

Country Report: Sweden

Most of the information in this report comes from Swedish government reports. One source used is a research paper on women prisoners from 1994, which was commissioned by the government and written by Lis Somander.¹

Some information was gained from the questionnaires QCEA sent out to female ex-prisoners. However due to the very small number of respondents (two), such information is anecdotal and we have only used it to illustrate more general points.

1. Introduction

The total prison population in Sweden was 7,054 as of October 2005.² There were eighty-seven establishments (fifty-seven prisons for sentenced prisoners and thirty prisons for prisoners awaiting trial). The occupancy rate in the ordinary prisons during 2005 was ninety-six per cent of the certified accommodation. In the prisons for prisoners awaiting trial it was 104 per cent of the certified normal accommodation, but ninety-two per cent if extra occasional places were included.³ In October 2005 there was a prison population rate of seventy-eight per 100,000 (based on estimated national population of 9.04 million) and pre-trial detainees and remand prisoners accounted for 20.3 per cent of the total prison population.⁴

According to the Swedish Prison and Probation Service; arrest, detention and remand are the three most important coercive measures.⁵ Section Four of the Prison Treatment Act states that imprisonment should be carried out to promote the adjustment of prisoners into the community upon release. The section affirms that the detrimental consequences of prison treatment should be counteracted by directing efforts towards measures that prepare each prisoner for life outside prison from the outset. This must only be achieved without neglecting the need to protect the community. Furthermore, a prisoner's release from prison should be prepared for in good time.

There is no legislation limiting time on remand. However, if a person is not charged within two weeks, there is usually a further remand hearing.⁶ Although occasionally an accused person may be held in a remand prison for several years in the case of complex investigations, this is rare and time on remand is usually short.⁷

¹ L. Somander, *Women prisoners*, Research paper No. 4, Swedish Prison and Probation Administration 1994, translated by Norman Bishop (Norrköping: 1994), ISSN 1102-5891

² *International Centre for Prison Studies*, World Prison Brief, Prison Brief for Sweden [on-line], accessed 16 March 2007, available at <http://www.prisonstudies.org/>

³ Kriminalvård och Statistik 2005, (Swedish Prison and Probation Service annual official statistics publication)

⁴ *International Centre for Prison Studies*, available at <http://www.prisonstudies.org/>

⁵ *Swedish Prison and Probation Service*, Basic facts about Prison and Probation Service in Sweden: 2006 [on-line], accessed 16 March 2007, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

⁶ *ibid.*

⁷ *Swedish Prison and Probation Service*, On Remand [on-line], accessed 16 March 2007, available at http://www.kvv.se/templates/KVV_InfopageGeneral_4041.aspx

2. Women prisoners in Sweden

Recent Developments in Criminal Justice in Sweden relating to women

The 1998 bill on Violence against Women introduced gender-neutral language into the Penal Code. It also marked the beginning of an improvement in official crime statistics including the recording of the sex of both perpetrator and victim in violent crime, their ages and the relationship between them.⁸

The National Council for Crime Prevention now has a duty to incorporate a gender perspective into its research and development work and a remit to develop research on violence against women.⁹

Profile of Women Prisoners

The Swedish Prison and Probation Service report that, during 2005, there were 717 women in Swedish prisons – accounting for 6.7 per cent of all prisoners.¹⁰ According to the International Centre for Prison Studies, women prisoners accounted for 5.2 per cent of the total prison population in October 2005.¹¹ Women prisoners are held in four prisons solely for women in different parts of the country, as well as one wing of a prison that also holds male prisoners in the south.

Of the women appearing before a court each year, just over 500 receive prison sentences. The majority of these sentences are for less than one year. Most women in prison are between thirty-five and forty-four years of age.¹²

Table 1: Crimes for which women have been imprisoned in Sweden
Source: Basic facts about Prison and Probation Service in Sweden 2005.
(http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx)

| Crime | Number of women |
|-------------------------|-----------------|
| Drug offences/smuggling | 172 |
| Theft | 155 |
| Traffic offences | 91 |
| Violent crime | 74 |
| Drunken driving | 64 |
| Fraud, embezzlement | 62 |
| Public order | 55 |
| Robbery | 11 |
| Sexual offences | 5 |
| Total | 689 |

⁸ *Prostitution Research and Education (PRE)*, The 1999 Swedish law on prostitution: Fact sheet on violence against women [on-line], accessed on 16 March 2007, available at <http://www.prostitutionresearch.com/laws/000024.html>

⁹ *ibid.*

¹⁰ *Swedish Prison and Probation Service*, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

¹¹ *International Centre for Prison Studies*, available at <http://www.prisonstudies.org/>

¹² *Swedish Prison and Probation Service*, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

Table 1, above, shows a total of 689 women who have committed crimes, although the Prison and Probation Service also report that the number of women in prison was 717 in 2005. This discrepancy may be due to the fact that twenty-eight women were sentenced in 2004 but did not commence serving their sentence until 2005.

Since 1999, the buying of, or attempting to buy, sex is punishable by fines or imprisonment of up to six months. There is no criminal sanction against the person who is selling sex.¹³

3. Women on remand

In 2005, there was an average of ninety-four women awaiting trial in prisons. In addition, sixteen women had been sentenced but were awaiting transfer to an ordinary prison. In principle this transfer should occur directly after sentencing but there is currently a shortage of space in ordinary prisons, and so delays sometimes occur.

4. Convicted prisoners

Figure 1 shows the sentenced women prisoners received into prison between 1970 and 1991. With some small fluctuations, the numbers increase from 172 in 1970 to a maximum of 784 in 1988. From then until 1991 the numbers of women decreased to 624. Table 2 gives corresponding figures for the period between 2001 and 2005.

Table 2: Sentenced prisoners received into prison during the year for the period 2001-2005

| Year | Number of women prisoners | % of total prison population |
|-------------|----------------------------------|-------------------------------------|
| 2001 | 554 | 6 |
| 2002 | 681 | 7 |
| 2003 | 730 | 7 |
| 2004 | 775 | 7 |
| 2005 | 717 | 7 |

Table 3: Sentenced prisoners in prison on 1 October each year for the period 2001-2005

| Year | Number of women prisoners | % of total prison population |
|-------------|----------------------------------|-------------------------------------|
| 2001 | 262 | 6 |
| 2002 | 268 | 5 |
| 2003 | 277 | 5 |
| 2004 | 326 | 6 |
| 2005 | 280 | 5 |

Figure 2, below, shows sentenced women prisoners received into prison as a proportion of all prisoners. These figures also increased steadily (with small fluctuations) between 1970 and 1988. There then appears to be a small decrease until 1991, but the incline is less sharp and evident than the corresponding decrease in the actual number of sentenced women prisoners (see figure 1, below).

In February 2006, three of the 142 prisoners serving a life sentence were women.¹⁴

¹³ *Prostitution Research and Education (PRE)*, available at <http://www.prostitutionresearch.com/laws/000024.html>

¹⁴ *Swedish Prison and Probation Service*, available at http://www.kvv.se/templates/KVV_InfoMaterialListing___4022.aspx

Sentenced women prisoners received into prison, 1970-1991

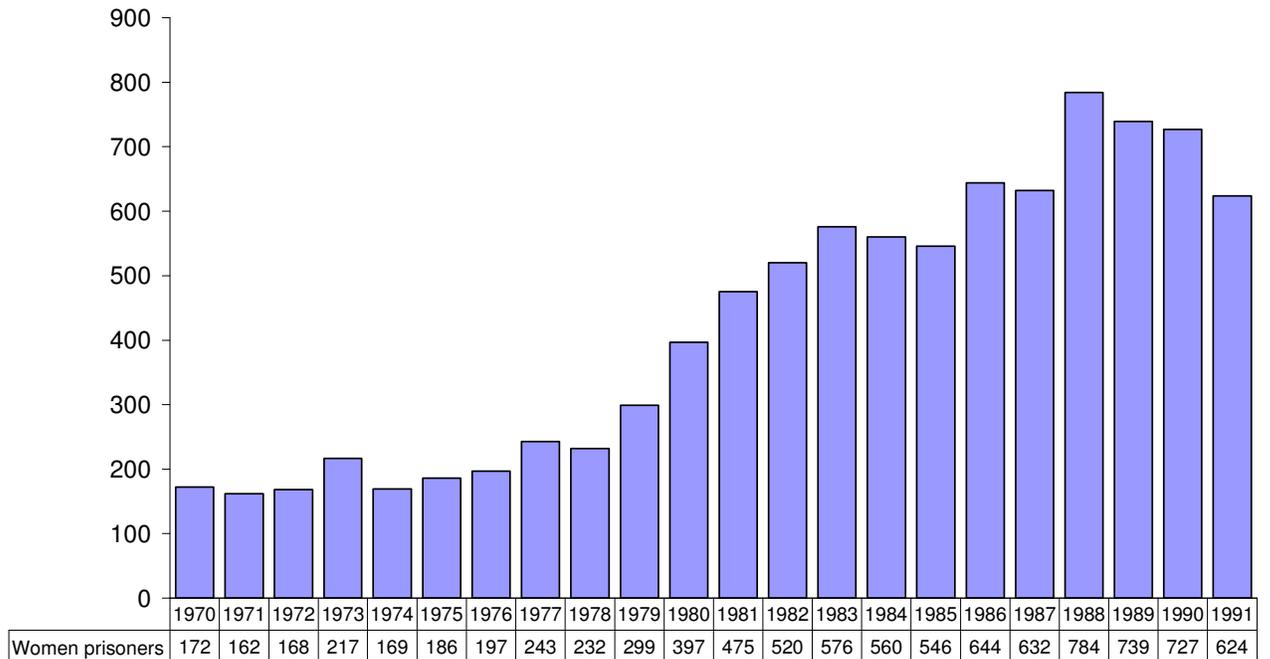


Figure 1: Sentenced women prisoners received into prison 1970-1991. Source: Swedish Prison and Probation Administration (cited by Somander).

Sentenced women prisoners received into prison as a proportion of all prisoners, 1970 - 1991

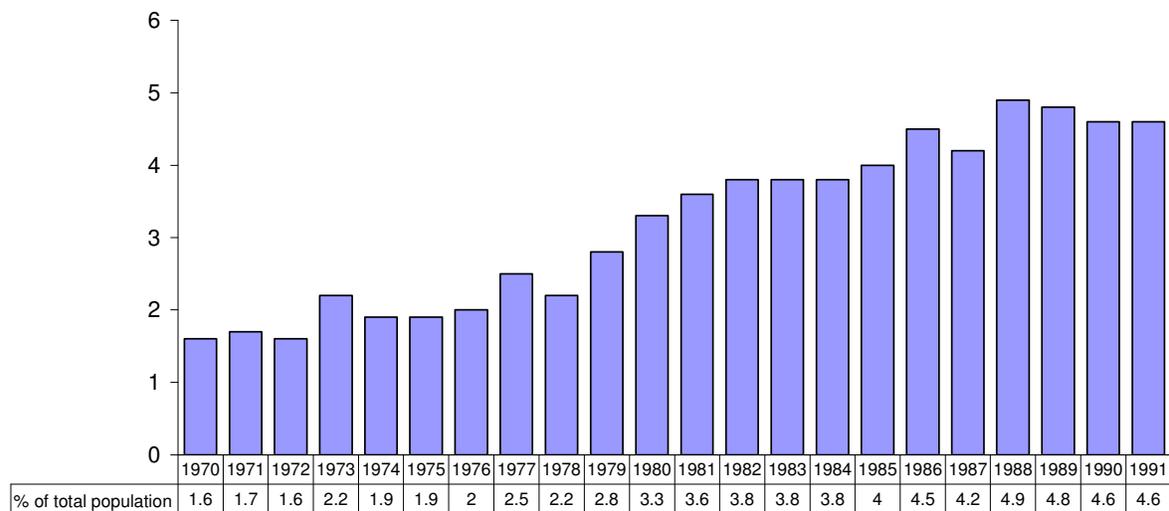


Figure 2: Sentenced women prisoners received into prison as a proportion of all prisoners, 1970-1991. Source: Swedish Prison and Probation Administration (cited by Somander).

5. Contact with the outside world

Visits

Under Swedish law, prisoners may receive as many visits as it is possible to arrange. In reality, limitations may be placed on this by small visiting facilities or a small number of staff. Prisoners may be visited by their children, other relatives and friends. Children under eighteen may visit if the person who has custody of them gives their written permission. Children under the age of fifteen must be accompanied by an adult. All visitors must be approved by the institution and are subject to checks carried out by the institution before the visit. Prisoners may also receive visits from their lawyer or probation officer, a police officer investigating a crime, a potential employer or others whom it might be important for the prisoners to meet.

Visitors may come at special visiting times and visits last for one or two hours. Visitors who come from longer distances may visit a prisoner for up to a whole day. At open institutions prisoners may receive visits in their cell.

Most closed institutions have child-friendly visiting rooms, and at some of the larger institutions there are special visiting apartments where prisoners can be with their family for longer periods. Staff may remain present and supervise proceedings throughout the entire visit.¹⁵

The visiting facilities at her prison were described by one ex-prisoner as of average cleanliness but as unattractive/depressing and as too small.¹⁶

Leave

The opportunity for prisoners to go 'on leave' is very important for the maintenance of family ties, and for other specific purposes (work interviews, arranging accommodation, etc.). Swedish penal legislation provides for leaves of this kind and considerable use of these prison leaves is made.¹⁷

6. Motherhood in prison

Babies in prison

Women prisoners who have a child aged up to twelve months may have their child with them at the institution. The social welfare committee in the municipality decides in conjunction with the National Prison and Probation Service whether or not the child may stay in prison. Things are arranged in a way that provides the best possible situation for the child.¹⁸ Five children were together with their mothers in 2005. The average time for children in prison was five months.¹⁹

¹⁵ *Swedish Prison and Probation Service*, Visits [on-line], accessed 16 March 2007, available at http://www.kvv.se/templates/KVV_InfopageGeneral___3987.aspx (it was not specified if overnight visits, as well as daytime visits, are supervised by staff)

¹⁶ *QCEA questionnaire*

¹⁷ *Swedish Prison and Probation Service*, Leave of absence [on-line], accessed 15 March 2007, available at http://www.kvv.se/templates/KVV_InfopageGeneral___3977.aspx

¹⁸ *Swedish Prison and Probation Service*, Children [on-line], accessed 16 March 2007, available at http://www.kvv.se/templates/KVV_InfopageGeneral___3975.aspx

¹⁹ *Swedish Prison and Probation Service*, available at http://www.kvv.se/templates/KVV_InfoMaterialListing___4022.aspx

In the 1994 report by Somander, women prisoners were asked their opinion on, *inter alia*, children in prison. Of the ninety-five women who responded to this question, 'nearly a quarter were favourably inclined to allowing children to be in prison with their mother and nearly a further one quarter were favourably inclined, providing the child was very young (opinions differed on the definition of 'young' but in no case was the age more than three years). One third of the women were unfavourably inclined. Finally, twenty women were ambivalent, seeing both advantages and disadvantages'.²⁰

Reuters recently reported that male prisoners may be given custody of their babies. The prison administration was clear that this would be granted only in rare cases where social services found it to be in the child's best interest (and not as of right) – minimising the effects of parental imprisonment - rather than for the sake of gender equality.²¹

Children on the outside

The Swedish Ministry of Justice reports that on arrival at prison all prisoners are asked whether they have any children and who has custody of them. This is done so that the staff can plan for the period of the prisoner's sentence.²²

In 1994, of the women prisoners who took part in the survey and who were mothers, twenty-seven per cent said their children were with their father and twenty-one per cent were in foster homes. In three cases (5.7 per cent), the children were with a present or past partner of the woman and in ten cases (nineteen per cent), with friends or relatives.

Hinesberg, a large closed prison solely for women, has an equipped flat with a small garden where children can have overnight visits. Members of prison staff were reported to be friendly to visiting children.²³ One ex-prisoner said she did not think her imprisonment had had a particularly negative effect on her children because they were eighteen and nineteen years old at the time.²⁴

7. Health

General

Both ex-prisoners who responded to our questionnaire said that they were able to see a doctor in private. One said that she did not think that the medical treatment she had received in prison was as good as the treatment available outside (ex-prisoner from Hinesberg prison). The other thought that the medical treatment she had received in prison was good compared to that available outside (ex-prisoner from several different prisons).²⁵

Substance addiction

Both respondents to our questionnaire had been imprisoned for drugs-related offences and both had been addicted to drugs (amphetamines and cannabis in both cases, and heroin in one of the cases). One said that she had no treatment or help with drug addiction while in prison (this may have been due to her sentence being for a period of less than eighteen months). The other ex-

²⁰ L. Somander, *Women Prisoners*, p. 15.

²¹ Swedish Dads May be Able to Keep Babies Behind Bars, Stockholm, Reuters, 27 October 2005

²² *Swedish Prison and Probation Service*, available at http://www.kvv.se/templates/KVV_InfopageGeneral___3975.aspx

²³ *QCEA questionnaire*

²⁴ *ibid.*

²⁵ *ibid.*

prisoner praised the twelve-step programme she had undergone to treat an addiction to cannabis and amphetamines as “wonderful”, and said that it had “taken care of my mental health”.²⁶

Of the 717 women prisoners received into prison during 2005, 398 (fifty-six per cent) were drug misusers. Of this number, 349 (eighty-eight per cent) were classified as grave misusers. The corresponding percentage proportions for male prisoners were sixty-three per cent and seventy-eight per cent.²⁷

Twenty per cent of the women sentenced to prison in 2005 were sentenced under the Narcotic Drugs Punishment Act, and four per cent under the Smuggling Punishment Act, mainly for acting as couriers with drug smuggling. The corresponding proportions for male offenders were nineteen per cent and three per cent respectively.

Prisoners awaiting trial frequently enter prison under the influence of drugs. These prisoners are detoxified upon entry. The detoxification is done with or without medical assistance. The provision of medical help to offset abstinence symptoms is not a programme as such, but the help given is important. In 1998, 1,100 prisoners took part in detoxification programmes.²⁸ The most commonly used drugs were amphetamines, either alone or in combination with medicinal pills or cannabis.²⁹

On 1 October 2005, there were eight women prisoners in prison who were classified as alcohol misusers, and a further eleven who misused both drugs and alcohol. The corresponding figures for male prisoners were eleven and seventeen. These small numbers are influenced by the short length of many prison sentences.

Of the prisoners surveyed by Somander in 1994, sixty-three per cent said they had used alcohol occasionally or not at all outside prison and 102 (eighty-six per cent) had smoked.³⁰ Out of the thirty-five women who wanted help for their drug or alcohol dependence, forty per cent thought that the prison could help them; more of the positive respondents were in open rather than closed prisons.³¹ There is a stated intention on the part of the central administration to prohibit smoking in all prisons (possibly with the exemption of some small areas) by 2008.

Section 34 of the Prison Treatment Act allows for prisoners to reside in places other than prison, e.g. in a therapeutic community or a foster family, if this will help their re-integration into society. This is an innovative policy that QCEA has not observed in any other country. In 1998, 674 prisoners commenced a Section 34 treatment. In 1998, thirty-five per cent of known drug-misusing prisoners engaged in some form of programme focusing on drug misuse, both within and away from the prisons.³²

²⁶ QCEA questionnaire

²⁷ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfopageGeneral_4152.aspx

²⁸ L. Somander, *Women Prisoners*, p. 17.

²⁹ *ibid.*, p. 10.

³⁰ *ibid.*, p. 17.

³¹ *ibid.*

³² Ekstrom *et al.*, *Drug Misuse and Countermeasures in the Swedish Prison and Probation System*, Swedish Prison and Probation Service, translated by Norman Bishop, (Norrköping: 1999), p. 14.

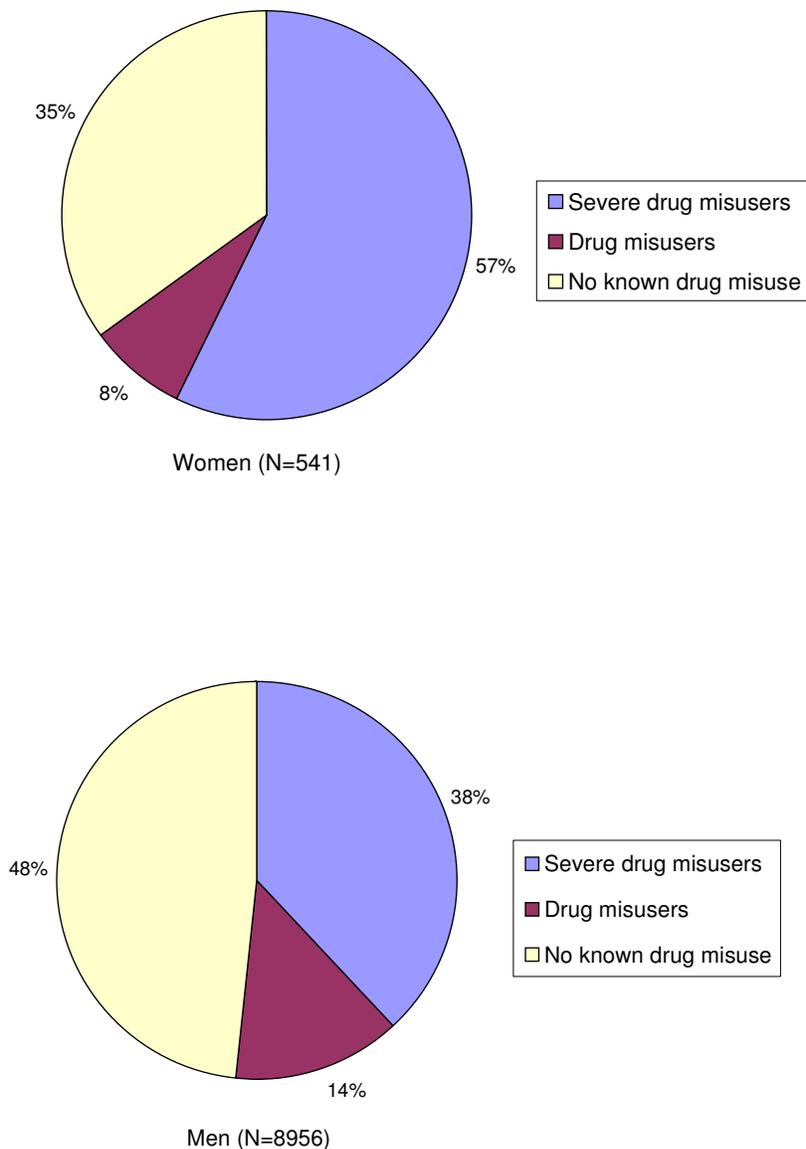


Figure 3: Drug problems of sentenced prisoners received into Swedish prisons, 1998, female prisoners (top pie chart), and male prisoners (bottom pie chart). Source: Drug Misuse and Countermeasures in the Swedish Prison and Probation System, Swedish Prison and Probation Service, 1999, p. 9.

Of the 119 women prisoners surveyed by Somander in 1994, nearly sixty per cent had used drugs daily or almost daily prior to imprisonment. Sixty per cent of the 119 women considered that they had a drug problem. Women imprisoned in closed prisons had previously used drugs significantly more than those in open prisons.

Some treatment programmes take place in prison with prisoners living together in strictly drug free wings. Drug dependency may therefore affect the decision of where prisoners will serve

their sentence. A lack of motivation on the part of drug-abusing prisoners or smuggling drugs into prisons may then result in a transfer between different kinds of prisons.³³

Contract treatment is used as a form of probation with a condition of treatment attached. This form of probation can be ordered by a court where drug or alcohol misuse is considered to be directly associated with the offence committed. Of slightly more than 6,000 sentences to probation passed during 2005, a total of 1,372 were to contract treatment. This figure is for both men and women.

Contract treatment is primarily for long-term substance abusers where there is a clear link between the crime and substance abuse. Instead of serving a two-year sentence, a contract is made between the court and the client on institutional care, at an open clinic, or in a home. During 2005, 1,275 persons were sentenced to contract treatment including 150 women.³⁴

8. Education, work and training

In the Somander report, forty-three per cent of the women prisoners surveyed worked and thirty-nine per cent combined work and study. The proportion of women working was greater in the open prisons. Forty-five per cent thought that the work offered was good and fifty-eight per cent wished to see other forms of work offered. More 'womanly work', such as sewing, nursing, handicrafts, furnishing fabrics was requested, as well as assembly of electronic apparatus and light engineering.³⁵

In 1994, just over one quarter of women surveyed had completed secondary school studies, whilst eighteen per cent reported difficulties with reading and writing. Just over forty-one per cent of women were studying in prison, and eighty per cent of these considered their studies useful and good/very good.³⁶

9. Minority groups

Juveniles

According to the International Centre for Prison Studies (ICPS), juveniles accounted for 0.2 per cent of the total prison population in 2005.³⁷ In 2005, one girl aged between fifteen and seventeen years was in prison.³⁸

Since 1999, fifteen to seventeen year olds committing serious offences serve time in closed youth detention in order to reduce the harmful effects of time spent in prison. They are the responsibility of the National Board for Institutional Care (NBIC). Sentences are between two weeks and four years with no conditional release.³⁹

During 2005, a total of ten offenders under eighteen years were sentenced to imprisonment; seven of them were for less than two months, one for less than six months, one for more than

³³ Ekstrom *et al.*, *Drug Misuse and Countermeasures in the Swedish Prison and Probation System*, p. 10.

³⁴ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

³⁵ L. Somander, *Women Prisoners*, pp. 10-11.

³⁶ *ibid.*, p. 11.

³⁷ International Centre for Prison Studies, available at <http://www.prisonstudies.org/>

³⁸ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

³⁹ *ibid.*

two years, and one for more than four years. Five of these young offenders were sentenced for robbery or aggravated robbery. It is rare for juveniles to be sentenced to imprisonment and the more usual form is to order a period in an institution run by the NBIC.

Foreign nationals

Figures given for the proportion of prisoners who are foreign nationals are around twenty-five per cent. According to the Swedish government, in 2005, 2,976 prisoners were foreign citizens, accounting for 28.5 per cent of all persons given custodial sentences. 158 (5.3 per cent) of these foreign nationals were women.⁴⁰ According to ICPS, foreign prisoners accounted for 26.2 per cent of sentenced prisoners in October 2005.⁴¹

Foreign clients are from 107 countries.⁴² One fifth of foreign national prisoners have deportation orders as part of their sentence, i.e. they will be deported to their country of origin after they have completed their sentence.⁴³

10. Security and punishment

Both respondents to our questionnaire said they had been strip searched more than once per week whilst in prison. One said that it was better to have dogs to search for drugs.⁴⁴

One fifth of women prisoners surveyed in the Somander report said that they had been victims of harassment, threats of violence or actual violence while in prison (twenty-two per cent had been victims of actual violence). No prisoners complained of having been subjected to any form of sexual violence or threat.⁴⁵

One respondent to the QCEA questionnaire reported having suffered physical or sexual assault from another female prisoner. The same ex-prisoner had experienced being put in an isolation cell and described the experience as making her feel "full of hate towards the system".

11. Staff and management

8,655 staff members are employed in the Prison and Probation Service. Forty-four per cent of these are women.⁴⁶

12. Additional information

When asked for ideas for better ways of dealing with women offenders, one ex-prisoner wrote: 'programmes for drug addiction (that work!), programmes for crime (how to stop doing them etc.),

⁴⁰ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfoMaterialListing___4022.aspx

⁴¹ International Centre for Prison Studies, available at <http://www.prisonstudies.org/>

⁴² Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfoMaterialListing___4022.aspx

⁴³ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfopageGeneral___4050.aspx

⁴⁴ QCEA questionnaire

⁴⁵ L. Somander, *Women Prisoners*, p.12

⁴⁶ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfoMaterialListing___4022.aspx

programmes for the life after prison'. She described her biggest worries as her family, her drug problem and the future.⁴⁷

Women on probation

In 2005, 1,505 women commenced probation which accounted for 11.9 per cent of the total number of people who started probation.⁴⁸

Intensive supervision with electronic monitoring

Intensive supervision means that a person sentenced to a maximum total of six months can serve their sentence at home wearing a so-called electronic tag. In 2005, 10.5 per cent of people under electronic supervision were women.⁴⁹ This represents a higher proportion than the percentage of women in prison.

Conditional Sentences

During 2005, a total of 3,279 conditional sentences were passed of which 258 (eight per cent) concerned women offenders.

⁴⁷ QCEA questionnaire

⁴⁸ Swedish Prison and Probation Service, available at http://www.kvv.se/templates/KVV_InfoMaterialListing_4022.aspx

⁴⁹ *ibid.*