does not take as much for a placement in a double-occupied cell to be terminated. Even there, however, the staff described that they are *“forced to try”* to a greater extent than before and that it is rarely possible to relocate an inmate until something more serious has occurred. For example, one inmate said *“It usually goes pretty far before anything happens. It's not working well.”* Another expressed that *“It feels like you need to make a scene for something to happen. They say they can't do anything, then fights break out”*. Some highlighted that even if they talk to the staff, they do not express the real reasons or the whole story as to why they want to change cells or cellmates.

5.4.3 Consequences and risks

As highlighted in other parts of the report, the series of inspections shows that many inmates who share a cell experience an unsafe existence, especially before they have gotten to know the person they are currently sharing a cell with. However, it is also clear that there are disagreements and conflicts, as well as threats and violence between inmates who are placed in the same cell, and that double occupancy contributes to an increased risk of various types of incidents. The follow-up made mainly relies on individual employees taking action and asking the inmates questions when possible, which in individual cases can have a preventive effect and is an important element of the correctional system. However, the fact that all prisons visited lack a structured follow-up entails a risk that the prison cannot systematically prevent incidents or detect possible vulnerability in individuals, and that inmates who share a cell do not report threats, violence or other abuse.

At the same time, it is obvious that inmates occasionally resort to other solutions to change cells or departments, e.g. violence out in the department.

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There is every reason to assume that there is a number of unreported cases of threats and violence in cells. The fact that the Prison and Probation Service does not note or become aware that inmates are exposed to such attacks naturally causes difficulties in seriously working preventively with the safety and security of inmates.

To be able to work effectively to eliminate risks associated with placements in double-occupied cells, incidents must be able to be identified and analysed at an overall level, in addition to structured follow-up and interviews at the individual level. This is not possible with the incident management system used today. Thus, the Prison and Probation Service lack sufficient conditions to get an overview of the consequences and risks associated with double occupancy in particular. Furthermore, it is difficult to achieve necessary adjustments and take other measures to prevent similar incidents from happening again. This also affects the inmates' situation in the long run.

Another circumstance of great importance to the safety and security of inmates is that there is more staff available in the departments both during the day and after lock-up. The series of inspections has demonstrated that this is lacking. This means that, for example, threatening and violent situations in a cell are not interrupted or even detected. As previously noted, it also emerged that staff do not really spend time with the inmates in the departments. On the part of the inmates, there was a desire for staff to be more present there precisely so that they would have better control and that the inmates would not be left alone with conflicts.

At the same time, it was expressed that it can be risky to create relationships with employees because many

inmates do not consider it acceptable. It can also be noted that when staff do not answer calls or, when necessary, urgently seek out the person to whom the call relates, conflicts risk escalating and resulting in threatening or violent situations, or that inmates take care of the matter themselves.

The overall picture after the series of inspections is that there is really no awareness of the existence of sexual acts between inmates. The same applies to how the Prison and Probation Service shall relate to and handle such situations. This may lead to suspected assaults not even being noted and investigated, and that inmates in need of protection are not identified.

Finally, it can be noted that it proved difficult, especially in the class 1 prisons, to terminate a placement in a double-occupied cell even when one of the prisoners had clearly expressed concern or fear. It is clear that the prisons no longer have the possibility to differentiate inmates based on the need for adapted places. The number of single cells was already few when the series of inspections was carried out, and the segregation places were not sufficient considering the actual number of inmates. Thus, conditions do not exist for placing inmates with special needs in a single cell or, in cases where appropriate, granting an inmate's request to be kept in segregation. The series of inspections indicates that it is generally required that a serious situation has arisen, which has led to a concrete danger to the individual, or that inmates resort to threats or violence to bring about a change. Ultimately, this can risk the safety and security of inmates to life and health. Being placed with another person under such conditions can invoke a sense of hopelessness and frustration. Nor is it dignified.

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5.4.4 The Parliamentary Ombudsman's recommendations

The Prison and Probation Service is recommended to:

1. ensure that there is a structured follow-up of how a double occupancy is working and that interviews with the individual are held in private,
2. ensure that follow-ups are documented,
3. ensure that the authority has the prerequisites to identify and analyse and follow up incidents related to double occupancy at a coherent and comprehensive level,
4. ensure that staffing is adapted for increased presence in the departments both during the day and after lock-up and to be able to handle calls and, if necessary, act promptly,
5. ensure that there are premises suited to deal with a situation where double occupancy needs to be terminated, and
6. ensure that there are intra-agency strategies and knowledge at all levels about how both sexual acts between inmates and suspected sexual assault shall be noted and dealt with.

1 Prison and Probation Service's annual report 2024, p. 75 ff.

2 Stentofon is the device in the cell that inmates use to contact staff.

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The role of health and medical care and related issues



Cell in Färingsö Prison.

5.5.1 Starting points

The Prison and Probation Service has no legal obligation to provide health and medical care. However, by having taken on the role of care provider, the authority has chosen to conduct such activities at all remand prisons and prisons. According to the authority, the activities are equivalent to primary care and some psychiatric outpatient care. As a care provider, the Prison and Probation Service shall thus deal with health

and medical problems that arise among inmates. The assignment also includes preventing, in different ways, inmates being exposed to harmful interventions of various kinds that can worsen their mental and somatic health.¹ The care provision is carried out by licensed healthcare professionals. From the point of view of confidentiality, health and medical care is regarded as a separate branch of activity within Prison and Probation Service.

In order for prison staff to be able to access health data, inmates must therefore consent to the disclosure of the information.²

In connection with the admission of an inmate to prison, they shall be asked about their state of health. The inmate shall also as soon as possible be given the opportunity to have their health examined by a nurse, if such examination has not been carried out in another prison.³ CPT has stated that healthcare professionals should hold an initial health interview as soon as possible.⁴ According to the Prison and Probation Service's instructions for accommodating more than one inmate in the same space (2024:4), the inmate's individual circumstances and suitability to be placed in a double-occupied cell shall be taken into account before such a placement may take place. This applies in particular to the inmate's mental and physical state of health. Since the revision in April 2024, the instructions in that section do not contain anything new. The previous instructions, however, also stated that it may be appropriate to have healthcare professionals assess the inmate's suitability for such placement, if necessary. In the later version, there is no equivalent instruction.

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Within the Prison and Probation Service, so-called self-care can be applied with respect to pharmaceuticals. Self-care refers to a healthcare measure that the treating healthcare professional has assessed that a patient can perform themselves or with the help of someone else. The starting point for such care is that inmates themselves are allowed to dispose of their medication and take responsibility for ensuring that the instructions are followed.⁵ The question of whether an inmate may keep their medication in the cell is handled in the same way as other personal property.⁶ If security does not allow an inmate to keep their medication in the cell, the Prison and Probation Service shall store and provide these in accordance with the doctor's instructions.

It can be noted that inmates for security reasons are generally not allowed to have, for example, medication classified as narcotics in the cells.

Now that double occupancy of cells constitutes an essential strategy for the Prison and Probation Service to meet the need for places, it places special demands on the authority to provide care in such a way that any somatic and/or mental complications do not arise or worsen. A key issue during the Parliamentary Ombudsmen's series of inspections has therefore been to investigate the role of health and medical care when inmates are increasingly placed together in the same cell.

5.5.2 Observations and data collected

The role of health and medical care etc.

The inspections showed that health and medical care is generally not involved in the process, neither before nor during double occupancy. Healthcare professionals state that they do not ask any questions about this to the inmates, either in the interview they initially hold or in later contacts. According to healthcare professi-

onals, it is up to the inmate to bring up health reasons related to double occupancy. Nor are there any regular discussions between healthcare professionals and prison staff either before or after two inmates have been placed in the same cell. Furthermore, there is generally a lack of procedures for how health and medical care shall convey any observations or information relating to problems linked to double occupancy. The descriptions have been identical in interviews with both representatives of the various prisons and inmates and prison officers and healthcare professionals.

Different information was provided during the inspections as to whether it is problematic to exchange information regarding individuals' health and similar conditions without disclosing confidential information.

At *Hällby Prison*, staff avoided discussing individual cases, they argued that the inmate themselves must raise the issue with prison staff. On the contrary, the staff at *Salvik Prison* believed that confidentiality usually does not pose a problem, and in *Brinkeberg Prison* consent is regularly obtained, which determines whether it is possible to exchange information. Healthcare professionals in all prisons rely to a large extent on the competence and ability of prison staff to assess inmates' suitability for placement in a double-occupied cell, including their capacity to note any deviant behaviour that makes such placement unsuitable. At the same time, healthcare professionals expressed that they were well aware that inmates with more severe mental problems had to share a cell and that problems can arise with such placements. Oral information obtained from inmates and examination of documents confirmed this view. As a consequence, prisons had been forced to terminate ongoing placements.

According to both healthcare professionals and prison staff, it was relatively common for inmates to contact the healthcare professionals with a request for a certi-

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ificate stating that they need their own cell for medical reasons. In exceptional cases, healthcare professionals might also provide recommendations that certain specific individuals should not share a cell for medical reasons. They may then have received information about the situation directly from inmates or from prison staff. In some cases, such recommendations had been made and subsequently followed by the prison, for example in the case of more severe psychiatric conditions such as psychosis.

The healthcare professionals' perception in the majority of the prisons was that inmates with mental illness share a cell and that this is particularly problematic for those with a more severe problem.

At the same time, the healthcare professionals felt that it was not their role to point this out. At one prison, healthcare professionals expressed that they can never say that it is inappropriate for an inmate to share a cell because the starting point is double occupancy. It will be difficult to take individual considerations into account, simply because the Prison and Probation Service has decided that all available cells shall be double-occupied. A psychologist pointed out that the authority has difficulty identifying which individuals are in real need of their own cell when the degree of double occupancy is high.

According to both inmates and staff, inmates who share a cell can affect each other's mental well-being. Healthcare professionals have also noted that inmates experience fear, insecurity, stress, irritability or panic attacks during double occupancy. The perception is that many people feel worse from such placement and that it can lead to more aggressive behaviour. Healthcare professionals also link the presence of certain physical ailments to double occupancy of cells, such as stomach problems and sleeping difficulties. They have also noticed that some problems are perceived

as a bigger problem than before, precisely because many inmates now share a cell. One such example is snoring. Furthermore, the spread of infectious diseases, such as outbreaks of scabies, was highlighted in two prisons. At one establishment, the problem is also recurring. There have also been cases where an inmate has carried another infectious disease, which has caused concern in the cellmate and other inmates. Healthcare professionals felt they lacked knowledge of how to combat infectious diseases effectively in the prison environment and pointed out that there are no uniform guidelines from the Prison and Probation Service on the topic.

Cellmates have to take care of each other

Several inmates said that they had taken care of cellmates who had felt physically or mentally ill, because the staff for various reasons did not. For example, one inmate said that his cellmate has, inter alia., serious eating disorders and that he felt that the responsibility for the cellmate lay with him, even though he had talked to the staff several times about the situation. He tried to support his cellmate and get him to eat but commented that *"I have to use a lot of my energy. I enjoy helping people, but I also have hard days and my own problems"*. He explained that he wanted to change cellmates to cope with his own situation while he feared that the cellmate *"is hurting"* and felt that he *"can't abandon him"*. An inmate at another prison said that he felt compelled to take care of his cellmate who has both mental and physical problems, including diabetes. The cellmate barely speaks Swedish or English and never left the cell. He has to do everything for him – get clothes, make sure he gets insulin, fetch food, and communicate with the staff. He did the best he could but doesn't think that it's his job.

According to inmates in all prisons visited, the situation becomes very problematic and difficult to handle when they are forced to share a cell with someone

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Toilet in Brinkeberg Prison.

suffering from mental illness. For example, one inmate said that his cellmate cries around the clock, screams and hits himself so that he has to hold the cellmate's hands. He had talked to the staff about it and applied to change cells twice without success. Another inmate stated that he had experience of having to take care of and calm down a former cellmate who had panic attacks. He explained that *"I had to for my own safety."*

Several also described feeling fear when living with cellmates who behaved erratically by, for example, talking to themselves, standing and watching them at night, or suddenly becoming aggressive.

Correspondingly, inmates with psychiatric conditions described the situation of sharing a cell as taxing. For example, one inmate said he has PTSD and chronic depression. He has a great need to be able to withdraw but *"have nowhere to go"* and *"can never be alone"*. Another inmate told me that he has autism and ADHD. He felt it was *"very difficult to be close to another person that I don't know"*.

Several inmates described that they had to monitor cellmates with, e.g., self-harming behaviour or a risk of an acute deterioration of their health. For example, inmates at three of the prisons visited had experience of cell mates having epileptic seizures in the cell. A couple of them said that they had felt uncomfortable when their cellmates came back after being taken to hospital by ambulance. *"It was scary, I could barely sleep"*, said one of them. The other stated that the prison officer said that he was his cellmate's 'security'; which he objected to: *"That can't be right, I didn't come here to be a nurse"*.

Furthermore, several inmates felt they had to monitor cellmates who previously tried to kill themselves or expressed a desire to do so. During the inspections, information also emerged about suicide attempts that had been interrupted by a cellmate. In interviews, for example, a couple of incidents were spoken about where inmates tried to hang themselves or cut their wrists. In both cases, the inmates were saved by their cellmates reacting and calling for staff. Several staff members described it as an advantage of double occupancy that inmates can prevent the other's suicide attempts.

Placement in top or bottom bunk

Most of the double-occupied cells in the prisons visited were equipped with bunk beds. During the series of inspections, both inmates and staff commented on the question of who sleeps in the top and bottom bunk respectively. Although the inmates are formally placed in one of them, it turned out that in practice, with the exception of *Färingsö Prison*, it is left to the inmates to decide. In general, the bottom bunk is considered to be the most sought after, partly because the air may be better there. Usually, the person who has been staying in the cell the longest, or the one in charge, sleeps there.

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One inmate explained that *“the newest or weakest gets to sleep in the top bunk”* and another that *“The one who has the most muscles sleeps on the bottom and bullies their cellmate”*. An inmate who had just gotten a new cellmate commented on the situation as follows: *“He came here yesterday. Right now, I’m staying on the bottom, but he’ll tell me in a few days that I have to take the top. If I say no, I’ll be vulnerable.”*

Some inmates described sleeping in the top bunk even though physical difficulties make it hard. For example, one inmate said he has an injured foot and uses crutches for walking. He sometimes sleeps on the floor because he has difficulty getting down from the top bunk and risks falling every time. He has talked to prison staff about it but been told that they can’t do anything and that he’s assigned the top bunk. Another inmate could only use one arm but had been in the top bunk for seven months. The staff believed that he risked being bullied if they moved him while the inmates thought it was bullying when he was forced to take the top bunk. An inmate with knee problems said he couldn’t get up into the top bunk, but when he explained this to staff, he had only been directed to figure it out with his cellmate. Some inmates shared a cell with an elderly person and had voluntarily taken the top bunk out of consideration for their cellmate. One inmate explained it by saying that his cellmate is *“a bit old, don’t want him to fall”*.

Handling of pharmaceuticals

Double occupancy also entails some problems for the handling of inmates’ medication. In Hällby Prison, lockers have been removed from the cells to simplify searches. Inmates therefore collect their medication from the prison staff. In Rosersberg Prison, keys to lockers in several of the cells were missing, why inmates stored their medication in unlocked cabinets or with staff. Inmates with lockers in the cells, on the other hand, are allowed to store their medication there.

This also applies to other prisons where the inmates have lockers in the cells. However, healthcare professionals believe there is a risk that inmates are pressured to hand over medication to their cellmate or other inmates despite the presence of lockers. Inmates confirmed that they had been subjected to such pressure from fellow inmates.

5.5.3 Consequences and risks

The series of inspections clearly show that the healthcare professionals have no specifically identified role in matters of double occupancy. The inmates are expected to bring up health reasons that may constitute an obstacle to such a placement. There is also no regular dialogue or structured follow-up between healthcare professionals and prison staff. A lack of information gathering from the inmates and insufficient cooperation between the staff categories risks both inappropriate matching of inmates and that such continues. In addition, placements that healthcare professionals would have advised against for medical reasons may be carried out. It can be somatic problems such as various infectious diseases, but more commonly cases of psychiatric conditions such as neuropsychiatric disabilities, psychotic disorders, suicidal tendencies, self-harming behaviour, etc.

At all the prisons visited, incidents and terminated placements had occurred due to people with worse mental health or somatic illnesses being placed in double-occupied cells. This fact confirms that there are risks when only prison staff assess the suitability of prisoners to share a cell, without consulting healthcare professionals. It can be noted that the legislation on confidentiality does not impede certain cooperation or exchange of information.

Overall conditions can be discussed without disclosing information about an individual’s state of health or other personal circumstances. It is also possible to

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ask for the inmates' consent to hand over necessary information to prison staff concerning circumstances of interest for possible placement in a double-occupied cell. The Prison and Probation Service's own instructions for healthcare professionals (2023:7) state that inmates, at the initial health examination, shall be asked to consent to the disclosure of certain information between healthcare professionals and prison staff, if necessary. As mentioned, it is also clear from the authority's own instructions that the mental and physical health of inmates shall be part of the assessment regarding double occupancy. The fact that such assessments are done without the involvement of health and medical care is therefore surprising.

It is thus clear that double occupancy can be harmful to the health of inmates if the placements are not done in a well-considered manner. During the series of inspections, it has been evident that it is particularly problematic when inmates with psychiatric conditions, certain types of deviant behaviours such as obsessive-compulsive disorder and tics, as well as infectious diseases, are forced to share a cell with another inmate. This can also cause discomfort as well as palpable insecurity and fear, both in the person suffering from a psychiatric condition and in the cell mate. Another worrying situation is when inmates with various physical difficulties are forced to share a cell. The inmates who, despite physical difficulties, have been forced or assigned to sleep in the top bunk risk, in the worst-case scenario, being physically harmed, but do not in any event seem to have been given enough attention.

There is every reason to assume that the consequences and risks now identified could be significantly reduced if healthcare professionals were more involved in matters of double occupancy.

Yet another consequence of the lack of participation of healthcare professionals is that individual inmates need to take care of cellmates who are mentally unwell or have more serious physical challenges. During the series of inspections, several examples were found of inmates having to take care of more severe cases of illness and having prevented suicide attempts in a double-occupied cell. It is of course positive, and obvious, that the cellmate intervened and helped, but it is deeply problematic that prisons are not able to identify and adequately take care of the individuals who are unwell or are otherwise particularly vulnerable. One consequence of this is that cellmates can be given a caretaking task that rightfully falls on the Prison and Probation Service, and that it can also burden the health of these inmates.

As previously reported, self-care with respect to pharmaceuticals is a basic principle within the Prison and Probation Service. The issue of self-care and the storage of pharmaceuticals is largely a matter of assessments on a case-by-case basis. However, the overall impression after the series of inspections is that various risks arise when an inmate stores medication in the cell and at the same time shares it with another inmate. Furthermore, it is unclear whether there is any actual control and follow-up with regard to the storage of pharmaceuticals in the cell.

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5.5.4 The Parliamentary Ombudsman's recommendations

The Prison and Probation Service is recommended to:

1. clarify the role of health and medical care and include healthcare professionals in the planning, implementation and follow-up of double occupancy by
 - ensuring that they, during a health examination, request consent to disclose any necessary information to prison staff,
 - clarifying the possibility of conveying information and making recommendations to prison staff regarding double occupancy without disclosing confidential information, and
 - developing guidelines and forms for a structured and regular dialogue between healthcare professionals and prison staff,
2. define what medical reasons may constitute impediments to double occupancy,
3. ensure that inmates with a physical disability are assigned a place in a cell adapted to the need in question,
4. develop guidelines on self-care for placement in double-occupied cells and ensure that pharmaceuticals stored in such a cell in an individual case can be handled in a way that does not jeopardise the health, safety and security of inmates, and
5. ensure that tasks that the Prison and Probation Service is responsible for are not handed over to inmates to handle.

¹ See, inter alia, Chapter 2, Section 1 and Chapter 3, Section 2 of the Health and Medical Services Act (SFS 2017:30), HSL.

² Chapter 25, Section 1, Chapter 8, Section 2, Chapter 10, Section 1 and Chapter 12, Section 2 of the Public Access to Information and Secrecy Act (SFS 2009:400).

³ Chapter 9, Section 1 FARK Prison.

⁴ See CPT/Inf(93)12-part, para 33.

⁵ See Section 2 of the Self Care Act (SFS 2022:1250) and the Prison and Probation Service's instructions regarding health and medical care for prison staff (2023:5).

⁶ Chapter 5, Sections 1 and 2 of the Act on Imprisonment.

Concluding remarks

In the report on double occupancy in remand prisons, I noted that the strained occupancy situation has significant consequences for the inmates. The conditions for prison inmates are even more serious. The overcrowding leads to cells intended for one inmate being regularly used for two inmates. Furthermore, the lack of places results in cells no larger than six square meters being used for double occupancy in more cases and no longer only in exceptional cases. The measures represent a major change compared to how the Prison and Probation Service has previously conducted prison operations.

In addition to overcrowding, there are other shortcomings in the physical environment, such as the ventilation in double-occupied cells, and there is often a lack of opportunity to use the toilet in private. Being forced as an inmate to stay with an unknown person in a small space under these conditions causes anxiety and stress. In addition, inmates in prisons with higher security classifications are locked in the cell together for 12 or 14 of the 24 hours of the day. The overcrowding has also meant that significantly more people are spending time in other premises than they are adapted for, and the environment there is often messy and stressful. Lack of alone time is a common thread. The circumstances have consequences for the mental and physical health of the inmates. Add to this the information that matching before double occupancy is not taking place and that there is no structured follow-up of how a placement is working. This is very worrying and may jeopardise the safety and security of the inmates.

The number of reported cases of both threats and violence between inmates in prison increased in 2024. The Prison and Probation Service also expresses in its annual report that the authority is now forced to make a more extensive conscious risk-taking in the placement of inmates. It is clear after the series of inspections that inmates far from always tell the staff about the threatening and violent situations that occur. Instead, they remain silent or prefer to resolve the matter themselves. The inspections confirm that there is a number of unreported cases and that the reported number of incidents do not reflect reality.

I cannot draw any other conclusion from what has emerged from the investigation carried out than that the circumstances have extensive and serious consequences for the inmates. There is a risk that prison inmates will be subjected to inhuman or degrading treatment. The Prison and Probation Service urgently needs to review what measures are necessary to take to eliminate the risks associated with persons deprived of liberty sharing cells.





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