

# Correction in Sweden

National Correctional Administration  
Office of Public Information

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## ACT ON CORRECTIONAL TREATMENT IN INSTITUTIONS

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The Government and Riksdag order as follows: <sup>1)</sup>

### Chapter 1: General Provisions

#### Article 1.

This Act relates to correctional treatment in institutions following sentence to a term of imprisonment, youth prison, or preventive detention, or a ruling under Chapter 28, Article 3 of the Penal Code on treatment in an institution.

The provisions of this Act regarding persons who have been sentenced to a term of imprisonment apply also to persons committed to prison in conversion of an unpaid fine.

#### Article 2.

The National Correctional Administration directs and supervises correctional treatment in institutions.

#### Article 3.

A correctional institution is either a national institution or a local institution.

National institutions, local institutions, and wings of institutions are either open or closed.

1) Prop. 1974:20. JuU 2. rskr 99.

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The Government, or the authority appointed by the Government, decides which institutions shall be national institutions and which shall be local institutions, and which institutions and wings of institutions shall be open and closed.

The provisions which follow regarding open and closed institutions apply also to open and closed wings of institutions.

#### Article 4.

Correctional treatment in an institution shall be so designed as to promote the rehabilitation of the inmate in society, and to combat the detrimental effect of deprivation of liberty. Insofar as this can be achieved without detriment to the need to protect the public, treatment should be directed from the outset towards measures to prepare the inmate for conditions outside the institution. Preparations should be begun in good time for the release or transfer of the inmate to non-institutional care.

#### Article 5.

Correctional treatment in an institution shall be planned and carried out in close co-operation between the various bodies which make up the national correctional system. Insofar as the realisation of the purpose of treatment calls for contributions from other organs of society, the necessary co-operation shall be arranged with representatives of such bodies.

The inmate shall be consulted with regard to the planning of his treatment. Insofar as may suitably be arranged, close relatives should also be consulted. The inmate is to have an opportunity to express an opinion on planned action which particularly affects him, unless there are very special reasons against it.

#### Article 6.

The following general guidelines shall apply with regard to the assignment of inmates between local and national institution:

Persons serving sentences of twelve months or less, or undergoing treatment under Chapter 28, Article 3 of the Penal Code should be placed by preference in local institutions.

Persons serving sentences of over twelve months or sentenced to youth prison or preventive detention should be placed by preference in national institutions. Inmates may be transferred to local institutions when this is necessary in order to prepare purposefully for their release or transfer to extra-institutional care.

#### Article 7.

In assigning inmates between open and closed institutions, the following rules are to be observed:

The inmate should be assigned to an open institution, unless some other placement is called for taking into account the risk that he will abscond or otherwise on security grounds, or having con-

sideration to the need to provide him with facilities for such studies, vocational training or special treatment as cannot suitably be provided in an open institution.

Persons sentenced to a minimum period of two years' imprisonment, or to a minimum two years' preventive detention, are to be assigned to closed institutions if there is reason to fear they will be particularly prone to abscond and resume criminal activities of a particularly serious nature or extent because they have no firm roots in this country, or for any other reason. The above does not however apply if some other placement is called for in order to prepare purposefully for the imminent release or transfer of the inmate to extra-institutional care or if very special grounds otherwise exist for placing him in an open institution.

#### Article 8.

Special care shall be taken when assigning an inmate who is under 21 years of age to ensure that unless there are special reasons against it he is kept separate from inmates likely to have a detrimental effect on his rehabilitation in society.

### Chapter 2: Detailed provisions concerning correctional treatment in institutions.

#### Article 9.

Inmates are to be treated with respect for their human dignity. They are to be treated with consideration for the special difficulties connected with a stay in an institution.

Inmates are to show consideration for the staff of the institution and for their fellow-inmates. They are to observe the rules which are in force at the institution and follow the instructions given to them by members of staff.

#### Article 10.

Inmates are to be provided with suitable work which promotes as far as possible their prospects of adjusting to the conditions of working life after their release.

If an inmate has need of education, vocational training, psychiatric or other special treatment, this is to be made available to him during working hours if it can be arranged, taking into account the duration of his stay at the institution and his own personal qualifications.

#### Article 11.

In order to facilitate his rehabilitation in society, an inmate of a local institution may receive permission to do work, study, participate in vocational training or other specially-arranged activities outside the institution during working hours. Special efforts are to be made at institutions of this nature to promote such activities.

Permission under para. 1 may be granted also to inmates of national institutions where special grounds exist.

Article 12.

Inmates are obliged to do the work or participate in the course of study or training assigned to them.

Article 13.

Inmates are to be provided with whatever opportunity for physical exercise is appropriate taking into account their age and state of health.

Inmates are to have the opportunity to spend at least one hour each day out of doors, unless there are particular obstacles in the way of it.

Article 14.

Inmates are to be provided with the opportunity for suitable spare-time occupations. They should be encouraged to spend their time on interests likely to contribute to their own development. Insofar as this may suitably be arranged, they should have an opportunity to follow events in the outside world through the newspapers, radio and television. The inmate's need of entertainment should be satisfied within reason.

If it can suitably be arranged, the inmate is to have the opportunity to participate in his spare time in such club activities or the like as are calculated to facilitate his rehabilitation in society. It shall be possible to prescribe in this connection that the inmate shall be kept under surveillance.

Article 15.

Inmates wishing to practise their religion inside the institution shall have the opportunity to do so insofar as it can suitably be arranged.

Article 16.

In preparing for the release or transfer of an inmate to extra-institutional care, a special effort shall be made to provide him with suitable employment or other means of support, and a suitable place to live. If he is likely to have need of education, vocational training, or financial, social or medical assistance, action shall be taken where possible to satisfy these needs.

Article 17.

An inmate is to work together with other inmates, unless otherwise stipulated under the provisions of this Act, or as a result of the special nature of the work.

An inmate may spend as much of his spare time in the company of other inmates as he wishes, unless otherwise stipulated under the provisions of this Act. In closed institutions, however, the extent to which inmates may share each other's company in their spare time may be restricted, if this is unavoidably necessary having regard to conditions at the institution.

Article 18.

An inmate may work alone, if he so requests, and there is adequate reason.

The opinion of a doctor shall be obtained concerning an application under para. 1, if possible, before a decision is taken, and failing that, within a week thereafter. Permission to work alone shall be reviewed as often as there is cause, and at least once a month.

Article 19.

In conjunction with the investigation concerning the planning of the treatment of an inmate, the inmate may be kept separate from other inmates only insofar as it is unavoidably necessary in order not to jeopardise the purpose of the investigation.

Article 20.

An inmate may be kept separate from other inmates if it is necessary having regard to the security of the realm, the existence of a danger to the safety of life or limb of the inmate himself or of others, or of serious damage to the property of the institution, or if it is necessary in order to prevent the inmate exerting a detrimental influence over other inmates.

An inmate coming under Article 7, para.3, who has been placed in a closed institution for reasons given in that para., may be kept separate from other inmates if there is reason to fear that he is planning to escape or others are planning to attempt to set him free, and separation is necessary in order to prevent such a plan being put into execution.

Decisions under paras.1 and 2 shall be reviewed as often as there are grounds, or at least once a month.

Article 21.

An inmate who is kept separate from other inmates in accordance with Articles 19 or 20 shall obtain such relief as may conveniently be granted.

Article 22.

Before any decision is published concerning action under Article 20, or in reviewing any such decision, an investigation is to be conducted into the circumstances affecting the decision. The opinion of a doctor is to be obtained, if possible before the action is taken and failing that, within one week thereafter.

A record is to be kept of what occurs during the investigation.

Article 23.

An inmate may be kept separate from other inmates if this is necessary in order to control violent behaviour on his part. Such action may not be of longer duration than is dictated by the requirements of security.

If other means prove inadequate to control violent behaviour on the part of an inmate, he may be put under restraint, if this is unavoidably necessary for security reasons.

The opinion of a doctor is to be obtained as soon as possible concerning action under paras. 1 and 2. A record is to be kept of what occurs.

#### Article 24.

Insofar as it can be arranged without inconvenience, an inmate may have with him his own personal possessions, and may obtain or receive books, newspapers, magazines and other material capable of providing him with occupation during his spare time.

An inmate may otherwise possess money and may obtain goods or other material in accordance with special regulations. If necessary in order to prevent the introduction of unauthorised material into the institution, a ruling may be made that inmates shall not receive packages other than letters or other written material without special permission.

#### Article 25.

Correspondence between an inmate and a Swedish official body or lawyer shall be forwarded without scrutiny. If a letter purports to come from a Swedish official body or lawyer and there are good grounds for suspecting that the declaration is false, the letter may however be scrutinised if the circumstances cannot be clarified by any other means.

#### Article 26.

Letters to or from an inmate other than letters coming under Article 25 may be scrutinized considering the provisions of para. 2, if this is necessary on security grounds.

Letters may be scrutinized if there are grounds for supposing that they contain unauthorised material. Spot-checks of letters may also be carried out. Furthermore, in closed institutions, letters may be scrutinized if this is necessary taking into account the special circumstances of the inmate.

#### Article 27.

The scrutiny of letters may not be more detailed than is necessary taking into account the purpose of the examination.

If it can suitably be arranged, the inmate should always be present when a letter is opened.

Letters which have been scrutinized may be held back if security reasons demand it. In such a case, the inmate is to be informed immediately. In the case of an incoming letter, the inmate is to be informed of the contents insofar as this can suitably be arranged. Letters which have been held back shall be passed on to the inmate as soon as possible and in any case not later than the date on which his term at the institution expires, unless special reasons exist why this should not be done.

Article 28.

The provisions of Articles 25-27 regarding letters apply also to other written messages. The rules concerning inmates contained in these articles apply also to groups of inmates.

In the case of a psychiatric wing, the appropriate sections of Article 15 of the Act on the Provision of Closed Psychiatric Treatment in Certain Cases (1966:293) apply instead of the provisions of Articles 25-27. Letters from an inmate to a Swedish official body or lawyer shall however invariably be forwarded without scrutiny.

Article 29.

Inmates may receive visits insofar as this may suitably be arranged. An inmate may not receive visits calculated to jeopardise the security of the institution or likely to affect his rehabilitation in society or otherwise act to his detriment or the detriment of any other person.

If this is necessary for security reasons, an official of the institution shall be present at such a visit. An official of the institution may be present at a visit from a lawyer who is representing the inmate in a legal matter only if the lawyer or the inmate so requests.

It may be prescribed for security reasons that a visit shall be conditional on the visitor's agreement to submit to a physical search or to the examination of any bag, carrier etc which he wishes to have with him at the visit.

Article 30.

Telephone conversations may take place between inmates and persons outside the institution, insofar as this may suitably be arranged. The inmate may be refused telephone conversations calculated to jeopardise the security of the institution or likely to affect his rehabilitation in society or otherwise act to the detriment of himself or of any other person.

If security considerations necessitate it, an official shall listen in to a telephone conversation by some suitable means. Conversations may only be listened in to with the knowledge of the inmate. Telephone conversations with a lawyer who is representing the inmate in some legal matter may not be listened in to without the inmate's consent.

Article 31.

The Government may waive the provisions of Articles 25 - 30 in certain cases, if called for having regard to the security of the realm.

Article 32.

An inmate may be granted permission to leave an institution for a specified brief period in order to facilitate his rehabilitation in society (short furlough) if there is no considerable risk of abuse. Short furloughs may also be granted where there are other, special grounds.

An inmate coming under Article 7, para. 3, who has been placed in a closed institution for reasons given in that paragraph, may be granted short furlough only where there are very special grounds.

Whatever conditions are considered necessary may be made in connection with short furloughs with regard to place of sojourn, liability to report and the like. If close supervision is necessary, a ruling may be made that the inmate is to be kept under surveillance throughout the furlough.

#### Article 33.

In preparing for the release or transfer to extra-institutional care of an inmate serving a prison sentence, a term of youth prison or a term of preventive detention, the inmate may be given leave for a specified longer period (release furlough).

Any person sentenced to a term of imprisonment of such duration that there is no question of conditional release, may be granted release furlough only where there are very special grounds. Other persons serving prison sentences and persons undergoing preventive detention may not be granted release furlough before the earliest date on which conditional release or transfer to extra-institutional care is possible.

Whatever conditions appear desirable may be made in the case of release furlough with regard to place of sojourn, liability to report etc.

#### Article 34.

If it is possible to focus special measures on an inmate by granting him a period of sojourn outside an institution which it can be presumed will facilitate his rehabilitation in society, permission may be granted for him to spend the appropriate period of time outside the institution for this purpose, where there are special grounds. Whatever conditions appear necessary shall be made concerning such a sojourn.

#### Article 35.

Sojourns outside an institution in accordance with the provisions of Arts. 32, 33 and 34 shall count towards the period of sentence unless there are special reasons against it.

#### Article 36.

Taking into account the limitations which follow from the provisions below and from agreements concerning the operation of the national correctional system, inmates shall be entitled to enter into joint consultations with the management of an institution under some suitable form concerning matters of common concern to the inmates. They shall also be entitled as appropriate to meet each other for consultation purposes concerning such matters.

An inmate who is being kept separate from other inmates may however participate in such consultations or meetings only if this can be arranged without inconvenience.

Article 37.

In the event of illness, the inmate is to be treated in accordance with the instructions of a doctor. If the necessary examinations and treatment cannot suitably be carried out inside the institution, the public medical services should be employed. If necessary, the inmate may be transferred to a public hospital.

As far as possible, the confinement of a woman inmate is to take place at a hospital or maternity home. If necessary, the woman is to be transferred to such a place, or to some other home where she can obtain suitable care, in good time before she is due to be delivered.

If necessary, a person sojourning outside a correctional institution under the provisions of paras. 1 and 2 shall be kept under surveillance or subjected to special regulations.

Article 38.

Special rules exist for the provision of closed psychiatric treatment in certain cases and for care in special hospitals for the mentally-retarded.

Article 39.

The period which an inmate spends outside an institution under the provisions of Article 37 or in accordance with regulations under Article 38 shall count towards the period of sentence except where there are special reasons against it.

Article 40.

If an inmate is ill when the time comes for him to leave an institution, medical treatment may continue to be given to him inside the institution where reasonable, if he so requests.

Article 41.

If on admission a woman brings with her an infant in arms, or if she gives birth to a child after admission, permission may be given for her to have the child with her.

Article 42.

Care shall be exercised in conjunction with the transport of an inmate to ensure that he is protected as far as possible from the curiosity of unauthorised persons.

If security reasons make this necessary, the inmate may be put under restraint during transportation.

If there is reason to fear that transportation will have a detrimental effect on the health of the inmate, the permission of a doctor must be obtained.

Article 43.

An inmate must appear before a court of law or tribunal appointed

under Chapter 37 of the Penal Code if the court or tribunal so requires. If any other official body requests an inmate to appear before them, the National Correctional Administration is to consider whether the application is to be granted. The inmate may be placed temporarily in a remand prison in conjunction with such an appearance if this appears necessary for security reasons.

The period necessary to make such an appearance under para. 1 shall count towards the period of sentence.

If charges are laid against the inmate, he shall be entitled on request to obtain such relief of execution as is necessary for the preparation of his case.

#### Article 44.

An inmate shall receive remuneration for work done, in accordance with the norms laid down by the Government or by the authority appointed by the Government, provided the work has not been done by the inmate for his own account or for an employer outside the institution. Remuneration shall also be payable when, in accordance with what has been decided concerning him, the inmate participates during working hours in education, vocational training or any other specially-arranged activity or treatment, or engages in independent studies. If no work or other activity can be provided for an inmate which entitles him to remuneration, or if the inmate is wholly or partially incapable of participation in such an activity, remuneration shall in any case be paid to him.

Remuneration on account of employment shall be determined taking into account the actual work done by the inmate, unless there are special reasons against it. Remuneration on account of other activities shall normally be determined on a uniform basis.

The Government, or the authority appointed by the Government for the purpose, shall issue rules concerning the use of remuneration under para. 1 and of other income from employment which accrues to the inmate.

#### Article 45.

If an inmate deliberately destroys property belonging to the institution, compensation may be deducted from funds due to him under para. 1 of Article 44.

Remuneration for employment which is held by some correctional authority for the account of an inmate may not be distrained upon.

#### Article 46.

If an inmate offends against standing orders or against instructions issued to him, disciplinary punishment may be meted out to him in accordance with the provisions of Article 47, provided there is no reason to suppose that he will submit to instructions or admonition or if his action is of such a nature that punishment is called for out of consideration for the order and security of the institution.

Article 47.

Disciplinary action may take the form of

- (i) a warning to the inmate
- (ii) solitary confinement for a period not exceeding seven days, or
- (iii) where special grounds necessitate such action, taking into account the nature of the offence or on account of repeated intransigence, the issue of an order decreeing that a certain specified period, not exceeding ten days, shall not count towards the period of sentence.

Action under (ii) and (iii) may be taken in combination.

In applying (ii), the period during which the inmate is kept in solitary confinement in connection with an investigation preceding such a decision under Article 50 shall be deducted from the period during which he is sentenced to be kept in solitary confinement.

Article 48.

In considering a question of disciplinary punishment, the question of whether the offence will have, or can be assumed to have, other repercussions for the inmate, is to be taken into account, in particular, circumstances such as those covered by Articles 11, 32 and 33 of this Act.

Article 49.

If several separate offences are involved, disciplinary punishment for all offences is to be determined jointly.

Any person who has been kept in solitary confinement for seven days may not be returned to solitary confinement as the result of a decision in another disciplinary matter before a minimum period of seven days has elapsed.

The period under Article 47, para. 1, which is not to be counted towards the period of sentence, may not as the result of repeated rulings exceed a total of forty-five days, or, in the case of persons serving sentences of four months or less, or undergoing treatment under Chapter 28, Article 3 of the Penal Code, fifteen days.

Article 50.

An inmate may be kept temporarily in solitary confinement for the purpose of investigating a disciplinary matter and pending a decision. Such confinement may not however be prolonged more than is unavoidably necessary, and in no case for more than seven days.

Article 51.

Disciplinary matters shall be dealt with speedily. The inmate is to be given a hearing before any decision is published under Article 47. A doctor's opinion is to be obtained as soon as can suitably be arranged, where this is a question of action under Article 50 and prior to solitary confinement under Article 47. A record is to be kept of what transpires during questioning and at any other examination.

Article 52.

Any benefits to which an inmate may be entitled under law may be withdrawn temporarily, if such action is necessary in order to maintain order and security within the institution.

Article 53,

If there are patent grounds for fearing that the application of any provisions of this Act will result in detriment to the physical or mental health of an inmate, the provision may be adapted as necessary in order to avoid such detriment.

Chapter 3. Other provisions.Article 54.

With regard to questions coming under Articles 33 and 34, the decision-taking body is

- (i) in case of an inmate serving a prison sentence, except for cases coming under para. 2, the Probation Board in whose area the institution is situated,
- (ii) in the case of an inmate sentenced to youth prison, the Youth Prison Board, and
- (iii) in the case of an inmate undergoing preventive detention, the Preventive Detention Board.

With regard to questions coming under Articles 33 and 34 concerning inmates covered by orders under Article 16 of the Act on the Introduction of the Penal Code (1964:163), the National Probation Board is the decision-taking body.

Article 55.

The Government may order the responsibility for applying Articles 33 and 34 to be transferred from the National Probation Board the Youth Prison Board or the Preventive Detention Board to the Probation Board to whose area the institution belongs.

If the Probation Board has delivered a decision in a case coming under para. 1, the inmate may call for the decision to be reviewed by the central board from which the responsibility of application has been transferred.

In cases other than cases under para. 2, the inmate may call for the decision of a Probation Board to be reviewed by the National Probation Board where questions falling under Articles 33 and 34 are concerned.

Article 56.

In the case of questions coming under Article 35 which relate to periods of sojourn outside an institution in accordance with the provisions of Article 33 or Article 34, the decision-taking body is the Youth Prison Board, in the case of an inmate sentenced to youth prison, and the Preventive Detention Board, in the case of an inmate undergoing preventive detention.

Article 57.

A decision of a Probation Board under this Act has immediate effect, unless provision is made to the contrary.

No appeal may be made against a decision by the Youth Prison Board, the Preventive Detention Board or the National Probation Board under this Act.

Article 58.

Decisions under this Act in cases other than those covered by Articles 54-56 are published by the National Correctional Administration.

Decisions of the National Correctional Administration have immediate effect, unless provision is made to the contrary.

Article 59.

Objections to decisions of the National Correctional Administration in special cases under this Act shall be made to the Administrative Court of Appeal using the appeal procedure. Objections to other decisions of the Administration shall be made under law to the Government using the appeal procedure.

Article 60.

The Government may order the competency of a Probation Board under Article 54 and 55 and the competency of the National Correctional Administration under this Act in cases other than cases coming under para. 2 of Article 20, or under Articles 35 and 39, to be transferred to an official of the correctional system.

Article 61.

If an order under Article 60 results in the governor of an institution being competent to take decisions relating to disciplinary action under Article 47, the governor's decision shall have immediate effect, unless he prescribes otherwise. If the governor issues an order under para, 1 (iii) of Article 47, the disciplinary measure shall be subject in its entirety to immediate review by the National Correctional Administration.

Article 62.

Any person unlawfully handing over, or attempting to hand over a weapon or any other object to an inmate with which the inmate can inflict injury upon himself or any other person, shall be liable to pay a fine or to serve a sentence of imprisonment not exceeding one year, if the offence does not attract a heavier penalty under the provisions of the Penal Code.

Any person handing over to an inmate an alcoholic beverage or other intoxicants, a hypodermic syringe or needle which can be used for the purpose of injection into the human body, or otherwise helping an inmate obtain such intoxicants or objects, shall be liable to pay a fine or to serve a sentence of up to six months' imprisonment, provided the offence does not attract a heavier penalty elsewhere in law.

Article 63.

Alcoholic beverages or other intoxicants found in the possession of, or supplied to an inmate, or brought in by a person who is to be admitted to a correctional institution, may be confiscated. Confiscated material is to be dealt with in the manner prescribed in Article 3 of the Act on the Confiscation of Alcoholic Beverages etc. (1958:205).

The provisions of para. 1 apply as appropriate also to alcoholic beverages or other intoxicants found on the premises of an institution without having any known owner.

The provisions of paras. 1 and 2 may also be applied with regard to hypodermic syringes or needles which can be used for the purpose of injection into the human body.

Monies obtained from the sale of confiscated material shall accrue to the Crown.

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The Government and Riksdag decree the implementation of this Act.

CARL GUSTAF

LENNART GEIJER  
(Ministry of Justice)

**END**

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