



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

Distr.: General  
7 November 2014

Original: English

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**Committee against Torture**

**Fifty-third session**

**Summary record of the 1252nd meeting**

Held at the Palais Wilson, Geneva, on Tuesday, 4 November 2014 at 10 a.m.

*Chairperson:* Mr. Grossman

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*Combined sixth and seventh periodic reports of Sweden*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention**

*Combined sixth and seventh periodic reports of Sweden (CAT/C/SWE/6-7; CAT/C/SWE/Q/6-7)*

1. *At the invitation of the Chairperson, the delegation of Sweden took places at the Committee table.*
2. **Mr. Rönquist** (Sweden) said that, in his introduction, he would restrict himself to developments that had taken place since the submission of his country's report (CAT/C/SWE/6-7). With regard to articles 1 and 4 of the Convention, he said that the Act on Criminal Responsibility for Genocide, Crimes against Humanity and War Crimes had entered into force on 1 July 2014. It was his Government's understanding that the Convention did not oblige a State party to incorporate a specific provision on torture in its domestic legislation and the requirements in that regard under the Convention were fully met by Swedish legislation and regulations on various forms of assault. Nonetheless, an inquiry had been set up in June 2014 to consider the need for a specific provision on torture and a report was due in September 2015. The Government did not wish to anticipate the outcome of the inquiry.
3. With regard to article 2 of the Convention, the Government had taken a number of measures to enhance the quality and legal security of the asylum process. The Swedish Migration Board had adopted a set of rules taking account of sexual orientation and gender identity in asylum cases. As to the question of violence against women and trafficking, the minimum penalty for gross violation of integrity, and gross violation of a woman's integrity in particular, had been increased in July 2013 and the scope of application widened in order to strengthen protection against repeated violations by persons closely related to the victim. Sweden had signed and ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence, which had entered into force on 1 November 2014. On 1 July 2014, legislation had been introduced on the new offences of coercion to marry and inducing a person to travel abroad with the purpose of forcing them to enter into marriage. Swedish courts had jurisdiction even in cases where the act was not punishable in the country where it was committed. In that connection, the Östergötland County Administrative Board had, since 2005, provided support for victims of honour-related violence and oppression. It conducted information campaigns and provided training courses for professionals in the field.
4. The Swedish National Council for Crime Prevention had issued a report on domestic violence in May 2014. About 7 per cent of the population had stated in 2012 that they had been victimized in close relationships, the proportion of men victimized being almost equal to that of women. Violence was both physical and psychological. It was, however, much more common for women to be subjected to repeated violence. Over 25 per cent of women had been exposed to violence in close relationships, the corresponding figure for men being nearly 17 per cent. A report issued in October 2014 had recommended a number of improvements, such as better coordination of measures, a higher degree of evidence-based knowledge and more effective prevention. Changes had been made to the rules on restraining orders in order to improve the situation of persons subjected to violence or stalking. Legislation had also been amended to reinforce protection for sexual integrity and sexual self-determination and the protection of children against sexual abuse. The crime of rape had been defined more widely. More cases of sexual exploitation would be deemed to constitute rape, the term "helpless state" having been replaced by "particularly vulnerable situation". Moreover, the term "serious fear" had been added to the list of relevant circumstances, in order to make it clear that a situation in which a victim responded

passively to an attack constituted rape. The scope of the offence of gross sexual abuse of a child had also been widened. Special consideration was given to whether the perpetrator had a close relationship with the child or had abused a position of trust. The minimum penalty had been raised from 6 months to 1 year of imprisonment. Moreover, in order to fulfil its commitments under the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), Sweden had introduced an exception from the requirement of dual criminality in cases of the purchase of a sexual act from a child and the exploitation of a child for sexual posing. The period of limitation for such offences had been extended to the time a child had reached or should have reached the age of 18.

5. An inquiry was under way to evaluate the application of the law on trafficking in human beings. A report on the matter would be issued by March 2016. As to unaccompanied child asylum seekers, a common action plan had been developed by the Border Control Police, in cooperation with the Swedish Migration Board and the social services, to minimize the risk to such children. The Government had also adopted an action plan to protect children against human trafficking, exploitation and sexual assault. In order to coordinate efforts more efficiently when a child was missing, an emergency telephone number had been introduced in 2014.

6. With regard to the establishment of an independent national human rights institution, the new Government had announced that it would introduce a strategy for systematic work on human rights in Sweden, including independent scrutiny of the implementation of human rights.

7. Further to paragraphs 123–126 of the report, he said that the Swedish Migration Board had decided on 11 April 2014 to grant Mr. Alzery a permanent residence permit. As to asylum seekers from Iraq, every case was considered on its merits.

8. Pursuant to the statement in paragraph 143 of the report, the Swedish Prison and Probation Service had submitted a summary of the cases heard by its disciplinary board. The board had dealt with 115 matters in 2012 and 88 in 2013. The average occupancy of prisons had continued to decrease, from 92 per cent in 2011 to 89 per cent in 2012 and 85 per cent in 2013. The occupancy rate in remand prisons had taken from 92 per cent in 2010 to 79 per cent in 2013.

9. The Swedish legal system was based on the principle of immediacy, which meant that only verbal testimony in court could form the basis for a conviction. Remand imprisonment and restrictions were therefore necessary in order to protect evidence during a preliminary investigation. For that reason, a high proportion of remand prisoners — 6,558 out of a total of 9,415 in 2013 — were subject to various restrictions on their contacts with the outside world. By international standards, however, the number of pretrial detainees was relatively small and they were held for relatively short periods. Persons suspected of very serious offences might be detained for a long time, but action was taken to reduce pretrial detention periods. There was no maximum time limit for such detention, but there were strict requirements regarding the frequency with which detention orders were reviewed. Restrictions were used only for as long as they were deemed necessary. Court approval of restrictions had to be renewed every time a court reviewed a case of detention. A prosecutor's decision on specific restrictions could be challenged by a detainee. The three International Public Prosecution Offices provided for longer periods of restriction than other offices, but that was because they dealt with serious crimes which often involved international legal cooperation. A working party appointed in 2013 had considered how to reduce the use of restrictions on remand and had reported in January 2014. The Prosecution Authority was currently considering measures that might be taken.

10. Swedish law required extraordinary reasons to detain a person under the age of 18: such a person could be detained only where it was clear that no other adequate supervision could be arranged. Relatively few persons under 18 were detained before trial: in 2013 the total number had been 119, of whom 97 had been subject to some kind of restriction. In 2012, the total had been 123, of whom 98 had been subject to restrictions, and in 2011 122, with 106 subject to restrictions.

11. **Mr. Domah** (Country Rapporteur) said that much of the report showed a commitment to human rights and described commendable specific provisions in that regard. However, the fact remained that in some areas Sweden failed to comply with the Convention, whether through neglect or by choice. In many ways, Sweden served as a model for the rest of the world, but it was regrettable that the Government still maintained that the Convention did not oblige a State party to incorporate a specific provision on torture. That assertion was flawed: by ratifying the Convention, Sweden had the obligation to comply with all the articles of the Convention. In view of the requirement that torture should be made punishable by appropriate penalties which took account of its grave nature, offences such as “assault” and “aggravated assault” were insufficient. Sweden should bring its domestic law into conformity with international law. Its failure to do so constituted a blot on the Swedish legal system.

12. He was looking forward to receiving statistics on detentions under the Aliens Act and the findings of the committee of inquiry appointed to carry out an examination of the legal framework on detention. He was concerned at the fact that coercive measures were being envisaged, and it was important that they only be applied in extreme cases and always under judicial supervision.

13. He welcomed the action plan to combat spousal abuse and domestic violence; however, it should not be limited to developing programmes and producing statistics. It was important to make sustained efforts to create a culture which rejected any form of domestic violence. He thanked the delegation for the detailed information provided in reply to question 6 of the list of issues and asked to be provided with the results of the national survey on domestic violence carried out by the Swedish National Council for Crime Prevention, which had been due to submit its final report in May 2014.

14. He wished to know what protective measures had been introduced for such vulnerable groups as immigrants, refugees and women with disabilities. He welcomed the fact that the Crime Victim Compensation and Support Authority had been commissioned to help victims of sexual abuse.

15. He requested further information about how children in detention were dealt with under the criminal justice system. Children should not be treated in the same way as adults: it was important, for example, that they should only give statements in the presence of their parents and that they be tried before special courts. He noted that the National Action Plan in support of children had received increased funds in 2014 but wished to know what plans there were for the future.

16. It was important to distinguish between the general situation of human rights in a State party and that State party’s obligations under the Convention. It was not enough to provide a report on the general human rights situation, the obligations of the State party under the Convention must be specifically addressed.

17. **Ms. Pradhan-Malla** (Country Rapporteur) requested further details about human rights training for public officials and asked whether there was any plan to make the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) part of that training.

18. She asked for disaggregated information concerning the gender, age and ethnicity of the prison population. She welcomed the recent Act on Detention, under which a court decision on a specific restriction could now be subject to appeal and asked whether any measures had been taken to disseminate information about the new legislation. Did the restriction on receiving visitors also include parents and lawyers?

19. She expressed concern about legislation which allowed children to be held in pretrial isolation and about the conditions they faced in that situation. She wished to know if any child-specific measures were in place, including raising awareness of complaints mechanisms or special training for the police. Had any measures been put in place to ban the compulsory psychiatric institutionalization of children? She requested further information about a proposal to combine the Compulsory Mental Care Act and the Forensic Mental Care Act in a single law. She asked whether if a decision had been taken to establish an independent body to carry out investigations of alleged police misconduct, and whether there were plans to provide statistics on the number of cases and action taken, disaggregated by gender, age and ethnicity.

20. She sought more information about how county councils provided health-care services to victims of ill-treatment, honour-related violence or trafficking, and asked whether the Swedish Red Cross regional rehabilitation centres were adequately funded. She wished to know whether there had been any developments vis-à-vis the obligation under article 15 of the Convention to ensure that any statement established to have been made as a result of torture should not be invoked as evidence in any proceedings. She asked what actions the Government had taken to ensure prompt investigation of hate crimes. Could the delegation confirm that the law had been amended to limit the use of isolation in youth detention centres only to very exceptional cases? How did the Government intend to address the deficiencies in documentation? She also wished to know what challenges Sweden was facing in the implementation of its plan to decriminalize prostitution.

21. **Mr. Modvig** said that around 30 per cent of asylum seekers in the West had suffered torture. It was important to identify those victims, as most of them did not come forward spontaneously and torture could be important in assessing grounds for granting asylum. He asked what steps Sweden had taken to identify torture victims and whether medical staff had been trained to recognize them.

22. **Mr. Bruni** commended Sweden for being one of the rare States parties not to have overcrowded prisons.

23. He noted that the periodic report contained few details about solitary confinement. However, recent research had showed that around half of remand prisoners in Sweden were held in pretrial solitary confinement and that such measures were used throughout the Scandinavian countries in order to put pressure on detainees and secure their cooperation. In the light of that information, and of the sometimes grave consequences of keeping people in isolation for extended periods, he asked for further information about the purpose of solitary confinement, its maximum duration, and how it was imposed and supervised.

24. **Mr. Gaye** asked for further information about the position of Sweden on its obligations under articles 1 and 4 of the Convention, which defined torture and required a State party to ensure that acts of torture were offences under its national law. He looked forward to the outcome of the inquiry to consider the need for a specific provision on torture in Swedish criminal law.

25. He asked how, under recent amendments to the Criminal Code, Swedish courts exercised universal jurisdiction over the crime of particularly aggravated assault, and whether that provision compensated for the fact that Swedish legislation did not contain a specific provision on torture. He enquired what percentage of foreign asylum seekers were held in correctional institutions, remand centres or police arrest facilities rather than in

detention centres, and what specific rules were applied to them. He wished to know why nurses rather than doctors were assigned to examine persons held in detention. He asked how decisions to subject people to compulsory psychiatric care were monitored and whether there was recourse against such decisions. He requested further information about how Sweden was meeting its obligations to ensure redress and compensation for victims under article 14 of the Convention.

26. **Ms. Belmir** asked for more information about the conformity of Swedish law with the Convention and, in particular, how exactly the term “assault” covered torture. She was concerned that the body created by the Government to deal with complaints against the police did not have decision-making power or the authority necessary to carry out its duties objectively. She enquired what steps were being taken to deal with the widespread phenomenon of sexual violence in prisons and detention centres, which particularly affected women immigrants and asylum seekers. She asked how the structural discrimination described by certain NGOs, e.g. where social services abandoned areas of cities occupied by foreigners and the police intervened in force, could exist in an egalitarian country like Sweden. She noted that Sweden had been condemned in a number of rulings of the European Court of Human Rights for its treatment of asylum seekers. She requested reliable information about children in detention, who, it appeared, were suffering de facto punishment before being judged.

27. **Mr. Zhang Kening** said that it would be interesting to learn why the State party had chosen not to incorporate the Convention’s definition of torture in its domestic legislation. Particularly since the State party had played a leading role in drafting the Convention, he was curious to know whether the State party had made that decision in order to give broader scope to the concept of torture than that allowed by the definition in the Convention. He requested additional information on how the State party was incorporating the Rome Statute of the International Criminal Court into its domestic legislation.

28. **Ms. Gaer** asked whether it was true that the State party did not collect data disaggregated by ethnicity and other markers of diversity. If so, it would be interesting to learn how the State party was able to identify issues such as disproportionate sentencing of certain ethnic or other groups. In that regard, she wished to know whether official statistics could not be used to indicate whether immigrant, refugee and minority women, and women with disabilities, were particularly vulnerable to sexual violence (CAT/C/SWE/6-7, para. 53). It was difficult to understand how the State party could adequately address sexual violence if data were not collected on the precise circumstances in which sexual violence was taking place. She asked whether specific data were available on the countries of origin of the “foreign-born” category of victims listed in the table in paragraph 54 of the periodic report.

29. It would be useful to know how the State party identified hate crimes if it did not identify different ethnicities, races and religions. The tables in paragraph 203 of the report indicated that some categories were identified, but it was unclear whether they included any references to national origin, colour, race or other elements of diversity. She asked what steps the State party was taking to address the reportedly significant increase in anti-Semitic incidents over the previous year. In its 2013 concluding observations, the Committee on the Elimination of Racial Discrimination had expressed concern about the limited effectiveness of measures against hate crimes, which were applied only in some parts of the country (CERD/C/SWE/CO/19-21, para. 11). It would be useful to know where those measures were applied. She also requested additional information on anti-Roma attacks and asked whether the special police units that focused on hate crimes existed in urban areas only. She would welcome more details on the protection provided to groups that had been targeted by hate crimes.

30. **The Chairperson** asked whether the Convention was directly applicable in domestic courts. If so, he would welcome details of cases in which it had been directly applied. He requested additional information on the scope and procedure of the special inquiry being conducted into the inclusion of a provision on torture in domestic legislation. In particular, he wished to know whether the inquiry took into consideration the effect of torture on victims when the crime to which they had been subjected was called something other than torture.

31. He welcomed the adoption of the new rules on asylum requests in which sexual orientation and gender identity were invoked, introducing the requirement that specialists in the area must take part in the assessment. It would be useful to know how the rules would be evaluated and whether the various interest groups had been involved in drawing up the rules. He requested additional information on the special police units that focused on hate crimes. In particular, he wished to know whether their work had brought to light any best practices and, if so, whether those practices had been shared with other police units. It would be interesting to know how the new Government's focus on hate crime would be implemented in practice.

32. He wished to know the delegation's reaction to reports that detention was not always used as a measure of last resort and not always for the shortest possible period of time in the case of immigrants, including children. He asked whether the State party planned to make any improvements to its trusteeship system for unaccompanied asylum-seeking children. He also asked the delegation to comment on reports that unaccompanied minors from foreign countries had disappeared from transit homes in the State party. In the light of the 2010 decision of the European Court of Human Rights in the case of *R.C. v. Sweden*, he asked how the decision of the Swedish Migration Board, purporting to align the Board's practices with the Court decision, would be implemented.

33. The Committee would welcome additional information on the treatment of detainees with a history of alcohol or drug abuse, on steps being taken to reduce the number of suicides in prison, and on the regime in place to regulate the use of solitary confinement. He asked why the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was not used as a training tool in the State party.

34. He requested details of the ratification process of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and any legislative measures that had been planned to implement it. He asked whether the Government would invite the Special Rapporteur on trafficking in persons, especially women and children, to visit Sweden, an invitation would set an excellent example to other States.

35. He requested additional information on the State party's decision not to initiate criminal investigations or formal inquiries into the cases of Ahmed Agiza and Mohammed El Zari. It would be useful to receive updated information on the State party's current policy concerning diplomatic assurances in cases of expulsion, deportation and extradition. Given recent events in Iraq, he asked how the State party had updated its policy on returning Iraqi nationals to their country of origin. He requested updated statistics on extradition requests by other States for individuals on the State party's territory who were suspected of having committed torture.

36. The Committee would welcome an update on progress made in improving the reporting system for monitoring the use of electroconvulsive therapy in the State party. He asked how many reports of grave violations of human rights by members of the Swedish Armed Forces had been recorded and what action had been taken in response to the reports. It would be interesting to learn whether the State party had data on cases in which victims

of torture had obtained redress, compensation and rehabilitation, in accordance with article 14 of the Convention. Details on the types of redress, compensation and rehabilitation granted would be useful.

37. In the light of the confirmation that one police force in the State party had developed a database of individuals from the Roma community, most of whom had no criminal record, he asked what lessons had been learned from that case. It would be useful to know how the Roma were involved in developing measures to prevent discrimination against them, and what special measures were taken to uphold their right to education.

38. **Mr. Domah** asked whether the statute of limitation applied in cases of assault and aggravated assault. He wished to know whether detainees' rights to access to counsel, to communicate with family members and to medical care were effectively implemented in the State party. The Committee would welcome statistics on those matters and on the number of individuals who had been granted refugee status owing to their fear of persecution on grounds of gender identity or sexual orientation. He also asked what effective steps had been taken by the State party to ensure that evidence was not withheld from asylum seekers in asylum deportation cases on national security grounds.

*The meeting rose at noon.*