



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

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COMMITTEE AGAINST TORTURE

Fortieth session

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**List of issues to be considered during the examination of the fifth
periodic report of SWEDEN (CAT/C/SWE/5)**

Articles 1 and 4

1. In the light of the Committee's previous recommendation (CAT/C/CR/28/6, para. 5), please provide updated information on the State party's position on introducing the definition of torture, as provided for in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("the Convention"), into Swedish penal legislation.
2. Please provide data with respect to persons tried and convicted, including the punishments received, for the crime of torture, attempted torture and complicity or participation in torture. Please clarify for the Committee which sections of the Swedish Penal Code were violated and provide examples of such cases, if applicable.

Article 2

3. According to information before the Committee, a person interrogated by the police does not have a right to a public defence counsel until he or she is formally considered as a suspect. Please provide information on the steps taken by the State party to further guarantee the rights of persons in police custody from the very outset of detention, including prompt access to defence counsel, medical examination, and contact with family members, and any restrictions that may be imposed on these rights. Please indicate whether a party, a witness, or any other person who shall be heard by the court has a right to be assisted by an interpreter at any stage of a trial. How many requests for interpreters were made during the reporting period and how many were granted?

4. The Committee takes note of the adoption on 14 September 2005 of the new Aliens Act (Government Bill 2004/05:170 Ny instans- och processordning för utlännings- och medborgarskapsärenden) which has been in effect since 31 March 2006. Please provide updated information on the implementation of the Aliens Act and elaborate on the consequential amendments with regard to other acts, including the Act (1991:572) on Special Control in Respect of Aliens. Could you please elaborate in greater detail on the extension of the refugee definition to also include persons who are prosecuted on grounds of gender or sexual orientation, including its application, and the new ground for issuing a residence permit? (CAT/C/SWE/5, paras. 4-9)

5. Information before the Committee indicates that the Migration Courts do not always maintain the confidentiality of personal information or details of persecution, including torture. Please provide more detailed information about the appeal proceedings before the Migration Courts, including the possibility to request a closed hearing. Are asylum-seekers informed that confidentiality might not be respected in such proceedings?

6. Please inform the Committee of measures taken to ensure that the new Swedish law implementing the Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders of freezing property or evidence which entered into force on 1 July 2005 is not applied in a discriminatory manner. (CAT/C/SWE/5, para. 28)

7. Please inform the Committee whether legislation prohibiting torture and other cruel, inhuman or degrading treatment contains specific provisions regarding gender-based breaches of the Convention, including sexual violence. Please also describe all, if any, effective measures taken by the State party to monitor the occurrence of and to prevent such acts, and please provide date, disaggregated by the sex, age and ethnicity of the victims, and information on investigation, prosecution and punishment of the perpetrators.

8. While recognizing the existence of a system of Ombudspersons in the State party, please update the Committee on any plans to merge the existing Ombudsman institutions or to establish a national human rights institution to deal with the protection and promotion of all human rights.

Article 3

9. Please provide detailed statistical data since the State party's fourth periodic report (CAT/C/55/Add.3) with respect to the implementation of article 3 of the Convention in cases of expulsion or return (refoulement) of foreigners, disaggregated by age, sex and country of origin, and indicating in particular:

(a) The number of persons seeking asylum and the number of returnees, including the countries of return;

(b) How the probable risk of torture is assessed in the determination of cases and in the appeal process;

(c) The procedure for the examination of asylum requests submitted at the border and any appeal process; and

(d) Any instances in which diplomatic assurances or the equivalent thereof have been offered by or accepted by the State party, and the procedures for verifying and following up on such assurances.

10. In the light of the safeguards contained in article 3 of the Convention, how will the new Aliens Act regulate the expulsion, return (refoulement) and extradition of foreigners? Please elaborate on the introduction of the so-called “security cases” whereby the Security Service may recommend that an alien is either refused entry into the country or expelled or deported, or that a residence permit is denied or revoked. How many times have this new measure been applied? Please provide examples of such cases, if applicable.

11. Please inform the Committee of measures taken to implement the decision of the Committee against Torture in *Agiza v. Sweden* (communication 233/2003 (CAT/C/34/D/233/2003), adopted on 20 May 2005) and the Views of the Human Rights Committee in *Alzery v. Sweden* (communication 1416/2005 (CCPR/C/88/D/1416/2005), adopted on 25 October 2006), including the suggested remedies. Furthermore, please provide information on measures taken by the State party to review its practices and ensure that similar incidents do not occur in the future.

12. Please provide detailed information on whether the State party has engaged in or participated in any form in the so-called “extraordinary renditions”.

13. The Committee notes that the State party is providing troops to the North Atlantic Treaty Organization (NATO) governed International Security Assistance Force (ISAF) in Afghanistan. Please provide information on measures taken by the State party to ensure that it complies fully with article 3 of the Convention in all circumstances, including in the context of a possible transfer of detainees within the State party’s effective custody to the custody of any other State. Could you please provide updated information on a possible transfer agreement between the State party and the Government of Afghanistan?

14. According to information before the Committee, the State party has resumed deportations of rejected lesbian, gay, bisexual, or transgender (LGBT) asylum-seekers to Iran. What is the justification for the resumption of such deportations and how many such individuals have been deported? What measures have been taken by the State party to ensure that such individuals are not subjected to torture in their country of origin?

Article 5

15. Please provide information on domestic legislation establishing universal jurisdiction over the offence of torture, and explain whether such legislation fully complies with the Convention’s requirements. How has the principle of universal jurisdiction been applied in the context of the State party’s participation in the NATO forces in Afghanistan?

Article 8

16. Please indicate whether the State party has rejected, for any reason, any request for extradition by a third State for an individual suspected of having committed an offence of torture, and thus engaging its own prosecution as a result. What is the status and outcome of such

proceedings? Which sections of the Swedish Penal Code were violated in such cases? Please provide more information on the Act (2003:1156) on Surrender from Sweden according to the European Arrest Warrant which entered into force on 1 January 2004, including the requirement of double criminality. Has the Act on Surrender been invoked? (CAT/C/SWE/5, paras. 21-23)

Article 10

17. Please provide updated information on the instruction and training provided for law-enforcement officials, prison staff and other public officials with respect to human rights, specifically on the treatment of detainees and vulnerable groups, and on the measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. Please specify who conducts and who undergoes the training, and if the Convention is made known in the course of such programmes. How and by whom are these training and instruction programmes monitored and evaluated?

18. The Committee takes note of the report of the official committee established to investigate the actions taken by the police in connection with the Gothenburg summit *Göteborg 2001* (Swedish Government Official Report 2002:122) and the report entitled *Structural Shortcomings within the Police* (Ds 2004:34). Please inform the Committee of any measures taken to follow up on the recommendations included in these reports, in particular that the National Police Board should exert a firmer control in areas such as training and equipment and that the Government should consider reinstating a national basic unitary chief of police education. (CAT/C/SWE/5, para. 90)

19. Please provide detailed information on the training of police enforcement officials in crowd control and the use of force and firearms. With reference to the suggestion in the report of the Gothenburg summit that there was a serious deficit in the training of police officers to handle such events, please elaborate on the development of a specific tactical concept to handle disturbances in the public order. (CAT/C/SWE/5, para. 66)

Article 11

20. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any new rules, instructions, methods and practices or arrangements for custody that may have been introduced. Please also indicate the frequency with which these are reviewed.

21. Please provide updated information, including statistics, disaggregated by sex, age and ethnicity, on the number of imprisoned persons and the occupancy rate of the accommodation capacities for the period 2003-2007. Please provide information on the general living conditions in places of detention, including access to outdoor exercise, recreational activities and educational and vocational training.

22. Please provide information on the use of solitary confinement, including data on those individuals to whom solitary confinement has been applied and the duration of such confinement, disaggregated by sex, age and ethnicity. In this respect, could you please inform the Committee of efforts undertaken to prevent isolation of prisoners, in particular victims of inter-prisoner violence? Furthermore, please describe measures taken, if any:

- (a) To review the current practice of solitary confinement, including of persons under 18;
- (b) To limit the use of this measure to very exceptional cases;
- (c) To reduce the period for which it is allowed;
- (d) To seek its eventual abolition.

23. In a memorandum of 16 May 2007, the Council of Europe Commissioner for Human Rights noted that the State party was currently considering new legislation that would reinforce the role of courts and secure that remand prisoners could effectively challenge and appeal decisions to impose or maintain specific restrictions. Please update the Committee on the status of such considerations. Does the State party plan to collect official statistics on the use of restrictions?

24. Please inform the Committee if the special investigator appointed by the Government to present a proposal on a new *Act on the Treatment of Persons Arrested or Remanded in Custody* has completed his or her work? If so, please elaborate on the investigator's findings and provide information on the measures taken/planned to be taken to follow up the suggestions and recommendations. (CAT/C/SWE/5, paras. 54 and 55)

25. Please inform the Committee of steps taken by the State party to implement the recommendations included in the report *Osmo Vallo - investigation of an investigation* (Swedish Government Official Report (2002:37), including mandatory investigations of deaths and serious injuries in conjunction with police intervention, an unconditional right to aggrieved party counsel and a special investigation of the forensic operations. (CAT/C/SWE/5, paras. 81 and 82) In this connection, please indicate if the special investigator appointed by the Swedish Government to carry out a review of the forensic operations has completed his or her work. If so, please elaborate on the investigator's findings and provide information on the measures taken/planned to be taken to follow up the suggestions and recommendations. (CAT/C/SWE/5, para. 85)

26. Please provide information on the average length of the use of physical restraints and isolation in psychiatric hospitals and on guidelines for ensuring that patients in psychiatric hospitals are not subjected to long term isolation. Are any mechanisms in place to monitor the use and length of isolation and, if so, which? Could you please provide more information on the new general provisions regarding treatment during involuntary psychiatric care or forensic psychiatric care? (CAT/C/SWE/5, paras. 56-59) In the light of the recommendation of the European Committee on Prevention of Torture (paragraph 102 of CPT/Inf (2004) 32), please indicate if the State party has established an independent outside mechanism responsible for the inspection of patients' care? If not, will this occur and, if so, when?

27. Please provide information, including disaggregated statistical data by age, sex and ethnicity, on the number of asylum-seekers detained and the maximum length of and the grounds for detention. Which authority is entitled to order such detention? Does the State party have a special placement system for asylum-seekers who are at risk to themselves or others and thus in need of care?

Articles 12 and 13

28. Please provide information, including statistics, on the number of complaints of torture and ill-treatment and results of all the proceedings, both at the penal and disciplinary levels. This information should be disaggregated by sex, age and ethnicity of the individual bringing the complaint.

29. Please describe the procedure to be followed in cases of complaints against police and prison staff misconduct. In particular, please describe the steps taken by the State party to ensure that the investigation of complaints is independent, prompt and effective. Please inform the Committee whether any steps have been taken to respond to the request to establish a new mechanism for the investigation of human rights violations by law enforcement officials that would be completely independent of the police? Has the special investigator appointed by the Government to analyse the system of investigations of the complaints against the police completed his or her work? If so, please elaborate on the investigator's findings and provide information on the measures taken/planned to be taken to follow up the suggestions and recommendations. (CAT/C/SWE/5, para. 42)

30. Please provide information on the number of victims and witnesses that have been provided a temporary residence permit for the purpose of criminal investigations and judicial proceedings in criminal matters. Have any such individuals been granted a more permanent residency status or citizenship at a later stage? What measures have been taken by the State party to implement the proposal for a national programme for personal protection? (Swedish Government Official Report 2004:1) Please update the Committee on the outcome of the consideration of this proposal within the Ministry of Justice. (CAT/C/SWE/5, paras. 44-46)

Article 14

31. Please provide information, including disaggregated statistical data by sex and type of crime, on the number of cases where redress and/or compensation measures have been ordered by the courts and on those actually provided to victims of torture or cruel, inhuman or degrading treatment or punishment, or their families, since the examination of the last periodic report in 2002. This information should include the number of requests made, the number granted, and the amounts ordered and actually provided in each case. Please indicate how many victims have been compensated despite the perpetrator not being identified.

32. What services exist for psychiatric and physical treatment as well as other forms of rehabilitation of victims of torture and ill-treatment? What financial allocations have been made for this purpose? Please indicate how victims of torture and ill-treatment are informed of these services and how often such services have been utilized?

Article 15

33. Further to the previous recommendation of the Committee (CAT/C/CR/28/6, para. 7(h)), please specify the legal basis for the prohibition of the use of information obtained under torture in any proceedings. Please provide examples of any cases where allegations of confessions

extracted under torture have existed and inform the Committee of any measures taken by the State party to ensure that the burden of proof rests with the prosecution. (CAT/C/SWE/5, paras. 47-53)

Article 16

34. Please comment on reports of significant levels of violence against women in the State party and inform the Committee of measures taken to implement the recommendations of the Special Rapporteur on Violence against Women following her visit to Sweden from 11 to 21 June 2006 (A/HRC/4/34/Add.3), notably that the State party should enhance and reinforce its institutional framework on gender equality, ensure the protection for all women at risk of violence and ensure that authorities actively investigate, prosecute and punish perpetrators. Please provide information on the outcome of the 2005 Commission on the responsibility of the municipalities for improving support and protection for women subjected to violence. The Committee notes that the State party is in the process of developing an action plan to prevent violence against women. What is the status of this action plan? If it has already been completed, please provide information on efforts taken to ensure its effective implementation, including sufficient funding and follow-up mechanisms.

35. Please comment on reports that a high number of unaccompanied asylum-seeking children have disappeared from the Swedish Migration Board's special units for children without custodians. What measures have been taken to investigate these cases? The Committee notes that the responsibility for accommodating unaccompanied asylum-seeking children was transferred in July 2006 from the Migration Board to the municipal authorities. Please elaborate on the content of this reform and its implementation, including reports that only a few municipalities have accepted to receive these children. Furthermore, please provide information on the implementation of the Special Representative for Unaccompanied Children Act (2005:429) which entered into force on 1 July 2005 and provides all unaccompanied children applying for asylum in Sweden with a representative ("god man").

36. Please describe the measures taken to combat racism and discrimination, in particular racially motivated offences and hate speech, against minority groups or foreigners (including the Roma and young persons of African origin), including prompt and impartial investigations into allegations of offences pursuant to articles 1 and 16 of the Convention. Please indicate the number of allegations of racially motivated offences and hate speech as well as convictions of perpetrators of such acts.

37. Please provide updated information on any new legislation and/or measures adopted to prevent and combat sexual trafficking, particularly of children, and to provide assistance to victims, including sensitization of law-enforcement officials in contact with these victims. What is the status of the national programme to combat trafficking, to be composed of two actions plans? If it has already been completed, please provide information on financial resources allocated for its effective functioning. Furthermore, please inform the Committee if the expert appointed by the Government in February 2006 to review the penal legislation against trafficking in human beings, to evaluate its implementation and to consider possible amendments to give stronger protection against trafficking has completed his or her work? If so, please elaborate on the investigator's findings and provide information on the measures taken/planned to be taken to follow up the suggestions and recommendations.

Other

38. As regards Sweden's ratification of the Optional Protocol to the Convention against Torture on 14 September 2005, please provide information on the independent national preventive mechanism(s) for the prevention of torture at the domestic level.

39. Please indicate whether there is legislation in your country aimed at preventing and prohibiting the production, trade, export and use of equipment specifically designed to inflict torture or other cruel, inhuman or degrading treatment. If so, please provide information about its content and implementation. If not, please indicate whether the adoption of such legislation is being considered. If such legislation is in place, does the production, trade, and exportation of this type of equipment still occur and, if so, to which countries?

40. Please provide information on the legislative, administrative and other measures, the Government has taken to respond to any threats of terrorism, and please indicate if, and how, these measures have affected human rights safeguards in law and practice.

41. Please update the Committee on the status of the proposed reform of the Penal Code, including the introduction of an Act on international offences covering genocide, crimes against humanity and war crimes (articles 6, 7 and 8 of the Rome Statute of the International Criminal Court). (CAT/C/SWE/5, paras. 19 and 92).
