



Opening statement by Anna-Carin Svensson, Director-General for International Affairs at the Ministry of Justice, on the consideration of the eighth report of Sweden under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Mr Chairman, Distinguished Members of the Committee, Dear NGO representatives, Ladies and Gentlemen,

I am very pleased that it is possible to meet with you here in Geneva today, it is not self-evident in these uncertain times. I am also pleased to have representatives from the civil society present here.

Thank you for the invitation to the Committee's 72nd session since the adoption of the Convention. It is an honour for me to lead the Swedish delegation and to get the opportunity to discuss developments and challenges facing Sweden with regard to the implementation of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

My name is Anna-Carin Svensson. I'm Director-General for International Affairs at the Ministry of Justice. Accompanying me I have a delegation representing several areas of expertise within the Government Offices, reflecting the importance Sweden attaches to this country review.

From the Ministry of Justice I'm joined by:

Kristina Bram, Deputy Director at the Division for Police Issues,
Anna Brodén, Desk Officer at the Division for Crime Policy,
Charlotte Eklund Rimsten, Legal Adviser at the Division for Criminal Law,

Oskar Viström, Legal Advisor at the Division for Court and Prosecution Issues,
Charlotte Roth Olanders, Desk Officer at the Division for Migration,
Signe Öhman, Senior Advisor at the Division for EU Affairs,
and from the same Division, Jenny Janlöv, Desk Officer.

From the Ministry of Health and Social Affairs, I'm joined by Andrea Larsson, Desk Officer at the Division for Public Health and Healthcare.

And finally, the Ministry of Foreign Affairs is represented by:
Anna Jardfeldt, Ambassador at the Permanent Mission of Sweden to the UN in Geneva together with Fredrik Nivaeus, Minister Counselor.

Mr Chairman,

Let me start by reaffirming Sweden's strong commitment to a rules-based international order. This is something that must never be taken for granted and we must remain vigilant to all sorts of actions to undermine this. Sweden remains firm in protecting and defending international law including human rights and would like to thank you for the important part you play in this work. The prevention of torture and other forms of ill-treatment is of utmost importance, today as well as in 1984 when the Convention was adopted. As a country, Sweden firmly condemns torture and does not in any way accept, allow or condone such actions.

Mr Chairman,

I would like to say a few words about the Swedish Government's overall human rights policy. The Government's goal is to ensure Sweden's full respect for our international obligations with regard to human rights. This aim shall be applied with a holistic approach covering all sectors and policy areas. This was reaffirmed in our national strategy for human rights, which was adopted in 2016 and forms the basis for our systematic work on human rights. I am pleased to inform you that one of the major goals in the strategy now is in the final steps to be accomplished. In June this year Riksdagen, the Swedish Parliament, adopted the law on the Human Rights Institute. The institute will have a broad mandate in accordance with the Paris Principles. It will commence its activities in January 2022 and will, for this purpose, be allocated 50 million Swedish crowns next year according to the Government's draft budget. It will monitor, investigate and report on how

human rights are respected and implemented in Sweden. The institute will also submit proposals to the Government on measures that are needed to safeguard human rights.

Another accomplishment of great importance that I am proud to announce concerns the Convention on the Rights of the Child. Sweden was one of the first countries to ratify the Convention in 1990 and in January last year it became Swedish law. The incorporation into Swedish law entails a clearer obligation for all public authorities, including courts and other decision makers, to consider the rights contained in the convention in deliberations and assessments in all matters concerning children.

The establishment of the Human Rights Institute and the incorporation of the Convention of the Rights of the Child into Swedish law are both milestones in the work to ensure the full respect for human rights. However, the Government's work does not end here but continues with determination. We acknowledge that we still face challenges and look forward to discussing some of them with you in the coming days. This dialogue presents an opportunity for us to receive an expert review on the overall status of Sweden's implementation of the Convention on Torture. Your comments and recommendations will be of great value for the work ahead in taking further steps to ensure full respect and fulfilment of our international human rights obligations.

Mr Chairman,

Before I focus on some key issues, I see a need to briefly comment on what has affected all of us this and last year, the COVID-19-pandemic. It has had, and will continue to have, a wide-ranging impact on the whole world. Actions taken to combat the corona virus in different parts of the world have raised concerns regarding the respect for human rights. One example is the situation for persons deprived of their liberty during the pandemic.

In Sweden, the regulatory framework to combat the pandemic consists of a combination of legally binding rules and recommendations. This is in line with a strong tradition within the Swedish health work, namely a tradition of voluntary measures with an emphasis on individual responsibility. The management of the pandemic at Swedish institutions where persons are

deprived of their liberty, has been governed by the same regime to combat the pandemic, that applies to the rest of society.

Bearing in mind the vulnerable situation for persons deprived of their liberty, the balancing act between protection against illness and even death, and their need to have contact with the outside world, is especially challenging. We are therefore pleased with the facts that there have been no deaths in our prisons and detention centres due to the COVID-19-virus, and a very limited spread of the disease.

Mr Chairman,

I will now focus on some key issues.

An area of particular importance, both to the Committee and to the Swedish Government, is fundamental legal safeguards. Sweden has for many years had a strong commitment to procedural safeguards and has very actively promoted work in this area in the EU context. We are therefore very pleased that the EU has adopted no less than six Directives in this area, and that they have been implemented by all the Member States. This is a significant step to improve the situation for suspected and accused persons throughout Europe.

However, legislation is important, but the correct application of the rules is equally important. It has come to our attention through the report from the European Committee for the Prevention of Torture (CPT), that there is still some work to be done in Sweden to ensure that the procedural safeguards are also fully satisfied in practice. The critique is related to the right to see a lawyer from the very outset of the proceedings, the right to have a third person informed of the deprivation of liberty without undue delay, and the right to get a Letter of rights upon deprivation of liberty.

This is information that we are grateful for and take very seriously. I can assure you that we are analysing this very thoroughly, inter alia to see how we can strengthen the practical application of the procedural rules implemented through the mentioned Directives.

Mr Chairman,

Sweden is aware of the critique in the area of pre-trial detention. We attach great importance to this critique. We are continuously working with legislative and practical measures in this area.

To begin with, I would like to recapitulate some basic principles manifested in the legislation and guiding documents in this field: Pre-trial detention and restrictions should only be used when it is necessary and proportionate. The reasons for the detention should be reviewed regularly. Although it is sometimes necessary to use pre-trial detention and to impose restrictions, it is important that the length of the pre-trial detention is kept as short as possible and that only the necessary restrictions are used.

On 1 July this year several legislative amendments aiming at more efficient handling of pre-trial detentions and less isolation entered into force. One major change is the introduction of time limits for detention periods. A suspect can now be held in remand maximum nine months until prosecution has been brought against him or her. For detainees under 18 years of age the time limit is set to three months. These time limits can be exceeded only if there are exceptional reasons to do so.

At the same time, several other legislative amendments were implemented. For example, to prevent isolation, remand prisoners under the age of eighteen now have the right to spend time with other persons for at least four hours per day. Moreover, now the court, and not the prosecutor as previously was the case, shall assess and decide on what type of restrictions that can be imposed on a detainee.

Further relevant legislative amendments in this regard are expected. In June this year the Government submitted a bill to the Swedish Parliament on how to increase the possibilities to use early documented interrogations, within the preliminary investigation, at the trial. This would contribute to shorter time in remand and a decreased need of restrictions. The legislative amendments are proposed to enter into force on 1 January 2022.

Mr Chairman,

The Government's and Swedish authorities' fight against racism is a highly

prioritized area and the work continues with determination. Wherever racism exists, and however it is expressed, it is the Government's firm belief that we must counter it. Racism risks affecting both individuals and society at large. It curtails equal opportunities for individuals through discrimination and it challenges the mutual trust that is so vital to our democratic societies. The same forces that spread racism often also show hatred against women, LGBTIQ persons and persons belonging to minorities. Racism is unacceptable and have no place in our society.

To this end the Government intends to take further actions to, with a long-term approach, strengthen the national plan to combat racism, similar forms of hostility and hate crime. Next year, action programmes targeting anti-gypsyism, islamophobia, afrophobia and racism against the Sami will be presented. The programmes will e.g. include measures in the field of education, continued and enhanced efforts by the police to counter racism and hate crime and in-depth studies on different forms of racism on the internet. Consequently, the Government has proposed that the work to combat racism shall be allocated increased funding by eight million Swedish crowns per year.

Along these lines, the Government in September this year commissioned the Police Authority to intensify its work in the field of hate crimes and other crimes that threatens the democracy. Besides taking action to raise the internal competence, the Police Authority shall, inter alia, by the end of 2023 report the development of clearance-rate of hate crimes and the work to combat it-related hate crimes. In addition, the authority shall act to enhance co-operation with other authorities and organizations and actors and engage in constructive dialogues with groups and persons who are exposed to these crimes.

In this context it is also relevant to inform you that since 2018 the Swedish Government has increased state support to strengthen security for the premises of religious communities and broadened it to also cover non-confessional and other associations. This is because we know that civil society organisations are exposed to racism and hate crime, which can weaken their position and limit their possibilities to raise their voices. The Swedish Police Authority continuously assesses the threats to religious buildings and communities. A decision on relevant safety precautions follows in each individual case.

Finally, I would like give prominence to the forum Remember-ReAct - the Malmö International Forum on Holocaust Remembrance and Combating Antisemitism – which took place in October this year, twenty years after the Stockholm International Forum on the Holocaust and the establishment of the International Holocaust Remembrance Alliance. The Swedish Prime Minister hosted heads of state or government, international organisations, and representatives from social media-platforms. The participants agreed on new and improved actions, so called pledges, to encourage the remembrance of the Holocaust and to combat antisemitism, anti-gypsyism and other forms of racism.

Mr Chairman,

As explained in the report, the Special Investigation Department, an independent body within the Police Authority, was established in 2015. It was assigned with the task to independently conduct investigative work and gather information in cases of allegations of ill-treatment and excessive use of force by police officials. It is of the utmost importance that the investigations made by the department are of highest quality. Since 2019 the department has been allocated with increased funding resulting in expanded capacity in the areas of reconnaissance, intervention, investigation and intelligence. As already informed in the report, the work by the Special Investigation Department has led to prosecutions and judgements.

Mr Chairman,

The Swedish Government stays firm in its commitment to prevent and combat all forms of gender-based violence, including violence against women. To this end the Government, as further explained in the report, in 2016 launched a ten-year national strategy. The focus of the strategy has been on building a long-term sustainable structure at national, regional and local level.

In order to further intensify this work the Government in June this year presented a package of measures to stop men's violence against women. The package includes 40 measures to prevent the use of violence and to support and protect those affected. It also contains proposals on stricter penal legislation for those who subject their partner or former partner to violence.

In addition, a lot of legislative work can be reported.

For example, in July 2021, the Government presented a bill to the Swedish Parliament proposing inter alia that the minimum penalty for gross violation of integrity and gross violation of a woman's integrity should be increased and that the penalty for violation of a non-contact order should be sharpened. These changes are proposed to enter into force on 1 January 2022.

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This was a brief overview of some key topics relevant for this dialogue.

To conclude, I, on behalf of the Swedish delegation, would like to thank you for your attention and for giving us this opportunity to take part in a constructive dialogue on our common goal to eliminate torture universally.

We look forward to your questions. We will listen carefully and respond to them with a spirit of openness and full co-operation.