



Swedish Red Cross

*Alternative Report to  
the United Nations Committee Against Torture  
regarding  
Sweden's eighth periodic report submitted by Sweden under article  
19 of the Convention pursuant to the optional reporting procedure,  
due in 2018*

## **1. INTRODUCTION**

The Swedish Red Cross welcomes the opportunity to present our alternative report to the eighth periodical report of Sweden on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter “the Convention”). We wish to thank the UN Committee Against Torture (hereinafter “the Committee”) for its willingness to accept alternative reports and hope this report will be useful in the examination of Sweden’s periodic report.

This is the fourth time the Swedish Red Cross chooses to report to the Committee regarding Sweden’s implementation of and compliance with the Convention. We regret that we still find it necessary to report to an international mechanism to encourage the Swedish government to take further steps to achieve the objectives as set out in the Convention and to comply fully with its letter and spirit.

The Swedish Red Cross bases this alternative report on more than 30 years of experience of working with victims of torture. Annually, we meet hundreds of victims of torture in our rehabilitation services in Sweden and other activities for refugees and asylum-seekers. We have also published several reports on the challenges faced by victims of torture in Sweden. Based on this experience, it is our firm belief that Sweden could do more for a sound implementation of the Convention.

In this alternative report, aspects of the implementation of articles 1, 2, 3, 4, 11 and 14 of the Convention will be examined. This report is not an exhaustive account of concerns under the Convention but a selection of priority issues for the attention of the Committee based on the specific expertise and experience of the Swedish Red Cross.

## **2. THE NEED FOR A SPECIFIC PROVISION OF TORTURE IN SWEDISH CRIMINAL LAW (ARTICLES 1 AND 4)**

### **2.1 Background**

Under article 4 of the Convention, every State Party has an obligation to ensure that all acts of torture are offences according to criminal law. Attempts to commit torture, complicity and participation in torture acts shall also be punishable.

Since Sweden’s initial report in 1988, and as pointed out in our last alternative report in 2014, there has been an on-going dialogue with the Committee about the need to incorporate the crime of torture, as defined in article 1 of the Convention, in the Swedish criminal law. The issue has repeatedly been approached and the Swedish solution has been criticised by the Committee.

Since the last report, torture as defined in the Rome Statute has been made punishable under the Swedish Act on criminal responsibility for genocide, crimes against humanity and war crimes (2014:406). This was very much welcomed by the Swedish Red Cross. In addition, a stricter minimum penalty has recently been introduced for several serious offences that can constitute acts of torture, including gross assault.

## **2.2 The need to incorporate a specific crime of torture in Swedish law**

Unfortunately, it remains a fact today that there is still not a specific provision on torture with the full elements set out in Article 1 of the Convention in Swedish criminal law.

In 2014, the Swedish Government appointed an inquiry to examine whether there was a need for a specific provision on torture in Swedish criminal legislation. The inquiry presented its findings in 2015 in the ministerial memorandum “A specific provision on torture?” (Ett särskilt tortyrbrott?, Ds 2015:42).

The memorandum expressed a clear need for a specific crime of torture under Swedish criminal law. The main legal concerns were those of lack of sufficient jurisdiction and the insecurity regarding some specific situations, including the provisions on complicity and participation, psychological torture and the possibilities of appropriate penalties. The inquiry therefore proposed that torture should be criminalised as a specific crime with the definition from the Convention included, made subject to universal jurisdiction and exempted from the statute of limitations.

The memorandum also gives emphasis to the other values of a specific provision on torture in Swedish law. It would not only demonstrate the seriousness of the acts in relation to the other punishable acts, but also give Sweden better opportunities to act as a role model in relation to human rights. It would send signals to the international community that Sweden condemns such acts and fully supports the international cooperation for accountability in these matters. The critical comments made by the Committee over the years were also mentioned as important to give value.

The Swedish Red Cross has highlighted all those concerns – both the legal and others – in our contacts with the Government as well as in our previous alternative report to the Committee. We very much appreciate the conclusions and suggestions made by the inquiry on a specific provision on torture and wish they would be implemented.

The memorandum has been circulated for formal consultation, with a high level of appreciation among the consultees. Unfortunately, the matter has been considered by the Government Offices without any visible progress since 2015.

We can only regret that the Swedish Government still has not taken legislative action to fully acknowledge of the severity of acts of torture, remedy the legal insecurities surrounding the Swedish solution, and in this manner lead the way as a role model in relation to human rights today.

The Swedish Red Cross, in addition to the above highlighted, remains convinced that an effective implementation of the definition and a criminalisation in line with articles 1 and 4 of the Convention would have significant value to achieve redress for victims of torture. To many victims, indicting and punishing the perpetrators of torture is essential for their rehabilitation. Calling the acts that they have been subject to by their proper name - torture - is a formal and universal recognition of the severity of the violations committed against them.

### **2.3 Recommendation**

- *We recommend* that a specific provision on torture, in accordance with Article 1 and Article 4 of the Convention, is incorporated in the Swedish criminal law, as suggested by the state inquiry from 2015 (“Ett särskilt tortyrbrott?”, Ds 2015:42).

## **3. CONCERNS THAT DETENTION IS NOT USED AS A LAST RESORT (ARTICLES 2 AND 11)**

### **3.1 Background**

In the recent Concluding Observations to Sweden (2014), the Committee concluded that “[t]he State party should take all necessary measures to ensure that the detention of asylum-seekers is used only as a last resort and, where necessary, for as short a period as possible and without excessive restrictions” (CAT/C/SWE/CO/6-7, para 10).

### **3.2 Swedish Red Cross report on children in immigration detention (2018)**

#### **3.2.1 Overview**

In December 2018, the Swedish Red Cross conducted a study and published a report on children in immigration detention in Sweden.<sup>1</sup> The analysis built on immigration detention decisions taken by the Swedish Police Authority regarding children from 2017 and investigated the implementation of the immigration detention legislation focusing on the grounds for immigration detention.<sup>2</sup> The aim of the report was to shed light on the implementation of immigration detention legislation regarding children and the impact that immigration detention has on the health and development of children. It also presented possible alternatives to immigration detention for children and families with children.

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<sup>1</sup> See <https://www.rodakorset.se/globalassets/rodakorset.se/dokument/om-oss/fakta-och-standpunkter/rapporter/barn-i-forvar-181126.pdf>

<sup>2</sup> The Swedish Migration Agency and the migration courts took no decisions regarding children in 2017. It was only the Police Authority that took decisions to detain children during this period.

According to our study, at least 57 children of various ages were held in immigration detention in Sweden in 2017. Due to a lack of reliable statistics, it is possible that the actual number of children were higher. Most of the children were placed in immigration detention with their families, but some were held in immigration detention as unaccompanied minors. Families were either separated by one parent or caregiver being placed in immigration detention or the entire family was placed in immigration detention all together.

The report highlights several serious and comprehensive flaws in the application of immigration detention legislation. The report further shows that there is strong evidence that immigration detention has a deep and negative impact on children's health and development. These results were found even children were detained for short periods of time and when children are held together with their families.<sup>3</sup>

### ***3.2.2 Serious concerns over the application of principles of legality, necessity, proportionality and the best interest of the child in decisions on children in immigration detention***

The Swedish Red Cross report highlighted several flaws regarding the legality of some of the decisions by showing that several decisions were not taken pursuant to relevant provisions in law. In seven of the 57 studied decisions (12 per cent), the Police Authority had not provided relevant legal grounds.<sup>4</sup> In five of the 57 decisions (8 per cent), it also appears to have been unclear which rules were applicable, depending on the purpose for which the immigration detention decision was taken. In addition, in decisions regarding immigration detention under the Dublin Regulation, the Police Authority had extensively applied the rules of the Swedish Aliens Act<sup>5</sup> in breach of the principle of the precedence of EU law.

The application of law also had extensive shortcomings regarding alternatives to immigration detention and did not meet the requirement of necessity according to which

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<sup>3</sup> See UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, 16 November 2017, CMW/C/GC/3-CRC/C/GC/22, para 5. Available at: <https://www.refworld.org/docid/5a1293a24.html>; see Council of Europe (2014), The Alternatives to Immigration Detention of Children, p. 13. Available at: <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=21130&lang=en>; See also Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe (2017), A study of immigration detention practices and the use of alternatives to immigration detention of children, p. 9. Available at: <https://edoc.coe.int/en/migration/7533-a-study-of-immigration-detention-practices-and-the-use-of-alternatives-to-immigration-detention-of-children.html#>; Cleveland et al, (2018), Symbolic violence and disempowerment as factors in the adverse impact of immigration detention on adult asylum seekers' mental health. International Journal of Public Health, Available at: <https://doi.org/10.1007/s00038-018-1121-7>.

<sup>4</sup> The rules regarding immigration detention in Swedish law are primarily found in the Aliens Act but the rules regarding immigration detention in the Dublin Regulation are also applicable.

<sup>5</sup> Utlänningslag (2005:716)

immigration detention constitutes a last resort measure. Alternatives to immigration detention had not been considered in 22 of the 57 studied decisions (38 per cent), in breach of the Aliens Act and the Dublin Regulation, respectively, as well as the Charter of Fundamental Rights of the European Union and the Convention on the Rights of the Child. The application of law in eight of the 57 decisions (14 per cent) can be criticised because it was not stated whether earlier attempts at enforcing a removal decision were carried out and failed. In none of the decisions was it stated that immigration detention was deemed to constitute a measure of last resort.

The analysis further indicates that the application of law in nearly every case (96 per cent) was deficient with regards to proportionality. The Police Authority carried out a proportionality assessment in only two of the 57 decisions. The lack of proportionality assessment is something that permeates the decisions. This is incompatible with the proportionality principle that requires an assessment or balancing of interests between the interests of the State to achieve the purpose of the deprivation of liberty and the intrusion that it entails for the child.

Finally, the report also shows that the Police Authority has failed to apply the principle of the best interest of the child. In a total of 19 of the 57 studied decisions (33 per cent), the Police Authority appears to have failed to apply the principle of the best interest of the child, which is inconsistent with the Aliens Act, the Dublin Regulation and the Convention on the Rights of the Child, as well as the right of the child to freedom and security in the European Convention on Human Rights and Fundamental Freedoms.

### **3.3 Immigration detention in general – concerns of principles of necessity and proportionality**

The lack of application of the principles of necessity and proportionality in general remains an issue of concern for the Swedish Red Cross. The Swedish Red Cross has already highlighted the lack of application of these principles in previous studies (2012)<sup>6</sup> where the lack of application of the principle of proportionality was a running theme throughout the findings. This is expressed in the decisions regarding detention, in the assessments of whether there are any particular grounds for extending the detention period, and facility.

Regarding decisions on immigration detention in general, the Swedish Red Cross remains concerned about the lack of use of alternatives, for example supervision. The study in 2012 demonstrated that detention was not always only used as a measure of last resort, and not always only for the shortest possible time. Statistics still show that the use of detention is much more common than the alternative provided by the Swedish legislation,

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<sup>6</sup> See “Förvar under lupp - En studie av rättssäkerheten för asylsökande i förvar” (2012) <http://d20tdhwx2i89n1.cloudfront.net/image/upload/ffiesvu23cq2djwms3gx.pdf> and “Flawed assessment process leads to under-use of alternatives in Sweden” (2013) <https://www.fmreview.org/detention/zamacona>

supervision. Supervision is, in other words, not used as an alternative to detention to the extent intended by the legislator.

### **3.4 Placement of immigration detainees in correctional facilities**

The Swedish Migration Agency is not equipped to deal with individuals with e.g. self-harm behaviour. The Swedish Migration Agency shall assess if it is possible to separate individuals who are considered to be a danger to themselves or other persons, in the migration detention facilities of the Migration Agency. According to the study in 2012, this provision was not used independently, but only as a condition or prerequisite for a decision regarding placement in a remand prison. In the study, the Swedish Red Cross identified decisions in which persons had been placed in remand prisons solely due to the fact that they posed a serious danger to themselves. The main reason for placing these persons in a correctional institution, remand prison or police arrest facility for security reasons is that the Swedish Migration Board's premises and staff are not equipped to deal with individuals who display threatening behaviour, or with persons with self-harm behaviour. It is our assessment that this remains a concern to this day.

This shows that even if the principle of proportionality was applied as intended, it would nevertheless be ineffective in practice since a placement within Swedish Migration Agency's premises is not possible if they do not have the capacity to deal with people who demonstrate threatening or self-harm behaviour.

### **3.5 Recommendations**

- ***We recommend*** that the State party take effective measures towards ending the practise of detention of children for immigration-related purposes, regardless of whether it concerns children in a family or unaccompanied minors. Insofar as deciding authorities take children in immigration detention, there is a clear need to ensure that this is as a measure of last resort only applied when alternatives to immigration detention cannot be implemented effectively and for the shortest possible time.
- ***We recommend*** that supervision shall be used instead of detention whenever possible. A detention order shall be imposed only if other, less coercive, measures cannot be applied. The Swedish Red Cross further recommends codifying possible alternatives to immigration detention, besides supervision, with a clear focus on children and families with children.
- ***We recommend*** reviewing relevant legislation on immigration detention and supervision with the purpose to avoid insecurities in application, or interpretation problems. Due to the severe impact that immigration detention has on the child's mental health and development, the Swedish Red Cross recommends codifying the proportionality principle so that it is clearly stated in the immigration detention legislation that a weighing of interests must precede both decisions and implementation of control or coercive measures.
- ***We recommend*** that detention solely ought to take place in the migration detention facilities of the Swedish Migration Agency. Therefore, the Migration Agency

detention premises must improve their capacity to deal with people who demonstrate threatening behaviour or psychological ill health within their premises.

## **4. NON-REFOULEMENT OF ASYLUM-SEEKERS (ARTICLE 3)**

### **4.1 Non-refoulement and concern over proper investigation**

Article 3 of the Convention stipulates that states shall not return a person to another state where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. For the purpose of determining whether there are grounds for believing that a person would be in danger of being subjected to torture in another state, the competent authorities in a State Party shall according to Article 3, take all relevant considerations into account, before returning him or her to the country of origin.

The Swedish Red Cross advocates strongly for due procedures for asylum-seekers in general and for victims of torture in particular. We have over the years highlighted the limited investigation in cases concerning victims of torture. In our opinion the mere indication that a person has been subjected to torture requires a thorough investigation by the state authorities.

Thus, we took note of the Judgement of the European Court of Human Rights in the case *R.C. vs. Sweden*, March 2010. The Court concluded that there were substantial grounds for believing that the applicant would be exposed to a real risk of being detained and subjected to treatment contrary to Article 3 of the European Convention on Human Rights if deported to Iran in the current circumstances. Accordingly, the Court found that the implementation of the deportation order against the applicant would give rise to a violation of Article 3 of the European Convention on Human Rights. The case touched upon the significance of identification and documentation of torture and discussed at what point the applicant's burden of proof is fulfilled. This was followed by two rulings from the Migration Court of Appeal<sup>7</sup> stating that the mere fact of an existing medical certificate indicating previous torture should impose a certain responsibility for the competent authority to investigate further.

In 2015, the Swedish Red Cross conducted a study and published a report<sup>8</sup> examining the asylum applications from victims of torture and how these cases were processed by the Swedish Migration Agency and courts. Our conclusions from the report as well as our daily work of assisting the persons concerned is that there are still a high number of asylum-seekers where there are indications (for example medical certificates, photos etc.) of former acts of torture and a risk of continued torture if returned, but who are still questioned about their credibility as well as reliability of facts even though no further investigation from the authorities' side is carried out. This leaves it to the individual to

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<sup>7</sup> MIG 2012:2 <https://lagen.nu/dom/mig/2012:2> and MIG 2014:2 <https://lagen.nu/dom/mig/2014:2>

<sup>8</sup> <https://www.rodakorset.se/om-oss/fakta-och-standpunkter/rapporter/tortyrskador-i-asylprocessen/>



conduct further documentation and not initiated by the Swedish Migration Agency or courts when the credibility of the asylum-seeker's verbal account is questioned or in other situations where such an investigation would be relevant.

In July 2012, following the criticism from the Court, a legal position was issued by the Swedish Migration Agency changing the routines in line with the decision of the European Court of Human Rights. However, our experience shows that this is still problematic for individuals. We have a continuous dialogue with the Swedish Migration Agency in this respect.

Sweden has also - since the last periodic report – been found to be in breach of article 3 of the Convention in at least three cases<sup>9</sup> before the Committee which also indicates the need for better examinations on this ground.

#### **4.2 The need for further training of relevant personnel**

The Swedish Red Cross 2015 report referred to above also shows that more training for decision makers as well as personnel in the asylum reception is needed in order to identify victims of torture and other vulnerable groups.

In our experience from meeting asylum-seekers in our rehabilitation services and in other Swedish Red Cross activities and programmes, we still note a lack of knowledge and routine when it comes to proper identification and documentation of torture victims and investigation of such cases. Every year, we carry out a number of documentations according to the Istanbul Protocol, documentations that are being used by asylum-seekers who need this documentation to strengthen their torture history during asylum proceedings. However, we routinely meet patients with decisions from the Swedish Migration Agency, where the decision clearly shows that the authority staff has insufficient knowledge on the Istanbul Protocol. This can have detrimental effects on the individual when torture documentation is disregarded, for invalid reasons, with possible deportation as consequence. In addition, we meet torture victims who are severely affected by the crime committed against them, and who state that s/he was not able to share these experiences during the asylum interview, as s/he did not feel safe and comfortable enough to share intimate details during a stressful and short interview setting. This indicates a limitation of knowledge of staff and raises questions on procedures and routines when it comes to identification of torture victims, which results in asylum-proceedings where important facts are disregarded or simply not included.

Some positive developments can be seen, and the Swedish Red Cross recognizes that the Swedish Migration Agency is currently making efforts to improve routines, for instance when it comes to requesting a documentation according to the Istanbul Protocol. In addition, in line with an ongoing cooperation, the Swedish Red Cross has offered its services to support the Migration Agency with trainings on torture, trauma effects and the

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<sup>9</sup> Cases dated 2015-11-25, 2018-05-10, 2019-04-23

Istanbul Protocol, trainings that are clearly needed. However, any training initiatives must also be followed by action, for example implementation of better routines to identify torture victims during the asylum process and more systematic training for Swedish Migration Agency staff on torture, trauma and the Istanbul Protocol.

### **4.3 Recommendations**

- ***We recommend*** that Swedish Government ensures that torture investigations are initiated by the Swedish Migration Agency, or by the Courts, when there are any indications that torture might have been committed, including in cases where the credibility of the asylum-seeker's claim is questioned, and in any other situations when such an investigation would be relevant.
- ***We recommend*** that clear routines are established supporting thorough investigation by relevant authorities in asylum cases concerning torture victims.
- ***We recommend*** that the Swedish Government take specific measures to strengthen the knowledge of staff of the administrative or judicial systems of the consequences of torture and that continuous training on torture, trauma and the Istanbul Protocol for the Swedish Migration Agency staff is put in place. The Swedish Red Cross stands ready to support the Government with this effort

## **5. CHALLENGES TO REHABILITATION (ARTICLE 14)**

### **5.1 Background**

Each State Party shall according to Article 14 ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. The Committee has in its General Comment No. 3 defined “redress” to include the concepts of “effective remedy” and “reparation”. The comprehensive reparative concept entails restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition and refers to the full scope of measures required to redress violations under the Convention.

### **5.2 Fulfilment of the right to rehabilitation for torture survivors in Sweden**

The Committee defines rehabilitation as the “restoration of function or the acquisition of new skills required as a result of the changed circumstances of a victim arising from torture or ill-treatment. It seeks to enable the maximum possible self-sufficiency and function for the individual concerned and may involve adjustments to the person's physical and social environment. Rehabilitation for victims should aim to restore, as far as possible, their independence; physical, mental, social and vocational ability; and full inclusion and participation in society.”<sup>10</sup> The Committee stresses that the obligation of

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<sup>10</sup> CAT General Comment No. 3 (2012), para 11.

states to ensure rehabilitation cannot be postponed. “Each State party should adopt a long-term and integrated approach and ensure that specialised services for the victim of torture or ill-treatment are available, appropriate and promptly accessible.”<sup>11</sup>

Providing holistic rehabilitation services to survivors of torture can help heal the severe effects of torture and help individuals, families and societies to recover and regain quality of life. The purpose of rehabilitation services is to empower, to the greatest extent possible, survivors of torture in restoring mental, physical and social capacities that have been destroyed during torture. To ensure this, early identification of torture survivors and rehabilitation services available for all in need are essential.

The Swedish Red Cross has provided rehabilitation services for survivors of torture since 1985. We currently run six treatment centres in Sweden and every year, hundreds of torture survivors receive rehabilitation services in our centres. This long-standing experience and expertise make us well placed in commenting on the current state when it comes to provision of rehabilitation services. In this regard, we make the following observations.

The healthcare regions (“Regionerna”) are responsible for offering rehabilitation services for torture survivors, but we believe that this is not ensured to the extent intended by the Convention. Sweden has not adopted a long-term and integrated approach that ensures specialized services for all torture survivors in need. Some regions fund specialized rehabilitation structures and other regions do not, hence access depends on where you live. In addition, even in regions with existing specialised services, patients may wait for months or even more than a year before being admitted. Available services do not manage to provide timely rehabilitation services according to all needs and we fear there are large numbers of torture survivors who never get the chance to access rehabilitation. The Swedish Red Cross welcomes that the Government presented measures to reinforce capacity through specific funding from 2017 and onwards and we acknowledge healthcare regions that put resources into such services, but on a national level, inequalities exist.

In its report to the Committee, the Government cites healthcare legislation for asylum-seekers, adults and children. It is our firm belief that current healthcare legislation for adult asylum-seekers and undocumented migrants provide obstacles for torture survivors in need of rehabilitation. According to the National Board of Health and Welfare (“Socialstyrelsen”), the concept “healthcare that cannot be deferred” cannot be combined with medical ethics and it risks jeopardising patient security.<sup>12</sup> Our experience is that asylum-seekers and undocumented migrants, including torture survivors, are often denied psychiatric care as this is seen as “healthcare that can be deferred”. Even though specific consideration should be guaranteed for torture survivors, we see that this is not ensured

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<sup>11</sup> CAT General Comment No. 3 (2012), para 13.

<sup>12</sup>See website of National Board of Health and Welfare, for example (in Swedish) <https://www.socialstyrelsen.se/stod-i-arbetet/asylsokande-och-andra-flyktingar/halsovard-och-sjukvard-och-tandvard/erbjuden-varld/>

on a general basis. With a situation where asylum-seekers may wait for years before having a decision on their asylum case, this creates regrettable delays for persons in need.

The Government states that asylum-seeking children and undocumented children must be offered the same healthcare as children residing in Sweden. However, in our experience from working with patients, this is often not the case. Several practical obstacles exist and, more importantly, child psychiatric units (BUP) are often over-burdened, creating unacceptable delays for children who need psychiatric support and care. Specific attention should be given to children who have suffered from torture, directly or indirectly.

Healthcare professionals are essential in identifying torture survivors, documenting injuries and ensuring rehabilitation. The Swedish Red Cross has for several years worked together with authorities and other actors, on regional and national level, to raise awareness and knowledge, and we stand ready to provide continued support. We also acknowledge positive steps taken by certain regions that have created knowledge centres linked to migration, health and transcultural psychiatry. However, much more needs to be done on a national level to raise awareness on torture identification and documentation, including training on the Istanbul Protocol. Knowledge must be disseminated throughout the healthcare system and included in curricula for healthcare personnel.

### **5.3 The right to compensation and financial challenges**

The Convention states that torture victims have a right to compensation. A financial compensation can be important for several reasons. This is, in itself, a recognition and acknowledgement of the crime committed towards the person, even in cases where no perpetrator can be brought to justice. In addition, many torture survivors in Sweden find themselves in financially difficult situations, especially in cases where the person cannot work due to the psychological or physical injuries s/he suffered from, making sick-leave or early retirement necessary. We also note that persons receiving residence permits in Sweden and who would like to reunite with their families face challenging requirements when it comes to supporting one's family financially. In these cases, a financial compensation could be valuable.

The Government, in its report, refers to circumstances when persons can receive financial compensation from the state due to harm imposed by public authorities. However, for non-Swedish residents who suffered from torture abroad, by foreign authorities, no financial compensation is ensured, and the person often faces the additional financial challenges described above.

## 5.4 Recommendations

- ***We recommend*** that the Government assumes full responsibility in ensuring the right to rehabilitation for torture victims in Sweden, through the following measures:
  - ✓ Adopt a long-term, national strategy that ensures access to specialized rehabilitation services for torture victims in an appropriate and timely manner. Access should be ensured without distinctions based on the legal status of the person in Sweden.
  - ✓ Ensure continued and long-term funding for specialized rehabilitation centers that offer services for torture survivors.
  - ✓ Introduce a system by which the Healthcare Regions report how torture survivors are being identified and supported in the regular healthcare system.
- ***We recommend*** that the Government supports institutional capacity and knowledge on the Istanbul Protocol in university training for all healthcare personnel, through revision of existing curricula as needed.
- ***We recommend*** that guidelines linked to financial compensation are reviewed to protect and compensate the survivor from the economic impact of the remaining effects of torture. No torture victim should be denied family reunification based on financial reasons, for instance due to lack of ability to sustain one's family.

Stockholm, 5 October 2020



Martin Ärnlov

Secretary General  
SWEDISH RED CROSS