

SWEDEN

CAT A/44/46 (1989)

39. The Committee considered the initial report of Sweden (CAT/C/5/Add.1) at its 10th and 11th meetings, held on 18 April 1989 (CAT/C/SR.10-11).

40. The report was introduced by the representative of the State party who stated that, as one of the initiators of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Sweden was pleased to be the first State party to present its initial report to the Committee. He also recalled that his Government had made a declaration provide for under article 22 of the Convention.

41. The representative explained the principles and procedure for the implementation of international treaties in his country, stating that such treaties did not automatically become part of Swedish law, but had to be formally incorporated into its statutes. This was not necessary, however, where the law already contained provisions that satisfied the requirements of a treaty, as was the case regarding the obligations under the Convention, which had been ratified in January 1986 without the enactment of new legislation.

42. With regard to new deployments in the field of legislation occurring since the drafting of the report, the representative referred to several bills recently passed by or at present being considered by the Swedish Parliament. The Parliament was currently considering a bill on a revised Aliens Act, containing a provision to make more explicit the protection of an alien from expulsion to a country where he risked political persecution or torture, as referred to in article 3 of the Convention. A further bill, bearing on article 4 of the Convention, contained a proposal to extend the offences considered as misuse of authority whereby an offence did not have to cause damage to be punishable under the Penal Code.

43. Legislation had also been enacted, relating to article 6 of the Convention, concerning the obligation to notify another State in the event of the deprivation of liberty of a national of that State. Another new act would enter into force by the end of 1989, which concerned protection against communicable diseases and which contained provisions relevant to article 16 of the Convention.

44. The members of the Committee welcomed the report, which was well presented and reflected the pioneering role of Sweden in the field of human rights, and thanked the representative for his introductory statement. They felt, however, that despite the clarity of the report there were certain areas that needed further elaboration, for example on the question of the incorporation of treaties into domestic legislation.

45. Members of the Committee commented, in general, that the report contained many repetitions of legal provisions, and they wished to know more about the practical application of the Convention in the country. Members asked, in particular, whether there were any difficulties in

implementing the obligations provided for under the Convention. The question was asked whether it was possible for the liberal nature of Swedish law towards offenders to lead to new crimes. Members requested information on whether errors were made by judicial bodies or officials and if so, what legislation existed to prevent such errors. Members also wished to know what would happen if a person claimed to have been subjected to illegal practice, and prosecution did not take place. Lastly, they asked whether the merger of civil and criminal proceedings would be detrimental to an alleged torture victim.

46. With specific reference to articles 1 and 2 of the Convention, the members then asked whether the Swedish Constitution included the definition of an act of torture and if it was in conformity with that contained in the Convention. They wished to know if punishment of the crime was specifically referred to in Swedish legislation. The members asked for further information on whether the prohibition on torture was as broad as the Convention stipulated, particularly regarding threats to third persons. A question on the legal status of prison doctors was raised, especially in connection with an order to force-feed a prisoner on hunger strike that the prison doctor would refuse to apply. Noting that, failing a prosecutor's decision not to prosecute, a torture victim is free to institute proceedings, members asked what machinery existed to assist a victim in such circumstances. They inquired about the scope of the provision for criminal liability of a person ordered to commit an act of torture. They also wished to know whether the isolation of a prisoner was considered a cruel, inhuman or degrading treatment in Sweden.

47. With reference to article 3 of the Convention, members wished to know who determined the expulsion or extradition of an alien. They asked for elaboration of the special reasons, referred to in the report, for refusing to allow an alien to remain in Sweden. Clarification was also sought on whether an alien would still be expelled if he claimed that a Swedish doctor had confirmed that he had been tortured.

48. With reference to article 4 of the Convention, the members asked whether the prohibition on bodily injury is as broad as that in the Convention. They also asked whether the fine or two years' imprisonment imposed for inflicting bodily injury was considered sufficient punishment in Sweden for an act of torture. Members asked whether the Swedish courts were competent to deal with the interpretation of physical injuries as described in the report. They inquired whether there were differences in punishment for those in authority who commit, or order others to commit, an act of torture. Members asked for information as to who had the power to detain or arrest in the case of complaints against public officials. They also wished to know whether there were time-limits for holding people, before trial, in incommunicado detention.

49. With reference to articles 5 and 6 of the Convention, members sought clarification on whether Sweden exercised universality of jurisdiction, particularly regarding torture. They wanted to know whether Sweden would refuse permission for deportation of someone accused of torture by another country. More detailed information was also sought on Swedish jurisdiction when an act of torture had been committed in the territory of a third party.

50. With regard to article 10 of the Convention, members asked whether Sweden provided for the systematic education of police officers in the recognition of a torture victim, particularly at points

of entry into the country. Similarly, they asked whether medical personnel were so trained, particularly regarding those seeking asylum.

51. With reference to article 12 of the Convention, members wished to know whether, in preliminary investigations into the act of torture, Swedish law determined a time-limit for detention.

52. In connection with article 13 of the Convention, members of the Committee asked for information on the criteria used by the prosecutor in investigating claims of torture. They also asked for an explanation of the special examination of reports on police officers suspected of torture, as referred to the report. They inquired whether limits were placed on citizens making complaints to the Discrimination Ombudsman; furthermore, they asked whether there were procedural differences between the Discrimination Ombudsmen and the Parliamentary Ombudsmen.

53. With reference to article 14 of the Convention, members inquired whether rehabilitation for torture victims was also given to refugees in Sweden. In addition, they asked whether there were possibilities for the medical rehabilitation of torture victims, and not simply monetary compensation. They also inquired whether, under the compensation provisions, there were any limits on recovery and what were the broad limits for compensation under statutory law.

54. In relation to article 15 of the Convention, members asked for detailed information on existing legislation that would invalidate a confession made under duress, with particular reference to a declaration made by a victim of torture before trial.

55. With reference to article 16 of the Convention, members asked whether statistics were available covering the number of public officials who, in 1988, were prosecuted for allowing, or committing, acts of torture. In particular, they asked about the law regarding police officers who abused their powers. Members asked for detailed information on the provisions covering those held in psychiatric care, whether they lost their civil rights in such circumstances, and the extent of the role of such a person's family in his compulsory care. Clarification on the Swedish position on communicable diseases was also requested, particularly regarding the isolation of patients or compulsory hospitalization.

56. Lastly, it was asked, whether specific legislation was envisaged in Sweden to give effect to the provisions of article 23 of the Convention.

57. In response to the general questions raised by members of the Committee, the representative confirmed that the Convention had not been incorporated into Swedish law because the existing legislation adequately covered the obligations under the Convention.

58. The representative acknowledge that the report contained many repetitions of legal provisions; this was because Swedish legislation was structured differently from the Convention, and a provision might have to be taken up under different articles in the Convention. Furthermore, legislation had been described in detail in the report in order to assist the Committee members in

their work.

59. The representative said that his Government had not encountered any difficulties in implementing its obligations under the Convention because of the way Swedish legislation had been enacted before the ratification of the Convention and also because of the way practice and applied under the legislation .

60. Responding to the implication that the liberal treatment of offenders might be conducive to the occurrence of acts of torture, the representative stated that the deterrent effects of prison sentences was an issue subject to greater debate. In Sweden, however, the provisions governing the treatment of prisoners for acts of torture were the same as for those governing the treatment of offenders in general. He said that if an act of torture was committed by a police official, not only would he be liable to imprisonment, but he would also be dismissed from his post.

61. The representative added that errors committed by judicial officials would be the same as for an ordinary offender and would, if proven, result in loss of employment.

62. He further explained that a decision not to prosecute in an alleged case of torture was taken by the local prosecutor, but the alleged victim could, under the Penal Code, make an appeal against this decision to a higher prosecutor and then to the chief State prosecutor.

63. Regarding the merger of civil and criminal proceedings, the representative pointed out that there were a number of advantages to the victim to merge his claims; for in such an event the costs of an investigation were borne by the State. A person could, however, pursue his own claim for damages separately from the criminal proceedings.

64. Turning to the questions asked by Committee members on specific articles of the Convention, the representative replied to questions raised under article 2. He stated that the prohibition of torture was a fundamental provision under the Swedish Constitution, and no legislation could be enacted at variance with this. Furthermore, the Penal Code specified torture as a criminal act. Commenting on whether the prohibition was as broad as the Convention in relation to threats to a third person, he said that the criminal act of torture was always punishable, and the Penal Code covered acts directed to a third person. With regard to the legal status of prison doctors compelled to force-feed a prisoner, he said that there were no prison doctors as such in Sweden. He said that all doctors, while subject to the Penal Code like other citizens, practiced under an ethical code; if a doctor broke this code he would lose his medical licence. In Sweden, therefore, a doctor was under no obligation to follow orders, and must act according to his own ethical code. In reply to the question on a decision not to prosecute, the representative stated that this would be based on the evidence available to the prosecutor in the particular case and nothing else. On the question of criminal liability as a result of obeying orders, he said this was clearly indicated in report, but that because of its serious nature, inflicting torture would not qualify a person for exemption from criminal liability.

65. With reference to questions raised by members on article 3 of the Convention, the representative stated that, although the provisions of the Aliens Act were very detailed, in general

the police authorities at the points of entry or the national immigration board determined entry and expulsion of aliens. Furthermore, there was always the possibility for an appeal against such decisions, which could be taken as high as to the Government itself. The special reasons that might warrant the refusal of a request to remain in Sweden involved the security of the realm or related to a person who had committed a grave crime.

66. Responding to questions asked by members on article 4 of the Convention, the representative wished to clarify the important question of the penalty for acts of torture. In Sweden, such acts would be considered as aggravated assault or battery, for which the maximum penalty was 10 years; the report referred to simple assault carrying a much lower penalty. He stressed that acts of torture were not regarded leniently in Sweden but were treated very seriously. The description of physical injuries quoted in the report, on which a question had been raised concerning the competency of the Swedish courts, were those contained in Swedish legislation. Regarding the responsibility of superiors ordering others to commit torture, he explained that, if relevant evidence was available, such a person would be found guilty of instigating, or acting as an accessory to, the crime of torture, or could be found guilty of negligence. Regarding the measures taken in the event of complaints against public officials, he said that the prosecutor took action if a criminal act was suspected; if not, the victim could make a complaint to the Ombudsman, which could result in the official being dismissed from his post. On the question of time-limits of detention before trial, the representative stated that detention was considered at short regular intervals by the courts, and requests for prolonging detention had to be strengthened on each occasion

67. With reference to articles 5 and 6 of the Convention, and, in particular, the question of universality of jurisdiction, the representative stated that chapter 2 of the Penal Code gave wide powers to the courts to try cases of torture; it also gave jurisdiction over aliens if the penalty exceeded six months. He explained that extradition always took place at the request of another State, and that Swedish legislation allowed for extradition to another State even without a reciprocal extradition agreement. He explained, further, that expulsion must be decided by a Swedish court as a sanction; the courts could take such a decision by imposing a penalty on a person found guilty of an act of torture. Regarding a crime committed in the territory of the third party, he said that if the person involved could be found, the Government would be approached by the public prosecutor and would ask for extradition of the person concerned, the granting of which would depend on the existing legislation in the other country.

68. In response to questions raised by members on article 10 of the Convention, the representative stated that, although he believed that the education of police officers in the recognition of torture victims lived up to the obligations of the Convention, it could be improved and the suggestion made would be reported to the persons responsible in this country. Similar training for medical personnel was a more difficult area, but a special organization of forensic doctors existed in Sweden who had a duty to assist the police authorities, the prosecutor, and the courts in judging assault.

69. Referring to questions raised by members on article 12 of the Convention, the representative gave a detailed explanation of the stages involved when a person was apprehended on suspicion of

committing torture, i.e., from the police through the police prosecutor, to the courts. The decision on detention had to be taken four days after arrest.

70. With reference to questions asked by members concerning article 13 of the Convention, the representative explained that the special examination of reports on police officers, as mentioned in the report, meant that preliminary investigations into officers suspected of illegal practice, would be made by independent officials, for example, a police authority from another town. He further explained that the difference between the Parliamentary and the Discrimination Ombudsman was that the former could report an act of torture to the prosecutor for possible prosecution and the latter played a more conciliatory role, for example, in advising people on legal action and promoting good relations between ethnic groups.

71. In response to questions raised on article 14 of the Convention, the representative said that the Government or other public authorities compensated a victim of negligence by a public official. There are no upper limits in Swedish legislation for such compensation. He stated that medical care in Sweden was available to all those residing in the country, of whatever nationality.

72. On questions raised by members relating to article 15 of the Convention, the representative pointed out that there were no rules prohibiting a confession made under duress, but in practice such a confession would be given little value in court. The prosecutor, however, must investigate all such claims made by those in custody, so that although there was no specific legislation on this point, the free evaluation of evidence had the same effect.

73. With reference to questions asked by members on article 16 of the Convention, the representative stated that he was unable to provide statistics on the number of acts of torture committed by police officials, although such cases had been known to occur. He stated that the public prosecutor, other professional bodies, and the courts dealt with investigations into cases of police officers suspected of torture. Torture victims could appeal, if dissatisfied with the result of such investigations, to a higher authority, for example, the Ombudsman. On the question of the mentally ill, in compulsory care, he said that such people did not lose their civil rights; furthermore, decisions regarding compulsory care should be reviewed by a doctor and a board at regular intervals and such a board had the status of a court and its chairman was a qualified judge. Similarly, any such review would consider requests made by the family of a person in compulsory care. He further explained that the new Swedish legislation relating to communicable diseases, which had been enacted recently, provided that doctors had a duty to inform their patients about treatment, and only as a last resort would compulsory care take place. Such a decision was taken by an administrative court, but practice has shown that only a few cases had been made, all of which involved addicts.

74. Responding to the question raised on article 23 of the Convention, the representative stated that the same privileges and immunities would be given to members as were given to experts on mission under United Nations rules. These immunities were incorporated into Swedish law in 1976 when Sweden ratified the Convention on the Privileges and Immunities of the United Nations.

75. The members of the Committee thanked the representative of Sweden for his detailed response to the questions raised. The Chairman congratulated the delegation on its excellent, report which could serve as a model for other reporting States.

CAT A/48/44 (1993)

365. The Committee considered, the second periodic report of Sweden (CAT/C/17/Add.9) at its 143rd and 144th meetings, on 22 April 1993 (see CAT/C/SR/143 and 144).

366. The report was introduced by the representative of the State party, who informed the Committee of developments that had taken place in Sweden since the submission of its last report and made reference to new legislative measures. First, a new Aliens Act had come into force on 1 July 1989. Although it had left unchanged the fundamental principles of Swedish refugee and immigrant policy, a new provision had been added prohibiting the sending of an alien to a country where he ran the risk of being subjected to torture. Secondly, the Penal Code had been modified with regard to the offence of misuse of authority, so that, effective from 1 October 1989, such an offence no longer had to cause damage in order to be punishable. Thirdly, the major change to two new Acts, the Act concerning Psychiatric Compulsory Care and the Act concerning Forensic Psychiatric Care, both of which had entered into force on 1 January 1993, was to set a time-limit for compulsory care which was subject to judicial control.

367. The representative also made reference to remarks contained in the report prepared by the European Committee for the Prevention of Torture following its visit to Sweden from 5 to 14 May 1991. Those remarks indicated that no allegations of torture or other evidence of torture had been found in Sweden and that, at present, persons deprived of their liberty in Sweden ran little risk of being physically ill-treated.

368. The representative also informed the Committee that a governmental investigation into psychiatric care had recently submitted its proposals for strengthening the Government's support for the rehabilitation of torture victims. The report had recommended the establishment of a special institute against torture and organized violence. In addition, he described new provisions further limiting the possibility of detention of a child under 16 which had come into force under the Aliens Act from 1 January 1993.

369. The members of the Committee expressed appreciation to the representative of the reporting State for the brief but comprehensive information contained in the report and his introduction. They welcomed especially the decision of Sweden to make public the report prepared by the European Committee for the Prevention of Torture following its visit to Sweden and the information contained therein which attested to Sweden's full compliance with the provisions of the Convention against Torture. Nevertheless, members of the Committee sought various clarifications as to the implementation of the Convention in Sweden.

370. On issues of a general nature, clarification was requested as to the jurisdiction of the Appeals Court and Supreme Court in the event of an offence having been committed by a judge or another official responsible for the administration of justice.

371. With regard to article 1 of the Convention, it was asked whether Sweden would not reconsider the possibility of introducing into its Penal Code a specific definition of torture as such

a step would assist in clarifying the practice and punishment of torture and in the collection of reliable statistical data on the practice of torture.

372. Concerning article 3 of the Convention, clarification was sought as to its implementation with regard to the methods employed by the State party to evaluate the risk of torture in other countries to which a person might be extradited.

373. In connection with article 4 of the Convention, clarification was requested as to the penalties prescribed for acts of torture.

374. Concerning article 11 of the Convention, additional information was sought on the rules governing detention.

375. With regard to articles 12 and 13 of the Convention, clarification was sought on information contained in paragraphs 14 and 87 of the report regarding the procedures available to individuals to initiate private persecutions and complaints against public officials and the mechanisms available for investigating into complaints against police officers.

376. In respect of article 16 of the Convention, further details were sought of the results of the Government's Investigation into psychiatric care.

377. Replying to the various questions raised, the representative of the State party informed the Committee of the relevant provisions of the Code of Judicial Procedure, under which the Court of Appeal had jurisdiction in cases concerning offences by judges of lower courts, while the Supreme Court had jurisdiction to handle offences by judges of the Court of Appeal and the Supreme Court as well as the Chancellor of Justice or the Chief States Prosecutor.

378. With regard to article 1 of the Convention, the representative informed the Committee of the provisions of Swedish domestic law prohibiting torture and protecting against torture, cruel and other inhuman practices, including the prohibition of the use of corporal punishment against children. In addition, he explained that, in Sweden, no statistics were collated in relation to complaints or sentences against police officers or wardens accused of ill-treatment persons deprived of their liberty, although information on such cases could be gleaned from opinions expressed by the Personnel Responsibility Committee of the National Police Board to the courts. Reference was made to such information.

379. In connection with article 3 of the Convention, the representative provided information on the means by which officials making decisions on asylum cases evaluated the risk of torture in other countries to which an alien might be sent, and indicated that officials of the Swedish Immigration Board and the Aliens Board, the decision-making bodies on asylum cases, had a good knowledge of the human rights situation in various countries. They received such information from reports from Sweden's foreign missions, national and international voluntary organizations and international bodies. In addition, the competent officials were trained on a continuing basis and travelled frequently in order to form their own opinions regarding local circumstances.

380. Concerning article 4 of the Convention, the representative clarified that the maximum penalty of six years' imprisonment for gross misuse of office was not the maximum penalty for torture. Acts of torture were more likely to be deemed to be aggravated assault, which carried a maximum penalty of 10 years' imprisonment. Moreover, if an act of torture led to the victim's death, it might be considered as murder, which carried the maximum penalty of life imprisonment.

381. In connection with article 11 of the Convention, the representative provided further information on the rules and regulations governing the detention of aliens. In particular, he made reference to the provision of the Aliens Act by which an alien aged 16 or over might be detained and the grounds for such detention. He indicated that an alien might not be detained for more than 48 hours for purposes of investigation and that only in exceptional circumstances could an alien be detained for more than two weeks. Moreover, if a refusal of entry or expulsion order had been made, an alien might be detained for up to two months, unless there were exceptional grounds for a longer period. In addition, he provided statistical data on the number of alien adults and children detained in 1992 and the length of their period of detention.

382. With regard to articles 12 and 13 of the Convention, the representative informed the Committee of the procedures available to persons who considered themselves victims of illegal acts to institute private prosecutions. He explained that although the code of Judicial Procedure contained provisions for the initiation of private prosecutions, in most cases of serious assault the alleged victim was not entitled to initiate a prosecution on his own unless the prosecutor had decided not to prosecute. Regarding procedures available to deal with complaints against police officers, the representative indicated that special disciplinary boards existed for dealing with complaints against police officers as well as prosecutors and judges and that individuals could in certain cases address their complaint directly to those bodies. He also made mention of the precautionary measures adopted in the investigation of offences against a police officer, namely, that the public prosecutor would not choose close colleagues of the police officer charged to investigate into the matter.

383. In connection with article 16 of the Convention, the representative presented further information on the outcome of a government investigation of psychiatric care. He indicated that the report of the investigation contained proposals to establish a Swedish institute against torture and organized violence, which would be financed by the allotment to it of 1 per cent of Swedish development aid to countries where torture occurred. In addition, the report had described different methods of torture and different methods of treatment and that, once the competent authorities, had studied the report, it was expected that a government bill would be presented.

Conclusions and recommendations

384. The Committee expressed its satisfaction that there were no allegations that persons deprived of their liberty had been subjected to ill-treatment amounting to torture nor was there any other evidence that torture had been found in Sweden.

385. Thus, in all respects Sweden met the standards of the Convention.

386. The Committee was pleased to conclude that the legal and administrative régimes described during the consideration of the report of Sweden were models to which most other countries should aspire.

CAT A/52/44 (1997)

214. The Committee considered the third periodic report of Sweden (CAT/C/34/Add.4) at its 291st, 292nd and 294th meetings, on 5 and 6 May 1997 (CAT/C/SR.291, 292 and 294/Add.1), and formulated the following conclusions and recommendations.

Introduction

215. The third periodic report of Sweden was submitted on 9 August 1996, in accordance with the reporting schedule under the Convention. It conformed fully to the requirements laid down in the reporting guidelines. In addition, the Swedish representatives drew the Committee's attention to relevant developments since the completion of the report. The Committee and the Swedish representatives engaged in a frank and open discussion of the report.

Positive aspects

216. The Committee takes note with satisfaction of the revised law relating to refugees, as well as the way in which the Swedish Government now offers protection to many displaced persons who would not technically be identified as refugees under the 1951 Convention relating to the Status of Refugees. ^{4/}

217. The Committee is also pleased to acknowledge the way in which Sweden provides material and political support for the rehabilitation of the victims of torture, both within the country and internationally.

Factors and difficulties impeding the application of the provisions of the Convention

218. Because Sweden adopts a dualistic theory of incorporation of international treaty norms into its domestic law, the provisions of the Convention against Torture require enabling legislation before they become part of Swedish domestic law. The continued failure of Sweden to do this renders the full implementation of the Convention's terms more difficult.

Subjects of concern

219. The Committee is concerned about the continued failure of the Swedish Government to incorporate into its domestic law the definition of torture, in accordance with article 1 of the Convention.

220. It is also concerned about the use of "restrictions", some leading to solitary confinement for a prolonged period of time, for persons held in pre-trial detention centres and prisons.

^{4/} United Nations, Treaty Series, vol. 189, No. 2545.

221. The Committee is concerned about information it received on isolated cases of ill-treatment by the police.

222. The Committee expressed concern with regard to certain methods used by Swedish police in dealing with detainees or with public demonstrations, such as, in the latter case, using dogs for crowd control.

Recommendations

223. The Committee recommends that the State party proceed to incorporate the provisions of the Convention against Torture into Swedish law, as it has already done with regard to the European Convention on Human Rights.

224. The Committee specifically renews its recommendation, made during its consideration of the previous reports of the State party, that Sweden incorporate into its domestic legislation the definition of torture as contained in article 1 of the Convention.

225. While the Committee welcomes the information that the question of "restrictions", including solitary confinement, during pre-trial detention is under review by the Swedish authorities, it recommends that the institution of solitary confinement be abolished, particularly during the period of pre-trial detention, other than in exceptional cases, inter alia, when the security or the well-being of persons or property are in danger, and the measure is applied, in accordance with the law and under judicial control.

226. The Committee recommends that the State party reconsider the methods used by the police with regard to crowd control.

CAT A/57/44 (2002)

102. The Committee considered the fourth periodic report of Sweden (CAT/C/55/Add.3) at its 504th and 507th meetings, held on 30 April and 1 May 2002 (CAT/C/SR.504 and 507), and adopted the following conclusions and recommendations.

A. Introduction

103. The Committee welcomes with satisfaction the fourth periodic report of Sweden, which was submitted to the Committee before the target date, and was drawn up in keeping with the Committee's guidelines for drafting of reports.

104. The Committee welcomes the additional information supplied by the delegation of Sweden, both orally and in writing, demonstrating the State party's willingness to continue a frank and open dialogue with the Committee. The Committee also underlines the efforts made by the delegation to reply to its questions in an exhaustive manner.

B. Positive aspects

105. The Committee emphasizes with satisfaction the strong and steadfast commitment to human rights manifested by Sweden and the positive responses to the Committee's earlier recommendations. It welcomes in particular the following:

(a) The adoption of a national action plan for human rights for the years 2002-2004, as part of the follow-up to the 1993 World Conference on Human Rights, featuring as a priority topic the issue of international protection against persecution and torture. The Committee welcomes with satisfaction the plan of the Swedish authorities to translate the conclusions and recommendations of the six United Nations treaty monitoring bodies and to distribute them in municipalities;

(b) The setting up, in December 2000, of a special commission to study the manner in which the criminal investigation into the 1995 death in detention of Osmo Vallo was carried out. The Committee notes in particular that the "Osmo Vallo Commission" published its conclusions and recommendations in April 2002, and that they have been submitted to the Ministry of Justice;

(c) The establishment, in December 2000, of an official parliamentary committee to determine whether the existing framework for handling allegations of criminal actions by the police is satisfactory;

(d) The establishment of an official committee entrusted with the task of investigating the actions of the police during the events in Göteborg, and determining what steps the police should take on the occasion of public demonstrations to protect public order as well as the fundamental right to demonstrate;

(e) The setting up of a special commission to review legislation and case law relating to the

application of decisions concerning expulsion from Swedish territory, especially in relation to allegations that individuals have been expelled to countries with which they have no significant ties;

(f) The many studies and projects under way aimed at enhancing the domestic legal system for the protection of human rights, in particular the jurisdiction of Swedish courts regarding international offences committed abroad, and the improvement of the procedure relating to requests for asylum;

(g) The assurance given by the Swedish authorities that they have acted in accordance with the Committee's observations concerning individual complaints and the State party's obligation not to send certain persons back to countries where there is a risk that they might be tortured. The Committee also welcomes the fact that the Alien Act contains a provision which will enable the Swedish immigration authorities to base their decisions directly on observations made by international bodies.

C. Subjects of concern

106. While the specific arrangements for giving effect to the Convention in the domestic legal system are left to the discretion of each State party, the means used must be appropriate, that is, they should produce results which indicate that the State party has fully discharged its obligations. Sweden has opted for the dualistic system as regards incorporation of international treaties into domestic law, and should therefore adopt appropriate legislation for the incorporation of the Convention against Torture. The Committee notes that Swedish domestic law does not contain a definition of torture in keeping with article 1 of the Convention. Above all, neither torture nor cruel, inhuman and degrading treatment are identified as specific crimes and offences in domestic criminal law.

107. The Committee also records its concern at the following:

(a) The allegation that some foreigners have been expelled or sent back to a country with which they have no significant ties, on the basis, inter alia, of linguistic criteria which are sometimes unsystematic, unreliable, and could lead to a breach of article 3 of the Convention;

(b) The Special Control of Foreigners Act, known as the anti-terrorism law, allows foreigners suspected of terrorism to be expelled under a procedure which might not be in keeping with the Convention, because there is no provision for appeal;

(c) Several cases of the excessive use of force by police personnel and prison guards, leading to the death of the persons concerned, have occurred in recent years in Sweden. In addition, the year 2001 was marked by the Göteborg riots, following which many complaints of ill-treatment were made;

(d) Allegations of imprecise, often subjective and inadequate guidelines and lack of training given to police personnel and prison guards regarding the use of force;

(e) Although the periodic report claims that statements obtained under duress cannot be used as evidence in proceedings, there seems to be no legislative rule which clearly spells out such a prohibition.

D. Recommendations

108. The Committee recommends that the State party should:

(a) Incorporate in its domestic law the definition of torture set out in article 1 of the Convention, and should characterize acts of torture and cruel, inhuman and degrading treatment as specific crimes, punishable by appropriate sanctions;

(b) Ensure that if foreigners are sent back, they are expelled to a country of their choice, or a country with which they have real ties and where there is no substantial ground for believing that they would be in danger of being subjected to torture;

(c) Bring the Special Control of Foreigners Act into line with the Convention;

(d) Strengthen the machinery for following up the guarantees of proper treatment offered by States to which foreigners are expelled;

(e) Undertake more comprehensive and detailed investigations into the human rights situation in the countries of origin of asylum-seekers;

(f) Ensure that all allegations of violations committed by police personnel and prison guards, and in particular any death in detention, are investigated promptly and impartially. Due attention should be paid to the conclusions and recommendations of the "Osimo Vallo Commission";

(g) Strengthen the human rights education programmes intended for police personnel, prison guards and other law enforcement officers, as well as training programmes relating to the application of the *Handbook of Police Procedures and Actions of Self-Defence*;

(h) Ensure that the prohibition on the use of statements obtained by torture as evidence in proceedings is clearly formulated in domestic law.

109. The Committee recommends that the State party include in its fifth periodic report a summary of the conclusions and recommendations drawn up by the above-mentioned national commissions and committees, and indicate how they have been followed up.

110. The Committee also recommends that the State party disseminate widely the Committee's conclusions and recommendations, in all appropriate languages, in the country.