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Swedish Section of the International Commission of Jurists Contribution to the List of Issues of the Human Rights Committee relating to Sweden

### **Children Isolated in Detention in Sweden**

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Article 7, ICCPR

In Sweden, pre-trial detention is a measure practiced often, as a general rule rather than as the exception, and children in detention are subjected to isolation measures. This practice can amount to cruel, inhuman and degrading treatment, in violation of the International Covenant on Civil and Political Rights, Articles 7, 9 pt 3, 10 pts 1, 2 and 3, and the Convention on the Rights of the Child Articles 3 and 37 (b). Isolation of children in detention is described also in the Global Study on Children Deprived of Liberty, A/74/136, page 11, pt. 48: “insufficient contact with family and the outside world are conditions of detention that often amount to inhuman and degrading treatment in violation of international law.”

Recently, Swedish National TV described how hundreds of children, between 15-17 years old, are detained in different pre-trial facilities for adults around Sweden, and how 2024 was a record year with an average of 123 children locked up per day. A few years ago, it was unusual with children in detention because a serious crime is required before courts can decide detention. Often the time in detention for the children becomes longer than three months. (Source: SvT Nyheter/Inrikes: Hundratals barn i häkte - 2024 ett rekordår, 14 november 2024: <https://www.svt.se/nyheter/inrikes/pyssel-och-bullar-for-barnen-i-hakte> )

During 2024, 463 children between 15 and 17 years old were detained, three times as many as 2020, a recent news text describes, and that the increase is because more and more minors are committing serious crimes in gang contexts and because police are arresting more. (Source Omni, Kinga Sandén, 24 Dec 2024, Gängvåldet, svenska brottsbekämpningen, Rekordmånga barn häktade i år: “De är rädda” <https://omni.se/a/Mnpe1B> )

In March, 2025, National news in the capital city Stockholm described how in some pre-trial facilities there are no isolation-breaking measures for children in detention. (Source: SvT Nyheter/Lokalt/Stockholm: Häktet i Huddinge sämst i landet på att bryta isolering för unga - “Nästintill omöjligt”, 2 mars 2025. <https://www.svt.se/nyheter/lokalt/stockholm/haket-i-huddinge-samst-i-landet-pa-att-bryta-isolering-for-unga-nastintill-omojligt> )

The Justice Ombudsman, after inspecting arrest facilities for children 2022, described that knowledge was lacking among the staff who were guarding the children, that children have special needs and rights. Instead children were treated as adults. According to the law of detention, Håkteslagen, children have a right to four hours of isolation-breaking measures, through meaningful social and physical activities, but these measures are not practiced in all pre-trial detention centers. (Source: Publikt: JO kritisk till barn i arresten, 2022-12-06, Ocpat-inspektion (Optional Protocol to the Convention against Torture) [www.publikt.se](http://www.publikt.se) )

According to the Swedish Prison and Probation Service's yearly report 2024, many pre-trial detention facilities do not have the capacity to care for children's special needs and their rights to isolation-breaking measures, because of the high number of persons in custody and the shortage of staff. The Prison and Probation Service's report from 2023, describes that even short periods in isolation, even in its mildest forms, is known to have harmful effects for children, and that the unhealth that children suffer as a result, can also affect the child's capacity to participate in the ongoing crime investigation and the coming court process.

(Sources: Kriminalvården, Årsredovisning 2024

<https://www.kriminalvarden.se/globalassets/publikationer/ekonomi/kriminalvardens-arsredovisning-2024.pdf> [2025-03-31]

and Kort om häktade barn, Vi bryter den onda cirkeln, Krim: Vård, Kriminalvården, 2023

<https://www.kriminalvarden.se/om-kriminalvarden/nyheter/2024/maj/fler-barn-och-unga-inom-kriminalvard- visar-statistik/> )

The Committee Against Torture, 2021, critiqued Sweden for allowing long pre-trial detention periods and expressed concern over how detention is being so frequently used in Sweden. The Committee described detention should only be used exceptionally and for limited time periods, and recommended Sweden to abolish isolation as a measure for minors, and instead consider alternative measures such as electronic monitoring. (Source: CAT Concluding Observations Sweden, 20 Dec 2021, CAT/C/SWE/CO/8, page 4, pt 13, 14, 15 and 16.)

The Committee on the Rights of the Child, recommended Sweden, 2023, that children should not be isolated in pre-trial detention. States should guarantee to the children who are arrested and detained, a weekly recurring retrial of whether the arrest can be revoked. Also, detained children should be guaranteed a speedy trial questioning the legality of the arrest and its prolongation. Placing children in detention, deprived of liberty, is hard to reconcile with the principles of the Children's Convention and Sweden should cease its practice of isolating children in detention. (Source: CRC/C/SWE/CO/6-7 (2023), p 14.)

According to ICCPR Article 9, pt 3, anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and

shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody.

ICCPR Article 10, pts 1,2 (b) and 3, describe that all persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication and juvenile offenders shall be accorded treatment appropriate to their age and legal status.

As the Convention on the Rights of the Child describes, in Article 37 (b) “The arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time.” Sweden is unfortunately not adhering to this, and instead plans to expand the usage of detention and isolation measures for children committing serious crimes. (See legal proposal: SOU 2024:93 Effektivare verktyg för att bekämpa brott av unga lagöverträdare, Häktnings tiden, Time in detention, section 8.10, where a six month detention period for children is planned to become allowed.)

Global Study on Children Deprived of Liberty, A/74/136, describes on page 6, pt 19: “ ‘Measure of last resort’ means that depriving children of liberty should be the last option only, and in principle be avoided.”

Through the extensive practice of using the exceptional measures of children in detention and isolation, risks of cruel, inhuman and degrading treatment emerge, through poor detention conditions disenabling sufficient contact with family and the outside world, and the conditions of detention described in practice in Sweden seem to actually amount to inhuman and degrading treatment, in violation of ICCPR’s Articles.

Therefore, we hereby ask the Human Rights Committee to recommend the Swedish Government to not allow the usage of long detentions and isolation measures for children in pre-trial facilities. Instead, it would be important to use other measures, and educate authorities about human rights and children’s human rights, and protect children from serious crimes and threats in society, and support families and children who are in need to live safely.