



GLOBAL **DETENTION** PROJECT

## **COUNTRY REPORT**

**IMMIGRATION DETENTION IN SWEDEN:  
INCREASING RESTRICTIONS AND  
DEPORTATIONS, GROWING CIVIL SOCIETY  
RESISTANCE**

*July 2018*

## THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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Front cover image: A protest against deportations in Stockholm, / © Fredrik Sandberg/TT

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## KEY CONCERNS

- The annual number of immigration detainees in Sweden increased from 3,200 in 2014 to 4,400 in 2017, and its detention capacity has expanded by nearly 40 percent since 2015, with new detention centres planned;
- Despite legal limits on the detention of children, the country continues to detain them (78 in 2017, 108 in 2016);
- The average duration of detention increased from 18 days in 2015 to 31 days in 2017;
- “Alternatives to detention” are rarely used because individual assessments of their feasibility are not systematically performed;
- Health care in detention has been criticised as inadequate because detainees do not receive initial medical screenings and there are reported shortcomings in confidentiality.



## 1. INTRODUCTION

Traditionally, Sweden has been lauded for having more humane detention practices than its Scandinavian neighbours, including [Norway](#) and [Denmark](#). Yet, a sharp increase in the number of asylum applications in 2015 (more than 160,000) triggered a shift in both policy and public discourse. In January 2016, the Swedish government introduced new border controls, boosted police forces, and revealed plans to deport up to 80,000 non-citizens who do not qualify for refugee status.<sup>1</sup>

The country also introduced new regulations to reduce the attractiveness of Sweden as a destination country.<sup>2</sup> In 2016, for example, Sweden adopted a law providing temporary limitations on residence permits (2016:752) (*Lag om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*) while restricting the right to family reunification.<sup>3</sup>

This restrictive policy environment has proved divisive. While anti-immigrant political parties have gained increasing support, many civil society groups have fervently opposed the harsh treatment of migrants and asylum seekers. The global notoriety garnered by a [viral video](#) showing a Swedish student's successful on-flight protest in July 2018 to keep an Afghani man from being deported to Afghanistan helped draw attention to the polarised environment in Sweden around migration issues, while also

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<sup>1</sup> D. Crouch, "Sweden Sends Sharp Signal with Plan to Expel up to 80,000 Asylum Seekers," *The Guardian*, 28 January 2016, <http://www.theguardian.com/world/2016/jan/28/sweden-to-expel-up-to-80000-rejected-asylum-seekers>; L. Cendrowicz, "Refugee Crisis: Sweden's Mass Deportation of Asylum Seekers 'Could Strengthen EU Migration Policy'," *Independent*, 28 January 2016, <http://www.independent.co.uk/news/world/europe/refugee-crisis-swedens-mass-deportation-of-asylum-seekers-could-strengthen-eu-migration-policy-a6840521.html>; T. Rollins, "Refugee vs Economic Migrant: Are EU Policies Changing?," *Aljazeera*, 18 February 2016, <http://www.aljazeera.com/indepth/features/2016/02/refugees-economic-migrants-europe-rhetoric-160214130119808.html>

<sup>2</sup> *Migrationsverket* (Swedish Migration Agency), "The Changing Influx of Asylum Seekers in 2014-2016: Member States' Responses: Country Report Sweden," *European Migration Network (EMN)*, 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/17a\\_sweden\\_changing\\_influx\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/17a_sweden_changing_influx_en.pdf)

<sup>3</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>; *Migrationsverket* (Swedish Migration Agency), "The Changing Influx of Asylum Seekers in 2014-2016: Member States' Responses: Country Report Sweden," *European Migration Network (EMN)*, 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/17a\\_sweden\\_changing\\_influx\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/17a_sweden_changing_influx_en.pdf)

shining “a spotlight on domestic opposition to Sweden’s tough asylum regime,” as one newspaper reported.<sup>4</sup>

Among the government’s priorities in the area of migration is the return of unsuccessful asylum seekers.<sup>5</sup> Sweden seeks to foster “voluntary” return by making accommodation and daily allowances contingent upon consent to leave the country. Authorities have also posted liaison officers in countries of origin, adopted a bilateral understanding on readmission with Afghanistan, and intensified crackdowns against irregular migrants.<sup>6</sup> The number of returns has subsequently increased: from approximately 6,600 in 2014 to roughly 10,000 in 2017. Approximately a third of annual returns are forced returns.<sup>7</sup>

These measures are being pursued despite a significant drop off in the number of asylum applicants in recent years—from approximately 162,500 in 2015 to 26,000 in 2017 (similar to [Austria's](#) 2017 numbers). Likewise, the number of apprehensions has dropped—from around 72,800 in 2014 to 2,150 in 2017 (comparable to the [Netherlands](#)).<sup>8</sup>

The country's immigration detention estate has expanded in tandem with Sweden’s hardening policy environment, with capacity increasing from 255 in 2015<sup>9</sup> to 357 in 2016.<sup>10</sup> In 2018-2019, detention capacity is set to increase further with the opening of new centres. With detention capacity increasing, the annual number of detainees has also risen, from approximately 3,200 in 2014 to 4,400 in 2017.<sup>11</sup> Likewise, the average length of detention increased from 18 days in 2015 to 31.5 days in 2017.<sup>12</sup> According to government sources, the need for detention has been increasing, and

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<sup>4</sup> David Crouch, "Swedish student's dramatic plane protest stops man's deportation 'to hell,'" *The Guardian*, 25 July 2018, <https://www.theguardian.com/world/2018/jul/25/swedish-student-plane-protest-stops-mans-deportation-afghanistan>

<sup>5</sup> *Migrationsverket* (Swedish Migration Agency), "The Changing Influx of Asylum Seekers in 2014-2016: Member States' Responses: Country Report Sweden," *European Migration Network (EMN)*, 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/17a\\_sweden\\_changing\\_influx\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/17a_sweden_changing_influx_en.pdf); *Migrationsverket* (Swedish Migration Agency), "The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards: Country Report Sweden," *European Migration Network (EMN)*, 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/27a\\_sweden\\_effectiveness\\_of\\_return\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/27a_sweden_effectiveness_of_return_en.pdf)

<sup>6</sup> J. Ahlander, "Sweden Intensifies Crackdowns Against Illegal Immigrants," *Reuters*, 13 July 2017, <https://www.reuters.com/article/us-sweden-immigration-crackdown/sweden-intensifies-crackdown-on-illegal-immigrants-idUSKBN19Y0G8>

<sup>7</sup> Eurostat, "Asylum and Managed Migration," <http://ec.europa.eu/eurostat/data/database>

<sup>8</sup> Eurostat, "Asylum and Managed Migration," <http://ec.europa.eu/eurostat/data/database>

<sup>9</sup> Caritas Sweden and Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2015, <http://www.asylumineurope.org/reports/country/sweden>

<sup>10</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2016, <http://www.asylumineurope.org/reports/country/sweden>

<sup>11</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>

<sup>12</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>; Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2016, <http://www.asylumineurope.org/reports/country/sweden>

this trend will continue as more individuals receive expulsion orders or rejection decisions in the wake of the large number of asylum seekers arriving in 2015, as well as the extension of internal immigration controls.<sup>13</sup>

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<sup>13</sup> Migration Board, “*Tomtförfrågan om nytt förvar i norra Sverige*,” 17 January 2018, <https://www.migrationsverket.se/Om-Migrationsverket/Nyhetsarkiv/Nyhetsarkiv-2018/2018-01-17-Tomtforfragan-om-nytt-forvar-i-norra-Sverige.html>



## 2. LAWS, POLICIES, PRACTICES

**2.1 Key Norms.** The 2005 [Aliens Act \(2005:716\)](#) (*Utlänningslag*) regulates the country's migration policy, including conditions for the issuance of visas, long-term resident status, work permits, and refusal of entry to the country, as well as “coercive” control measures, which include immigration detention and penal sanctions. The Act has been amended several times. The 2012 amendment incorporated the [EU Returns Directive](#).

Deportation and detention were first introduced into Swedish law with the 1914 Deportation Act. The 1927 Aliens Act, along with amendments in 1945 and 1954, broadened the state's detention powers and introduced changes to detention regulations. The 1945 law provided that a migrant could be detained in order to facilitate his deportation, while the 1954 law specified the grounds on which a person could be detained. An amendment in 1976 restricted the grounds for immigration-related detention, providing that a non-citizen could be detained only if there were reasonable grounds to suspect that the individual would abscond or take part in criminal activities, or if their identity could not be established.<sup>14</sup> The 2005 Act, however, once again expanded the range of grounds justifying detention.

**2.2 Grounds for detention.** Grounds for administrative immigration-related detention (*förvar*) are provided in Chapter 10 of the Aliens Act. In addition, the Aliens Act sets out grounds for criminal prosecution and incarceration for immigration-related violations (see section 2.12 Criminalisation).

The Aliens Act specifies that non-citizens over the age of 18 may be detained when: their identities cannot be clearly established; there is no proof of the right to enter or stay in Sweden; or when detention is deemed necessary in order to investigate their right to remain in Sweden. In cases when it appears likely that a person will be refused entry or deported, they can be detained if authorities deem them to be a flight risk or potentially engaged in criminal activities (Chapter, 10, Section 1). According to [Caritas Sweden](#), several of these grounds are ambiguous.<sup>15</sup>

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14 D. Debono, S. Rönqvist, and K. Magnusson, *Humane And Dignified? Migrants' Experiences of Living in a 'State of Deportability' in Sweden*, Malmö University, 2015; S. Jansson, *Sweden and its Historical Productions of Migrant Detainabilities*, Master Thesis, Malmö University, 2013.

15 Caritas Sweden, “Country Report: Sweden,” *Asylum Information Database (AIDA)*, December 2015, <http://www.asylumineurope.org/reports/country/sweden>



In 2015, the Migration Court of Appeal ruled that the detention-related provisions of the Aliens Act cannot be used in the case of transfers under the [EU Dublin Regulation](#). In a more recent ruling, however, the same tribunal concluded that the applicable rules on detention under the regulation cannot be interpreted in a way which would hinder Dublin transfers.<sup>16</sup>

**2.3. Asylum seekers.** The above grounds apply to both asylum seekers and undocumented non-citizens. In practice, however, asylum seekers in regular procedures constitute a small proportion of migration detainees—less than 4 percent.<sup>17</sup>

**2.4 Children.** The Aliens Act provides that non-citizens can be detained once they reach the age of 18. At the same time, however, the Aliens Act also describes two situations in which children may be detained for immigration-related reasons (Chapter 10, Section 2, paragraphs 1 and 2). First, a child can be detained if it is likely that they will be refused entry or have already been issued a deportation order, there is an “obvious” risk of absconding, and supervision is deemed insufficient for carrying out the order. Secondly, in cases where supervision has previously proved insufficient to enforce an order, detention can be used to enforce a refusal of entry or expulsion order. In 2017, 78 children were detained; in 2016, 108 were detained;<sup>18</sup> and in 2015, 80 were detained.<sup>19</sup>

According to the Aliens Act, children cannot be separated from their guardians by detaining either the guardian or the child. When the child does not have a guardian (an unaccompanied minor), detention may only be applied in exceptional circumstances (Chapter 10, Section 3).

Children may not be detained for more than 72 hours or, in exceptional circumstances, for an additional 72 hours (thereby totalling six days) (Chapter 10, Section 5). The average detention time for children decreased from 3.9 days in 2016 to 2.5 days in 2017.<sup>20</sup>

**2.5 Length of detention.** The legal limits on the length of detention vary according to the grounds for detention.

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16 Swedish Network of Refugee Support Groups (FARR), “Country Report: Sweden,” *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>

17 Swedish Migration Board, “The Use of Detention and Alternatives to Detention in the Context of Immigration Policies in Sweden,” European Migration Network (EMN), 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm)

18 Swedish Network of Refugee Support Groups (FARR), “Country Report: Sweden,” *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>

19 Caritas Sweden, “Country Report: Sweden,” *Asylum Information Database (AIDA)*, December 2015, <http://www.asylumineurope.org/reports/country/sweden>

20 Swedish Network of Refugee Support Groups (FARR), “Country Report: Sweden,” *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>

Detention for the purposes of investigating the migrant's right to remain in Sweden under Chapter 10, Section 1, paragraph 2(1) of the Aliens Act cannot exceed 48 hours. Detention during the verification of the right of a foreign national to enter or stay in Sweden is to be limited to two weeks, unless there are exceptional grounds for a longer period. Those detained while awaiting deportation may be detained for two months, although this can also be extended on the basis of exceptional grounds.

Even in instances of exceptional circumstances, an individual may not be detained for longer than three months. However, if a non-citizen is failing to cooperate or there are delays in the arrival of necessary documents and it is thus likely that an expulsion process will take longer, detention can last up to 12 months. Meanwhile, detention time limits do not apply in situations where an expulsion is sought in response to a migrant's criminal activities (Chapter 10, Section 4, paragraph 2).

According to official figures, the average length of detention for all categories of detainees was 13 days in 2009; 11 days in 2010; 10 days in 2011; seven days in 2012; and five days in 2013. More recently however, an upward trend has been observed—with detainees facing increasingly lengthy detention times. From 18 days in 2015, the average length of detention rose to 26.6 days in 2016,<sup>21</sup> and to 31.5 days in 2017.<sup>22</sup>

**2.6 Procedural guarantees.** Detention orders are most frequently issued by the [Swedish Migration Agency](#) (*Migrationsverket*, formerly the Migration Board) or the Police Authority. The same authorities also review detention orders. A judicial authority will only be involved in review proceedings when a detainee appeals their detention.<sup>23</sup> Detention orders are to be reviewed within two weeks, unless the detainee has already been served with a refusal of entry or expulsion order, in which case their detention must be reviewed within two months. Orders are to be subsequently reviewed regularly within the same intervals. If a detention order is not reviewed within the prescribed period, it should be set aside. Detainees have access to an oral hearing before each review (Chapter 10, Sections 9, 10, 11 (1), and 12).

The Aliens Act provides that migration detainees should be appointed a public counsel after three days in detention (Chapter 18, Section 1, paragraph 4), and the [European Committee for the Prevention of Torture](#) (CPT) has called upon Sweden's authorities to ensure that all non-citizens have this access from the outset of

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<sup>21</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2016, <http://www.asylumineurope.org/reports/country/sweden>

<sup>22</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>

<sup>23</sup> *Migrationsverket* (Swedish Migration Agency), "The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards – Country Report Sweden," *European Migration Network (EMN)*, 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/27a\\_sweden\\_effectiveness\\_of\\_return\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/27a_sweden_effectiveness_of_return_en.pdf)

detention.<sup>24</sup> However, as the [Swedish Red Cross](#) notes, detainees only have access to legal counselling if the Migration Agency or Police consider them to be in need of legal aid.<sup>25</sup> Following criticism from the [Parliamentary Ombudsman](#) regarding deficiencies in regards to public counsels, the Migration Agency issued an internal instruction in 2017 outlining the criteria required for asylum seekers to be appointed a legal counsel<sup>26</sup>

On the other hand, Swedish law does not specify that detainees have a right to access translation services. In practice, however, the CPT noted that interpretation services are provided when necessary, and are paid for with public funds.<sup>27</sup>

There appear to be a number of concerns regarding procedural standards in the penal facilities that are used to hold immigration detainees. For instance, during its visit to the country in 2015, the CPT interviewed several immigration detainees who reported that they had not been clearly informed of the reasons for their transfer to prison, the duration of their detention in that facility, or how to challenge this transfer. The committee reported that an automatic review of the transfer to prison was neither provided in legislation nor carried out in practice. Furthermore, most of the detainees claimed that, upon admission to prison, they had not received any oral or written information about their rights or the facility's house rules. The CPT noted that such information was available—but only in Swedish.<sup>28</sup>

**2.7 Detaining authorities and institutions.** The Aliens Act specifies the authorities with decision-making powers and enforcement duties vis-à-vis immigration detention. Authorities empowered to issue detention orders include the Migration Agency, the Migration Courts, the Migration Court of Appeal, and the police. The Migration Agency is part of the Ministry of Justice and is responsible for enforcing detention orders and overseeing detention centres (Chapter 10, Sections 13, 14, 17, and 18; Chapter 11, Section 2).

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<sup>24</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 28 May 2015, CPT/Inf (2016) 1," February 2016, <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

<sup>25</sup> Alexandra Segenstedt (Swedish Red Cross), "Completed Practice Questionnaire for the Project MADE REAL: Sweden," ULB & Odysseus Network, 2015.

<sup>26</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>

<sup>27</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 28 May 2015, CPT/Inf (2016) 1," February 2016, <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 18 June 2009, CPT/Inf (2009) 34," December 2009, <https://rm.coe.int/1680697f4d>

<sup>28</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 28 May 2015, CPT/Inf (2016) 1," February 2016, <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

The Swedish national police also have the authority to detain suspected irregular non-citizens. Such instances must be reported immediately to the Migration Agency, which must then determine whether detention should be continued (Chapter 10, Section 17).

**2.8 Non-custodial measures.** The Aliens Act provides one non-custodial alternative to detention—"supervision" (*uppsikt*). This requires non-citizens to regularly report to the police or to the Migration Agency, and may also require them to surrender their passports for the duration of the supervision period. Supervision orders are reviewed within six months following a decision, and are immediately ceased if the grounds for detention are no longer valid (Chapter 10, Sections 6-8, and Section 9, paragraphs 2 and 4).

The language used in the Aliens Act is substantially more in favour of alternatives to detention for children than adults. While it clearly states that a child may be detained when supervision is insufficient, it specifies that adults can be placed under supervision instead of being detained (Chapter 10, Sections 2 and 6).

Sweden's Migration Agency has noted that supervision provides advantages to both migrants and the government. Reporting involves minimal costs and less administrative burdens.<sup>29</sup> Despite this, it acknowledged that alternatives are rarely used.<sup>30</sup> As the Red Cross observed, individual assessments examining the feasibility of supervision are not systematically performed, and detention decisions rarely explain why supervision was deemed insufficient. The Red Cross thus advocated for adjusting the Aliens Act and introducing a similar provision concerning adults as is currently set forth regarding children.<sup>31</sup>

According to official figures, 675 non-citizens were granted supervision instead of detention in 2017 (of whom 79 were Afghans, 68 Iraqis, and 32 Somalis); 421 in 2015; 405 in 2013; 396 in 2012; 289 in 2011; 270 in 2010; and 288 in 2009. The majority of those given alternatives are rejected asylum seekers, who accounted for 275 in 2013; 269 in 2012; 220 in 2011; 160 in 2010; and 178 in 2009. A small proportion were children—20 in 2013; 30 in 2012; 15 in 2011; 29 in 2012; and 20 in 2009.<sup>32</sup>

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<sup>29</sup> Swedish Migration Board, "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies in Sweden," European Migration Network (EMN), 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm)

<sup>30</sup> *Migrationsverket* (Swedish Migration Agency), "The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards – Country Report Sweden," *European Migration Network (EMN)*, 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/27a\\_sweden\\_effectiveness\\_of\\_return\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/27a_sweden_effectiveness_of_return_en.pdf)

<sup>31</sup> P. De Bruycker (Ed.), A. Bloomfield, E. Tsourdi, J. Pétin, "Alternatives To Immigration And Asylum Detention In The EU: Time For Implementation," *Odysseus Network*, January 2015, <http://odysseus-network.eu/wp-content/uploads/2015/02/FINAL-REPORT-Alternatives-to-detention-in-the-EU.pdf>

<sup>32</sup> Caritas Sweden, "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2015, <http://www.asylumineurope.org/reports/country/sweden>; Swedish Network of Refugee Support Groups (FARR),

In 2016, the UN [Human Rights Committee](#) expressed concern about the limited use of non-custodial measures for migrants and asylum seekers. It thus requested Sweden to ensure that the detention of migrants and asylum seekers is a measure of last resort, that detention is necessary and proportionate to the circumstances, and that alternatives to detention are applied in practice.”<sup>33</sup>

**2.9 Regulation of detention conditions.** Pursuant to the Aliens Act, non-citizens detained for immigration-related reasons are to be held in premises that have been designed for this purpose. The Migration Agency is responsible for such premises (Chapter 11, Section 2, paragraph 1).

The Aliens Act provides a number of specific rules to govern how detention centres are operated and to ensure appropriate environments for different detainees. Detention facilities are to be organised in a way which minimises the infringement of detainees’ integrity and rights. Non-citizens are to be informed of facility rules, and must have access to recreational activities, physical training, and outdoor exercises. Children placed in detention are to have the opportunity to play and to access age-appropriate activities, and families are to be accommodated together. Detainees should be able to receive visits and have the ability to contact the outside world— with the exception of cases where this would hamper the enforcement of their detention. For security reasons, visits may be monitored if necessary, but those conducted by a public counsel or a member of the Swedish Bar may only be monitored if the detainee specifically requests it. Detainees should have the same daily allowances as asylum seekers accommodated in the reception centres (Chapter 11, Sections 1, 3, 4, and 13).

Under the Aliens Act, immigration detainees should have access to the same level of medical health care as applicants for international protection, and detainees who need hospital care during detention shall have access to such treatment (Chapter 11, Section 5). Health care costs are covered if treatment cannot be deferred, and includes the care and treatment of diseases and injuries in cases where even a moderate delay can be expected to result in serious consequences for the patient. Preventive child and maternity care, and the treatment of communicable diseases, are free of charge. However, detainees pay approximately 5 EUR for visits to public primary doctors and for any medical treatment given after referral from such physicians.<sup>34</sup>

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“Country Report: Sweden,” *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>

<sup>33</sup> Human Rights Committee, "Concluding Observations on the Seventh Periodic Report of Sweden, CCPR/C/SWE/CO/7," 28 April 2016, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/SEIndex.aspx>

<sup>34</sup> Swedish Migration Board, "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies in Sweden," European Migration Network (EMN), 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm)

The Aliens Act permits placing adult detainees in isolation (within their own room) if it is necessary for the security and order of the detention centre or if the person poses a serious danger to himself or to others. If the non-citizen is to be kept separate because they are a danger to themselves, they must be examined by a doctor as soon as possible. The decision to put a migrant in isolation is taken by the Migration Agency and should be reviewed every third day (Chapter 11, Section 7).

**2.10 Domestic monitoring.** Volunteers from the FARR ([Swedish Network of Refugee Support Groups](#)) visiting group to detention centres and the Red Cross regularly visit Sweden's detention centres. Since 2010, the Parliamentary Ombudsman has also visited centres several times a year.<sup>35</sup>

**2.11 International monitoring.** Like all Council of Europe countries that have ratified the [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#), Sweden receives monitoring visits from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). In 2016, the UN Human Rights Committee issued detention-related recommendations.<sup>36</sup>

**2.12 Criminalisation.** Chapter 20 of the Aliens Act sets out migration-related criminal sanctions: non-citizens may be fined or sentenced to one-year's imprisonment for irregular entry into the country; migrants who stay in Sweden without permission are liable to a fine; and non-citizens who remain in the country despite an entry ban may be fined or face a prison sentence of up to a year (Chapter 20, Sections 1,2, and 4).

**2.13 Privatisation.** Sweden is one of very few countries to have reversed its policy of detention outsourcing—a shift which followed widespread public criticism of private contractors.<sup>37</sup> The departure from private management was also accompanied by a transfer of responsibility from the police to the Migration Board (now the Migration Agency), which reflected a growing recognition at the time (in the mid-1990s) that immigration detainees were not criminal inmates and thus required separate treatment.

Until 1997, Sweden's immigration detention centres were under the responsibility of the federal police, who outsourced the management of daily operations to private

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<sup>35</sup> Parliamentary Ombudsman, "National Preventive Mechanism – NPM report from the OPCAT Unit 2011–2014," 2015, [http://www.jo.se/Global/Report\\_NPM\\_Sweden\\_2011-2014\\_\\_English.pdf](http://www.jo.se/Global/Report_NPM_Sweden_2011-2014__English.pdf)

<sup>36</sup> Human Rights Committee, "Concluding Observations on the Seventh Periodic Report of Sweden, CCPR/C/SWE/CO/7," 28 April 2016, <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/SEIndex.aspx>

<sup>37</sup> M. Flynn and C. Cannon, "The Privatization of Immigration Detention: Towards a Global View," Global Detention Project Working Paper, September 2009, <https://www.globaldetentionproject.org/the-privatization-of-immigration-detention-towards-a-global-view-2>

security companies.<sup>38</sup> Early reports on these centres by supra-national bodies such as the CPT generally commended operations at these centres.<sup>39</sup>

By the mid-1990s, however, the situation had changed dramatically, and Swedish media and human rights groups reported instances of violence, hunger strikes, suicide attempts, and growing unrest at detention facilities. "Human rights watch dogs criticized the lack of knowledge and experience of contractors in their work with asylum seekers and also the lack of transparency in management of the centres. The police were criticized for incidents of forced and occasional violent deportations."<sup>40</sup>

The Swedish government ordered an inquiry into detention and deportation practices, leading to the introduction of significant reforms in immigration policy, which came into force in 1997. As part of these reforms, the government removed privately contracted security companies from immigration detention centres, transferred responsibility of the centres to the Migration Board, mandated that qualified health professionals be available, and decreed that facilities used for administrative detention not resemble prisons cells.<sup>41</sup>

Discussing the government's reason for supporting the reforms, Anna Wessel, who was appointed head of the Migration Board in 1997, said, "It was an ambition from the government that the treatment of the detainees should also reflect the fact that they were not criminals so that we could not enforce limitations on their civil rights more than was necessary to obtain the purpose of detention. Apart from the fact that they cannot leave the premises they are entitled to the same rights as any other person would be ... which means we have to guarantee that they can have contact with the outside world, they have freedom of information. We have to ensure that they can have visits from friends and relatives. Any decision that is taken to further restrict their freedom of movement such as, for instance, searching for dangerous objects or drugs or alcohol is a decision that can be appealed with the local Administrative Board. We have also opened up the detention center for regular visits from the non- governmental organisations."<sup>42</sup>

In the years immediately after these reforms were implemented, there were reportedly fewer incidents of self-harm and no major incidents of violence at

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<sup>38</sup> G. Mitchell, "Asylum Seekers in Sweden: An Integrated Approach to Reception, Detention, Determination, Integration and Return," *Asylum Seeker Project-Hotham Mission*, 2001.

<sup>39</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 5 to 14 May 1991, 1992, CPT/Inf (92) 4," <https://rm.coe.int/1680697f05>

<sup>40</sup> G. Mitchell, "Asylum Seekers in Sweden: An Integrated Approach to Reception, Detention, Determination, Integration and Return," *Asylum Seeker Project-Hotham Mission*, 2001.

<sup>41</sup> Swedish Parliament, "*Proposition 1996/97: 147 Ändring i utlänningslagens förvarsbestämmelser*," Regeringens proposition 1996/97: 147, 3 April 1997.

<sup>42</sup> P. Mares, "Ruddock Calls for Report on Child Accommodation Possibilities" *Australian Broadcasting Corporation*, 19 December 2000, <http://www.abc.net.au/pm/stories/s225856.htm>

Sweden's immigration detention facilities.<sup>43</sup> In 1999, the CPT reported that "the most significant change at the centre concerned staff; at the time of the 1998 visit, it was no longer staffed by the police, but by Immigration Board personnel. The delegation observed that staff appeared to be attentive to the needs of inmates and were well equipped to perform their duties vis-à-vis detained foreigners (e.g. as regards knowledge of languages)."<sup>44</sup>

In a 2000 study exploring alternatives to detention and best practices in detention, the Refugee Council of Australia cited the "The Swedish Model of Detention" as an exemplar. The Refugee Council explained that Sweden had been able to implement humane practices "not by increasing security and secrecy, but by increasing consultation and access for NGOs, researchers and the media; the removal of companies running the detention centres, who don't have the experience in the sensitive issues involved in working with asylum seekers; and by ensuring all detainees are treated with dignity and fairness, are aware of their rights and have the right to appeal."<sup>45</sup>

**2.14 Cost of detention.** According to the Migration Agency, in 2013 immigration detention cost on average 420 EUR per day. That year, the Migration Board spent 28.7 million EUR on immigration detention, of which 20.7 million was spent on staff, 5.1 million on food and accommodation, 2.4 million on additional costs such as technical tools, 404,000 on medical care, and 67,000 on legal assistance.<sup>46</sup>

**2.15 Transparency and access to information.** There have been considerable discrepancies in annual statistics concerning the number of non-citizens detained in Sweden. According to a report from the European Migration Network, Sweden detained 81 asylum seekers in 2013, 87 in 2012, 87 in 2011, 89 in 2010, and 135 in 2009.<sup>47</sup> In contrast, responding to a joint Access Info-Global Detention Project (GDP) questionnaire, Sweden's Migration Agency provided the following numbers of detained asylum seekers: 2,569 in 2012; 2,508 in 2011; and 2,409 in 2010.<sup>48</sup>

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<sup>43</sup> Professional Alliance for the Health of Asylum Seekers and their Children (PAHASC), "Submission to the Human Rights and Equal Opportunity Commission: Inquiry into Children in Immigration Detention," PAHASC, May 2002.

<sup>44</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 15 to 25 February 1998. Council of Europe. Strasbourg, CPT/Inf (99) 4," February 1999, <https://rm.coe.int/1680697f05>

<sup>45</sup> Refugee Council of Australia, "Alternatives to Detention: The Swedish Model of Detention," page last updated 8 November 2000, <http://www.refugeecouncil.org.au/current/alt-swedish.html>

<sup>46</sup> Swedish Migration Board, "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies in Sweden," *European Migration Network (EMN)*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm)

<sup>47</sup> Swedish Migration Board, "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies in Sweden," *European Migration Network (EMN)*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm)

<sup>48</sup> Swedish Migration Board, Response to Global Detention Project/ Access Info Questionnaire, 20 March 2013.



Similarly, the GDP has received contrasting statistics on the numbers of children placed in immigration detention. According to an October 2015 email from the Migration Service, a total of 41 minors were detained in 2011 and 50 in 2012.<sup>49</sup> However, in response to an earlier request sent jointly by Access Info and the GDP, the Migration Agency reported that 62 minors had been detained in 2011 and 61 in 2012.<sup>50</sup> Interestingly, the 2015 email from the Migration Service appears to state that Sweden does not have disaggregated statistics on accompanied and unaccompanied minors, while the response to the joint Access Info-GDP questionnaire provided disaggregated numbers.

**2.16 Trends and statistics.** According to statistics provided by the Migration Agency, the number of non-citizens placed in detention has risen steadily in recent years: 4,379 non-citizens were detained in 2017; 3,714 in 2016; 3,959 in 2015; 3,201 in 2014; 2,893 in 2013; 2,564 in 2012; and 1,941 in 2011.<sup>51</sup>

Of 4,379 migrants detained in 2017, 4,301 were adults (3,810 men and 491 women) and 78 children (43 boys and 35 girls). At the end of December 2017, the number of non-citizens detained was 466, while the total detention capacity was 357, which suggests instances of overcrowding.<sup>52</sup>

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<sup>49</sup> Niclas Axelsson (Migration Service), Email correspondence with Remi Vespi (Global Detention Project), 30 October 2015.

<sup>50</sup> Swedish Migration Board, Response to Global Detention Project/ Access Info Questionnaire, 20 March 2013.

<sup>51</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>

<sup>52</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>



### 3. DETENTION INFRASTRUCTURE

**3.1 Summary.** As of January 2018, Sweden operated five dedicated detention centres, which were located in Gävle, Märsta, Flen, Kålleröd, and Åstorp. The total capacity of these facilities was 357.<sup>53</sup> The size of Sweden's dedicated immigration detention estate, which is comparatively smaller than many of its European neighbours, has experienced an overall increase during the past few years. It had a total of 357 beds in 2016,<sup>54</sup> compared to 255 in 2015<sup>55</sup> and 185 in 2008.<sup>56</sup> Reports indicate that as of early 2018, immigration centres were running at capacity and, on a few occasions, authorities had to release individuals due to lack of space.<sup>57</sup>

In addition to the recent increase in capacity at dedicated facilities, the government is planning to expand the country's detention estate to house an additional 150 non-citizens. In the meantime, as a temporary solution, Märsta and Flen facilities will increase their capacities and a temporary facility in Ljungbyhed will open later this year.<sup>58</sup>

Immigration detainees can also be held for short periods at police stations and in purposefully designed units located in some of the country's prisons. There are three

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<sup>53</sup> Migration Board, "Tomtförfrågan om nytt förvar i norra Sverige," 17 January 2018, <https://www.migrationsverket.se/Om-Migrationsverket/Nyhetsarkiv/Nyhetsarkiv-2018/2018-01-17-Tomtforfragan-om-nytt-forvar-i-norra-Sverige.html>

<sup>54</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2016, <http://www.asylumineurope.org/reports/country/sweden>

<sup>55</sup> Caritas Sweden and Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2015, <http://www.asylumineurope.org/reports/country/sweden>

<sup>56</sup> Swedish Migration Board, "Årsberovisning 2008," February 2009, [http://www.migrationsverket.se/download/18.56e4f4801246221d25680001007/arr\\_2008.pdf](http://www.migrationsverket.se/download/18.56e4f4801246221d25680001007/arr_2008.pdf)

<sup>57</sup> A. Gustavsson, "Brist på förvarsplatser – personer försvinner spårlöst vid utvisningsshot," *sverigesradio*, 5 February 2018, <https://sverigesradio.se/sida/artikel.aspx?programid=106&artikel=6875840>; P. Kudo, "Brist på förvarsplatser – personer släpps innan utvisning," *serigesradio*, 8 March 2018, <https://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6646917>

<sup>58</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>; *Migrationsverket*, "Fyra tänkbara platser för nytt förvar i norra Sverige," 8 March 2018, <https://www.migrationsverket.se/Om-Migrationsverket/Nyhetsarkiv/Nyhetsarkiv-2018/2018-03-08-Fyra-tankbara-platser-for-nytt-forvar-i-norra-Sverige.html>; Migration Board, "Tomtförfrågan om nytt förvar i norra Sverige," 17 January 2018, <https://www.migrationsverket.se/Om-Migrationsverket/Nyhetsarkiv/Nyhetsarkiv-2018/2018-01-17-Tomtforfragan-om-nytt-forvar-i-norra-Sverige.html>; P. Zupanovic, "Migrationsverket vill ha nytt förvar – söker fastighet i Skåne," *SVT*, 4 May 2018, <https://www.svt.se/nyheter/lokalt/skane/migrationsverket-soker-lokal-i-skane-for-nytt-forvar>

occasions when the Migration Agency may place adult non-citizens in a prison, remand prison, or police arrest facility: when an individual is expelled for having committed a criminal offence; when an individual is being held in isolation in a dedicated detention centre but cannot be held there any longer for security reasons; or for "some other exceptional grounds." In the last two cases, the immigration detainee is to be confined separately from prisoners (Chapter 10, Section 20).

**3.2 Detention facilities.** [Gävle](#), [Märsta](#), [Flen](#), [Kålleröd](#), and [Åstorp](#), as well as special units for immigration detainees in the [Norrtälje](#) and [Storboda](#) prisons.

**3.3 Conditions of detention.** According to the Migration Agency, all five detention centres have separate sections for women and families. Usually there are 2-4 detainees per cell; only at Märsta and Flen are there single cells. There are also some 6-person cells, and families are normally placed in their own 4-person rooms. Children are normally placed with their parents, but unaccompanied children are separated from adult detainees (but can share common areas if they wish to). There are no childcare facilities in detention centres. Sometimes only one parent is detained while the rest of the family is placed in non-secure accommodation. Detainees have access to an outdoor yard for at least three hours each day, and they can move freely within the centres themselves.<sup>59</sup>

Experts who have compared immigration detention conditions in Sweden, [Belgium](#), [the Netherlands](#), and [Luxembourg](#) have concluded that immigration detainees in Sweden have fewer constraints. Detainees have almost unlimited access to internet, as well as other amenities such as libraries, table tennis tables, televisions, and gyms. Detainees are also not locked in their rooms overnight.<sup>60</sup> Mobile phones without a camera are allowed and detainees are provided with a phone in case they do not have their own.

Access to health care services, however, has repeatedly been flagged. Indeed, the country provides only limited access and provision is much less generous than the Benelux countries.<sup>61</sup> A 2016 study by the Faculty of Medicine in Uppsala on the health of immigration detainees in Sweden highlighted the problematic shortcomings, saying that they are a critical deficiency of the overall Swedish immigration detention regime. The study highlighted that detainees' access to health care is significantly restricted and that in only one centre did a doctor regularly visit the detainees, (once a week for half a day). Moreover, no mental health staff were employed in any of the

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<sup>59</sup> Swedish Migration Board, "The Use of Detention and Alternatives to Detention in the Context of Immigration Policies in Sweden," *European Migration Network (EMN)*, 2014, [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/index_en.htm)

<sup>60</sup> S.J.P. Rambil, "Life in Immigration Detention Centers. An Exploration of Health of Immigrant Detainees in Sweden and Three Other EU Member States," *Digital Comprehensive Summaries of Uppsala Dissertations from the Faculty of Medicine 1176*, 2016, <http://uu.diva-portal.org/smash/get/diva2:898632/FULLTEXT01.pdf>

<sup>61</sup> S.J.P. Rambil and M. Bjerneld, "Detainees, Staff, and Health Care Services in Immigration Detention Centres: A Descriptive Comparison of Detention Systems in Sweden and in the Benelux Countries," *Global Health Action*, Volume 9, 2016, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4780110/>

centres.<sup>62</sup> The lack of medical care does, however, appear to have been noted: in a 2017 Migration Agency report, it was stated that one qualified nurse is now employed in every Swedish detention centre in order to improve medical care for the detainees.<sup>63</sup>

If custodial staff suspect that a detainee possesses forbidden substances such as drugs, alcohol, or harmful objects, a body search may be ordered. Detainees are also often searched by police before arriving at the centre—in which case, they are not searched again on arrival. If a body search is ordered, Swedish law stipulates that it must not go beyond what is necessary. Women, meanwhile, may not be subjected to body searches by, or in the presence of, a man—unless they are doctors or qualified nurses. The Migration Agency's staff are only permitted to examine clothes, objects the detainee is wearing, bags, packages, and other objects brought to the centre, and are not allowed to carry out searches involving the examination of the outer, or inner, body, or to carry out tests. Systematic security inspections are conducted to ensure that windows, walls, alarm systems, and electricity plugs work properly. However, such inspections may not involve a routine search of the detainees' personal belongings. Bags, bedclothes, cupboards, or wardrobes cannot be searched, unless the staff reasonably suspect possession of forbidden objects.<sup>64</sup>

**3.3.a Märsta detention centre.** Established in 2003 close to Stockholm Arlanda Airport, the Märsta centre is Sweden's largest detention facility.<sup>65</sup> Its capacity recently increased from 75 in 2017 to 126 in 2018, and it is slated to increase again, to 150, during the summer of 2018. It has three units for men and one unit for women, families, and vulnerable persons.<sup>66</sup>

Upon its 2015 visit to the facility, the CPT noted that material conditions were generally of a high standard. The rooms were of adequate size (15 square metres for up to three persons), bright, and with adequate heating and ventilation. During the

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<sup>62</sup> S.J.P. Rambil, "Life in Immigration Detention Centers. An Exploration of Health of Immigrant Detainees in Sweden and Three Other EU Member States," *Digital Comprehensive Summaries of Uppsala Dissertations from the Faculty of Medicine* 1176, 2016, <http://uu.diva-portal.org/smash/get/diva2:898632/FULLTEXT01.pdf>

<sup>63</sup> *Migrationsverket* (Swedish Migration Agency), "The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards – Country Report Sweden," *European Migration Network (EMN)*, 2017, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/27a\\_sweden\\_effectiveness\\_of\\_return\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/27a_sweden_effectiveness_of_return_en.pdf)

<sup>64</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>

<sup>65</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 28 May 2015, CPT/Inf (2016)," 1 February 2016, <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>; European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 18 June 2009, CPT/Inf (2009) 34," December 2009, <https://rm.coe.int/1680697f4d>

<sup>66</sup> Undisclosed source, Telephone interview with Izabella Majcher (Global Detention Project), May 2018.

day, detainees could move freely within their unit and had access codes to their rooms. The unit which the CPT visited featured a recreational area equipped with sofas, television, and board and computer games, as well as computer rooms with internet access, and indoor gyms. Detainees were offered handicraft and art classes, could use a small library with books in various languages, and could access outdoor space for at least three hours each day. There were four meals per day. Detainees were allowed to use mobile phones without a camera function or were given such phones and could make calls from public phones.<sup>67</sup> In 2009, the CPT noted that visits could take place every day and the visiting rooms were pleasant.<sup>68</sup> Most of the detainees interviewed by the committee noted that the overall atmosphere in the centre was relaxed.<sup>69</sup> In 2009, the CPT noted that the staff was sufficient in number, had different cultural backgrounds, and spoke several languages.<sup>70</sup>

At the same time, however, the CPT expressed concerns regarding medical care. By virtue of an agreement between the detention centre and a local health centre, a general practitioner visited the centre once a week and a nurse three times a week. The hours of their visits were not fixed—rather, they were planned in response to the number of detainees who had approached custodial staff to register for consultations. The committee urged the authorities to ensure that custodial staff do not screen requests for medical consultations and that detainees can instead approach medical staff on a confidential basis. The CPT criticised the absence of medical screening upon admission to the facility and urged the authorities to remedy this shortcoming. Finally, the committee noted that some medical information was freely accessible to the custodial staff and called for an improvement in the confidentiality of medical data.<sup>71</sup>

**3.4 Prisons.** In January 2015, Sweden opened two special units for immigration detainees in the Norrtälje and Storboda prisons. Norrtälje prison, which has 32 single cells, appears to be used most often for this purpose.

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<sup>67</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 28 May 2015, CPT/Inf (2016) 1," February 2016, <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

<sup>68</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 18 June 2009, CPT/Inf (2009) 34," December 2009, <https://rm.coe.int/1680697f4d>

<sup>69</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 28 May 2015, CPT/Inf (2016) 1," February 2016, <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

<sup>70</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 18 June 2009, CPT/Inf (2009) 34," December 2009, <https://rm.coe.int/1680697f4d>

<sup>71</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 28 May 2015, CPT/Inf (2016) 1," February 2016, <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

At the time of the CPT's visit in May 2015, the unit was at capacity. When there are no available places in Norrtälje, detainees are either confined in the special unit in Storboda or at another penitentiary. At the time of the CPT's visit, 13 immigration detainees were awaiting transfer to Norrtälje from a remand prison.<sup>72</sup>

Several migrants detained in Norrtälje complained to the CPT that at times they were locked up in their cells for 23 hours a day for up to three days in a row as an unofficial collective punishment for a fight between inmates. The committee stressed that any disciplinary sanction should result from disciplinary procedures rather than taking the form of an unofficial sanction. It reminded the authorities that collective punishment is unacceptable.<sup>73</sup>

The CPT recommended that the country put an end to the practice of confining migrants in penitentiary facilities, and that it should instead place them in dedicated immigration detention facilities. Pending this, the committee urged Sweden to ensure that non-citizens who are transferred to the special unit at Norrtälje prison are afforded organised activities, including work, education, and sport.<sup>74</sup>

Despite the criticism of the CPT as well as that of various NGOs, the practice of using penitentiary facilities is still on-going. However, there are currently no statistics available to illustrate how often non-citizens have been detained in police custody or prisons.<sup>75</sup>

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<sup>72</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 28 May 2015, CPT/Inf (2016) 1," February 2016, <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

<sup>73</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 28 May 2015, CPT/Inf (2016) 1," February 2016, <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

<sup>74</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), "Report to the Swedish Government on the Visit to Sweden Carried Out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 18 to 28 May 2015, CPT/Inf (2016) 1," February 2016, <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

<sup>75</sup> Swedish Network of Refugee Support Groups (FARR), "Country Report: Sweden," *Asylum Information Database (AIDA)*, December 2017, <http://www.asylumineurope.org/reports/country/sweden>



[www.globaldetentionproject.org](http://www.globaldetentionproject.org)