

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/SWE/CO/6-7)

SWEDEN

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

7. While taking note of the new Act on Detention (2010:611) regulating procedures for arrest and temporary detention in custody or other detention facilities, the Committee remains concerned that persons deprived of their liberty, including minors, are not always afforded all fundamental legal safeguards from the very outset of deprivation of liberty, such as the rights to access to a lawyer, to independent medical examination and to notify a relative or a person of their choice. The Committee is concerned at reports that the right of notification of custody is often unduly delayed in the interests of the investigation and that access to health care for persons in police custody continues to be left to the discretion of the police (art. 2).

Recalling the Committee's general comment No. 2, the State party should take all necessary measures to ensure that all persons deprived of their liberty are afforded, in law and in practice, all the fundamental legal safeguards from the very outset of deprivation of liberty, in particular the right to access to a lawyer, the right to a medical examination by an independent doctor, preferably of their own choice, and the right to notify a relative, in accordance with the international standards.

(...)

Imposition of restrictions, including isolation

8. The Committee notes with regret the position of the State party on the necessity of the use of restraints, such as isolation, during the preliminary investigation in the Swedish legal system. In particular, the Committee remains concerned at: (arts. 2, 11 and 16)

(a) The high percentage of remand prisoners who are subject to restrictions and the differing restrictions which exist concerning their communications with the outside world;

- (b) The widespread and, in some cases, prolonged use of solitary confinement in pretrial detention;
- (c) The application of such restrictions, including isolation, to minors in police cells, remand prisons and special residential homes;
- (d) The incidents of suicide or suicide attempts in places of detention, in particular in remand prisons, suggesting they are the result of the use of restraints such as isolation measures.

The Committee urges the State party to:

- (a) **Use restrictions on remand prisoners only as an exceptional measure based on concrete grounds, laying them down in the law in accordance with international standards and only when strictly necessary in the interest of criminal investigations. To that end, the State party should establish clear guidelines for public prosecutors on the application of restrictions;**

(...)

Investigations

14. The Committee is concerned at reported cases of ill-treatment and excessive use of force by the police, the lack of independent, impartial and effective investigations of such incidents and the absence of an independent body for investigation of complaints of police misconduct. The Committee notes that a Department of Special Investigations, with autonomous standing, will be established in 2015 within the police at the national level, including seven regional investigation units (arts. 12, 13 and 16).

The Committee recalls its previous recommendation (CAT/C/SWE/CO/5, para. 18) and urges the State party to ensure prompt, impartial and effective investigation by an independent body into all allegations of ill-treatment and excessive use of force by law enforcement officials.

Hate crimes

15. While noting the priority consideration given by the Equality Ombudsman and the National Police Board to combating and preventing hate crimes, the Committee remains concerned at reports of violence and criminal acts motivated by hatred towards minorities and other vulnerable groups in Sweden, including Muslims, Afro-Swedes, Roma and Jews, as well as persons belonging to the lesbian, gay, bisexual and transgender community. In that context, the Committee is concerned at a series of violent attacks in Malmö and at the low level of compensation paid to thousands of Roma Swedes, whose names were registered by the police in southern Sweden owing to their ethnicity. The discrepancy between increased reports to the police of hate crimes and the decrease in the number of preliminary investigations and convictions is a matter of concern. According to reports before the Committee, during 2007, 155

cases of agitation against ethnic minorities were reported, but the Attorney General initiated proceedings against barely 6 of them (arts. 12, 13 and 16).

The Committee recalls its position that the special protection of minorities, or marginalized individuals or groups especially at risk, is part of the obligation of the State party to prevent torture or ill-treatment (see general comment No. 2, para. 21). In that respect, the State party should intensify its efforts to prevent and prosecute criminal acts motivated by discrimination, intolerance, hatred or negative stereotype by:

(a) Ensuring effective investigation, prosecution and punishment of perpetrators;

(...)

22. The Committee requests the State party to provide, by 28 November 2015, follow-up information in response to the Committee's recommendations related to ensuring or strengthening legal safeguards for persons deprived of their liberty and ensuring effective investigation, prosecution and punishment of perpetrators, as contained in paragraphs 7, 8 (a), 14 and 15 (a) of the present document.

(...)
