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

Combined Sixth and Seventh Periodic Report

Response of the Kingdom of Sweden to the list of issues prior to reporting (CAT/C/SWE/6-7) transmitted to the State Party under the optional reporting procedure
(A/62/44, paras. 23 and 24)

Introduction

Pursuant to Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Swedish Government is pleased to hereby submit its combined sixth and seventh periodic report. The Government submitted its initial report in 1988 (CAT/C/5/Add.1), its second periodic report in 1992 (CAT/C/17/Add.9), its third periodic report in 1996 (CAT/C/34/Add.4), its fourth periodic report in 2000 (CAT/C/55/Add.3) and its fifth periodic report in 2005 (CAT/C/SWE/5).

The Kingdom of Sweden is using the new optional reporting procedure adopted by the Committee Against Torture at its 38th session. Prior to the submission of this combined sixth and seventh periodic report, the Committee Against Torture provided the Swedish Government with a list of issues adopted by the Committee at its 45th session (CAT/C/SWE/6-7). The list of issues contains thirty-nine points, comprising a series of questions with regard to the implementation of articles 1 to 16 of the Convention, including the Committee Against Torture's previous recommendations. In accordance with the list of issues, this combined report consists of thirty-nine paragraphs.

Articles 1 and 4

1. Further to its previous concluding observations (CAT/C/SWE/CO/5, para.9), please inform the Committee of any steps taken by the State party to incorporate into domestic law the crime of torture and to adopt a definition of torture that covers all elements contained in article 1 of the Convention.

As stated in Sweden's fifth periodic report in February 2006 (CAT/C/SWE/5), it is the understanding of the Swedish Government that the Convention does not oblige a State party to incorporate a specific provision on torture in domestic legislation. The Convention's requirements are fully met by Swedish rules and regulations, including Swedish penal law. In its initial report (see CAT/C/5/Add 1, paras. 19–26 and 31–45), Sweden provided extensive information on the relevant legislation, which includes various forms of assault. Recent

amendments to the Penal Code (2010) extend national jurisdiction over the crime of particularly aggravated assault under the principle of universality. Hence, Swedish courts have universal jurisdiction in such matters.

However, the Swedish Government is preparing a penal reform in light *inter alia* of the Rome Statute of the International Criminal Court. The Government will present a proposal later in 2013, after having fully reviewed the report *International crime and Swedish jurisdiction* (Swedish Government Official Report 2002:98) delivered by the Commission on International Criminal Law. This reform includes deliberations on introducing specific provisions on the crime of torture as part of genocide, crimes against humanity or war crimes. Another issue under consideration concerns possible provisions on non-application of the statute of limitation for these crimes.

2. *In its previous concluding observations (CAT/C/SWE/CO/5, para.10), the Committee noted with concern that the offence of torture, which as such does not exist in the Swedish Criminal Code, is punishable under other provisions of the Criminal Code, and is, therefore, subject to the statute of limitations. Please inform the Committee of any steps taken by the State party to review its rules and provisions on the statute of limitations and bring them fully in line with its obligations under the Convention.*

Please see reply to paragraph 1 above.

Article 2

3. *Further to the Committee's previous concluding observations (CAT/C/SWE/CO/5, paras. 5(b) and 11), please provide information on the implementation of the 2008 legislation on fundamental safeguards, including access to a lawyer and notification of custody (law no. 2008:67). Please elaborate on any steps taken or envisaged to introduce a legal provision on access to a doctor and to ensure that notification of custody is provided systematically and without delay. Please also indicate the steps taken to ensure that persons in custody benefit from an effective right of access to a lawyer, as from the very outset of their deprivation of liberty and throughout the investigation phase, the whole of the trial and during appeals.*

Chapter 24, Section 21a of the Code of Judicial Procedure (which is a part of law no. 2008:67) which entered into force on 1 April 2008, states that when a person is detained a member of the immediate family or some other person particularly close to the detained person shall be notified.

Regarding the Swedish legal framework governing access to a lawyer, a thorough exposition was presented in the Government's written follow-up reply (CAT/C/SWE/CO/5/Add.1).

The following can be said about the practical implementation of the 2008 legislation (law no. 2008:67). In cases where a criminal investigation is led by a prosecutor, the practical investigative work is conducted by the law enforcement authorities, usually the Police or the Swedish Customs. Consequently, while the prosecutor supervises the work of these authorities and has overall responsibility for the investigation, many routine matters during an investigation are dealt with by the law enforcement authorities acting on their own responsibility. For example, information about the right of access to a lawyer and notification of custody are as a matter of routine generally managed by these authorities without involving the prosecutor. This system is a well-established practice and has been reviewed by Sweden's Parliamentary Ombudsmen, who are tasked with ensuring that public authorities and their staff comply with the laws and other statutes governing their actions.

As an example of the measures taken by the law enforcement authorities to fulfil their obligations, the Swedish Customs is currently drafting instructions and guidelines to be used by its officials to ensure that the rules on notification of custody are observed.

On 1 April 2011, the new Act on Detention (2010:611) entered into force. The Act contains provisions on procedures for arrest and other temporary detention in custody or other detention facilities. Chapter 5, Section 1 of the Act provides that a prisoner who needs health or medical care shall be examined by a doctor and that a doctor shall also be called if a prisoner so requests and it is not obvious that such an examination is not needed. More information about the contents of the Act on Detention and general regulations concerning access to health care for individuals in prisons and remand prisons is provided in the reply to paragraph 21.

4. *In its previous concluding observations (CAT/C/SWE/CO/5, para. 5 (a)), the Committee noted with satisfaction the 2006 amendment of the Swedish Aliens Act, which introduced a new appeal system, included an explicit provision on non-refoulement and provided for the granting of refugee status to persons claiming fear of persecution on grounds of gender and sexual orientation. Please provide updated information on the implementation of these amendments and provide information on the number of persons who have been granted refugee status due to their claim of fear of persecution on grounds of gender and sexual orientation. Please also elaborate on effective steps taken by the State party to ensure that evidence is not withheld from the asylum-seeker in asylum deportation cases on national security grounds.*

The Aliens Act, as from 2006, includes well-founded fear of persecution based on gender, sexual orientation or other membership of a particular social group as a ground for recognition of refugee status. The grounds for asylum are always assessed on an individual basis.

The Swedish Migration Board does not register the specific grounds for granting a person refugee status, i.e. political opinion, religion, ethnicity, gender or sexual orientation, etc. It should be noted that the grounds for granting a residence permit can be cumulative. The Migration Board has previously, in 2002, estimated that some 300 persons each year apply for asylum in Sweden based on sexual orientation. Regarding LGBT issues in asylum cases, see also reply to paragraph 13.

In January 2010, amendments to the Aliens Act (2005:716) entered into force, aiming at adapting the Act to the EU Qualification Directive (Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted) and the EU Asylum Procedures Directive (Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status). As a result of these amendments a person who is a refugee or otherwise in need of protection will be granted a status declaration. The amendments also entail a division in the Aliens Act into three categories of persons in need of protection: refugees, persons eligible

for subsidiary protection and other people in need of protection. Refugees and persons eligible for subsidiary protection are covered by the Qualifications Directive. The third category, other people in need of protection, is a national protection category.

Following amendments which also entered into force on 1 January 2010, security cases under the Aliens Act are now examined in essentially the same manner as other cases under the same law. According to the Aliens Act, a security case is a case in which the Swedish Security Service, for reasons relating to national security or otherwise bearing on public security, recommends that an alien be refused entry or expelled, that an alien's application for a residence permit should be rejected, that an alien's residence permit should be withdrawn or that an alien should not be granted a travel document. Decisions in security cases under the Aliens Act are appealed to the migration courts and the Migration Court of Appeal.

There are some exceptional cases where the outcome is of special importance to national security. This may be the case, for example, where the state itself is exposed to a serious threat. Special cases of this type may, if certain conditions are met, be processed under the Aliens Controls (Special Provisions) Act (1991:572). In cases relating to expulsion under this Act, the Government is still the body of appeal. The amendments of 2010 have narrowed the scope of the Act by making the prerequisites stricter. An appeal may be made against a decision by the Swedish Migration Board under the Act relating to expulsion, residence permit, status declaration or travel document. When an appeal is made, the Board shall forward the documents in the matter directly to the Migration Court of Appeal. The Court is required to state its own opinion on all aspects of the case, including the issue of impediments to the decision being enforced. If the Court considers that there are absolute impediments to enforcement, the Government may not deviate from the Court's assessment. In such cases, the Government shall order that enforcement shall not be allowed until further notice (inhibition) or will grant the alien a temporary residence permit. An expulsion order may not be enforced during the time a residence permit is valid.

The Aliens Controls (Special Provisions) Act was, even prior to the amendments, very rarely applied. It has, in fact, been enforced in only one case since 2008. The individual concerned in this particular case was granted a temporary residence due to impediments to enforcement of the expulsion order. As a comparison, in 2011, around 29 500

applications for asylum were made in Sweden as well as around 140 000 applications for residence permits on other grounds such as family ties, etc.

As to the issue of access to information, a party's right of access to information in administrative procedures is provided for by the Administrative Procedure Act (1986:223), Section 17. Limitations to this right may be ordered under the Public Access to Information and Secrecy Act (2009:400). The provisions of the Public Access to Information and Secrecy Act are general. There are no specific provisions in the Aliens Act or Aliens Controls (Special Provisions) Act limiting the party's right to information in expulsion cases.

As a general principle, a party has access to all information presented in the case. In extraordinary circumstances, the party may be denied full disclosure. This is only permitted where public or individual interests of utmost importance are at stake (e.g. risk of serious crime directed against the life, health or liberty of a person providing information). If denied full disclosure of a document, the party is informed of the content but not the specific details, provided that this does not seriously damage the interests protected by the secrecy provisions. The aim is to always grant the party sufficient information for him or her to be able to pursue the claim.

5. *The Committee, in its previous concluding observations (CAT/C/SWE/CO/5, para. 12), noted with concern that pre-deportation detention was common and it regretted that there were no absolute limits on the length of time that an asylum-seeker could be detained. The Committee also expressed its concern at information that asylum-seekers who were a risk to themselves or others were sometimes placed in remand prisons. Similar concerns were expressed by the Human Rights Committee in March/April 2009 (CCPR/C/SWE/CO/6, para. 17). Please provide updated information on measures taken to ensure that detention of asylum-seekers is used only in exceptional circumstances or as a measure of last resort, and then only for the shortest possible time. Has the State party considered other placement alternatives for asylum-seekers who are in need of care that are suitable for their particular condition? Please also provide information on the findings of the committee of independent inquiry appointed to carry out a thorough examination of the legal framework on detention under the Aliens Act. Has the State party considered the imposition of maximum limitations on such detention?*

The Aliens Act (2005:716) explicitly states that the Act is to be applied so as not to limit the freedom of aliens more than is necessary in each individual case. As a consequence, supervision shall be used instead of detention whenever possible. Thus, a detention order will be imposed only if other, less coercive, measures cannot be applied. To ensure that detention is used only for the shortest possible time, the Aliens Act further stipulates that a detention order shall be set aside immediately if there are no longer any grounds for the order.

In addition, the Aliens Act stipulates strict time limits regarding aliens held in detention. A child may not be detained for longer than 72 hours, extendable for a further 72 hours if there are exceptional grounds. An adult alien may not be detained for more than 48 hours for investigation and for no more than two weeks for other reasons, unless there are exceptional grounds for a longer period. If a refusal-of-entry or expulsion order has been issued the person concerned should leave Sweden. If the alien does not do so voluntarily the alien may be detained for a maximum of two months, unless there are exceptional grounds for a longer period. This exceptional period has been further limited to a maximum of twelve months by an amendment to the Aliens Act, which entered into force on 1 May 2012. An alien may be detained for more than three months only if he or she does not cooperate or if procuring the necessary documents takes a long time. Consequently, an alien who has been served a refusal-of-entry or expulsion order cannot be held in detention for more than twelve months, even if the grounds for the order still exist.

Detained aliens are kept in special premises – detention centres – run by the Swedish Migration Board. The detention centres are specially designed not to look like institutions for correctional treatment. The detainees enjoy a considerable degree of freedom within the centres and they have substantial access to contacts with the outside world. They also have access to a range of activities. Against this background, detainees who are considered to be a danger to themselves or other persons may be transferred to a correctional institution, remand centre or police arrest facility. Such a transfer may also be ordered if the alien has been expelled for a criminal offence or if there are some other exceptional grounds. Children may not be transferred to a correctional institution, remand centre or police arrest facility.

The Government is presently assessing the findings of the committee of inquiry appointed to carry out an examination of the legal framework on detention under the Aliens Act. The committee has proposed that increased medical care should be available at the detention centres and that new wards should be built. Furthermore, the committee proposes that, where absolutely necessary, the personnel should be able to avail themselves of certain additional coercive measures, such as using handcuffs for short periods of time to separate detainees. These changes would put the centres in a better position to deal with persons who are a risk to themselves or others.

6. *In light of the previous concluding observations (CAT/C/SWE/CO/5, para. 23) where the Committee expressed its concern about the persistence of violence against women and children, including domestic violence and crimes committed against women and children in the name of honour, please provide updated information on the steps taken by the State party to prevent, combat and punish such violence, including in the context of the implementation of the 2007 action plan to combat men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships (Govt. Comm. 2007/08:39). Further to the concluding observations of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW/C/SWE/CO/7, para. 29) and of the Human Rights Committee (CCPR/C/SWE/CO/6, para. 8), please also provide information on steps taken to ensure the availability of a sufficient number of shelters, equipped to accommodate women with special needs, including women with disabilities, throughout the territory of the State party, and their adequate financing.*

In December 2010 the Swedish National Council for Crime Prevention presented an evaluation of the National Action Plan to combat men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships (2007). The evaluation showed that the National Action Plan had contributed to:

- increased knowledge in work with target groups,
- new and accessible knowledge sources,
- plenty of projects involving new local activities,
- more valuable activity models, and
- more structured assessments of threats and risks by the police force.

However, the evaluation concluded that it was uncertain to what extent new training and education will be continuously ongoing, whether or not local projects and new activity models will survive, and whether the threat and risk assessments made by the police force have led to more and better protection measures.

The evaluation has been used as a basis for new and developed measures for the period of 2011–2014. As previously, measures are to be implemented by the relevant agencies. The objective is for new working methods and approaches to be integrated into regular activities. Some important elements of these efforts are therefore to follow up ongoing development work, to continue educational measures, and to develop and assure the quality of working methods to support and protect women subjected to violence and children who witness violence. Much of this work aims at building up knowledge and research.

Six areas have been identified as particularly important to give structure to the work carried out within the framework of the new Action Plan. These are:

- national mobilisation and coordination,
- measures against sexual violence,
- strengthened preventive work as well as protection of and support to women and children who witness violence,
- prevention and combating of honour-related violence and oppression, including forced marriages,
- preventive measures targeting men, and
- measures to combat prostitution and trafficking for sexual purposes.

The measures in the National Action Plan have all been implemented. The account below gives examples of these measures as well as new measures for the period 2011–2014.

The Act on investigations regarding children who have died as a consequence of crime (2007:606) was amended on 1 January 2012 to also include women and men who die as a result of crime committed by a current or former family member. The data collected in the investigations is to be used to analyse possible improvements in treating women subjected to violence.

An evaluation of the legal provisions on gross violation of integrity and gross violation of women's integrity (Chapter 4, Section 4a of the Penal Code) was presented in January 2012 (Swedish Government Official Report 2011:85). The evaluation found that the legislation had had the intended effect.

Sweden signed the Council of Europe Convention on preventing and combating violence against women and domestic violence on May 11 2011. The Government Offices is currently investigating what legislative measures may be needed in order to ratify the Convention.

During 2009–2010, the Swedish Police Force conducted a national campaign, “*Kom till oss*”, which aimed at broadening the general public's awareness of violence in close relationships. The campaign was successful and has contributed to increasing the number of cases in which crime in close relationships is reported to the police. For the period 2011–2013 the Government has commissioned the Swedish Police Force to implement a national information campaign concerning offences in close relationships, including violence and oppression in the name of honour.

In 2011 the Government also gave the County Administrative Board in Östergötland the responsibility of disseminating a project on the rights of children and young people at national level.

A committee has studied the Criminal Injuries Compensation Act to determine, among other matters, the effect it has had on children who witness violence. The study (Swedish Government Official Report 2012:26) was presented in May 2012 and showed that children who have witnessed violence need to receive more attention in police investigations and during pre-trial proceedings.

The Government has appointed an inquiry chair to gather more knowledge about forced marriages and child marriages and to conduct a comprehensive review of the relevant legislation. In May 2012 the inquiry chair presented the report *Reinforced protection against forced marriage and child marriage* (Swedish Government Official Report 2012:35). A number of measures, based on proposals presented in the report, are currently being considered by the Government Offices.

The Government has compiled information aimed at people who are worried about being forced into marriage. Information on the

legislation governing marriage is also available on the Government website.

The Government has also given the County Administrative Board in Östergötland the task of convening a network of central agencies to combat forced marriage. The Board has also been commissioned during 2011–2013 to further develop and disseminate guidance on supporting and rehabilitating young people placed in sheltered accommodation, foster homes or other institutions because they are either trapped in or under threat of forced marriage.

The National Centre for Knowledge on Men's Violence Against Women (NCK) at Uppsala University has been tasked to specifically evaluate educational measures included in the previous Action Plan to see how the results of these have been used and implemented. The report will be presented during 2013.

On 25 April 2012 the Government announced its appointment of a Swedish Domestic Violence Coordinator. The Coordinator's tasks include bringing together and supporting the relevant authorities, municipalities, county councils and organisations to increase the effectiveness, quality and sustainability of work against violence in close relationships. The Coordinator's mandate also includes paying special attention to the situation of women with special needs who are subject to violence. Furthermore, the Coordinator is to consider ways of improving protection and support for victims. A final report is to be presented by 30 June 2014.

The Government has approved SEK 10 million¹ for the period 2011–2014 for Karolinska University Hospital to develop support and assure quality at the unit at the Centre for Andrology and Sexual Medicine (CASM) that receives people who commit, or are at risk of committing, sexual violence.

The Crime Victim Compensation and Support Authority has been tasked to distribute SEK 42 million to research, methods development and other similar activities aimed at improving knowledge about men's violence against women, including sexual violence and other forms of sexual abuse, over the period 2011–2014. The Authority has also been instructed to implement an educational programme for professionals in the Police and Prosecution Authority who meet

¹ 14 December 2012: SEK 1 = EUR 0.11

children who have witnessed violence, and a programme to improve the way in which victims of sexual crime are treated when they report an assault and during pre-trial and trial proceedings. The assignment runs for the period of 2011–2013.

The National Board of Health and Welfare has been commissioned to develop assessment instruments and support measures for persons who are subjected to violence in close relationships. The assignment aims to improve the quality of the help and support provided by the social services and other functions. The Board has also been commissioned to develop methods for the social services to reach out to and carry out measures for persons who have used violence against a current or recent family member. The assignment runs for the period of 2012–2014.

The National Board for Youth Affairs has been commissioned to carry out a study on boys' and young men's attitudes to masculinity, violence and gender equality during 2011–2014.

In 2011 the Government commissioned the Swedish National Council for Crime Prevention to evaluate Project Karin in Malmö, which is a place where battered women can contact a range of relevant authorities. The evaluation will look at how the participating authorities perceive the project and what impact it has had on the quality and effectiveness of their work. The Project has previously been evaluated by the users, i.e. women subjected to violence, and the evaluation showed that the target group appreciated the way in which the location was adapted to their needs.

In addition, the National Board of Health and Welfare has been tasked to administrate special funding, SEK 109 million per year, for measures to reinforce and develop the work of municipalities and women's shelters. The government guidelines prescribe that the funds should *inter alia* be used to meet the situation of women with special needs, including women with disabilities. The Board has further been tasked with conducting an overall analysis of the sheltered housing initiative for people under threat, as well as producing a guidance document for the target groups concerned. The assignment runs for the period of 2011–2013.

The Swedish National Council for Crime Prevention has been tasked with conducting a national survey on domestic violence. Data is to be

collected within the framework of the Swedish Crime Survey and from other sources containing data on violence in close relationships, fatal violence and violence against women. A final report is to be presented by 15 May 2014.

In October 2011, changes came into force regarding the rules on restraining orders, which aim to improve the situation of people who in one way or another have been, or are likely to be, repeatedly subjected to violence, threats or harassment – i.e. stalking. A new crime has been introduced, unlawful persecution, to reinforce penal sanctions against harassment and stalking.

The Government has set up an inquiry to identify and analyse the incidence and extent of violence, threats and violations that may affect foreign women who have been granted a residence permit on the grounds of ties with a man residing in Sweden. The inquiry includes determining the need of the support that municipalities, county councils and the central administration currently offer abused women. In June 2012, the inquiry submitted its final report, *Women and children on the fringes of the law* (Swedish Government Official Report 2012:45).

7. *Please comment on reports that the number of cases of sexual violence has increased almost by 50 per cent between 1995 and 2008 and that immigrant, refugee and minority women, as well as women with disabilities, are particularly vulnerable to such violence. Please elaborate on measures taken to prevent and combat such violence. Furthermore, please provide information on the outcome of the Government's evaluation of the application of the 2005 legislation on sexual crimes, including whether this legislation has strengthened women's and children's protection from sexual abuse.*

In total, there were 7 761 reported sexual offences in 1995 and 14 342 reported sexual offences in 2008. The number of reported offences has since increased to 17 077 in 2011. The number of reported offences has increased across all categories – rape, sexual coercion and exploitation etc., indecent exposure and sexual molestation.

According to analyses made by the Swedish National Council for Crime Prevention, the main reason for the increase is a general rise in people's tendency to report crime. With regard to sexual offences, there are still a large number of unreported cases. Data from the

Swedish Crime Survey indicate that as few as 10–20 per cent of all sexual offences are reported to the police.

However, there is also reason to believe that certain types of sexual offences really have increased. According to the Swedish National Council for Crime Prevention, this is largely due to changes in society, such as contact with strangers via the internet, more bars and pubs and increased alcohol consumption.

The number of reported rapes has increased from 1 707 in 1995 to 5 446 in 2008 and 6 532 in 2011. This is partly due to the new sexual offences legislation that came into force in 2005. Under the new legislation, some acts previously classified as sexual exploitation are now classified as rape.

The official statistics cannot be used to answer the question of whether immigrant, refugee and minority women, and women with disabilities, are particularly vulnerable to sexual violence.

Nor does the data from the Swedish Crime Survey give a clear picture. In the latest study, 0.7 per cent of all respondents reported that someone had “forced, attacked or molested them sexually” in the course of 2010. In the group of respondents born in Sweden with one/both parents born in Sweden, 0.7 per cent reported that they had been subjected to sexual offences. The corresponding figures for respondents born in Sweden with both parents born outside Sweden and foreign-born respondents were 1.5 per cent and 0.5 per cent respectively. However, as can be seen in the table below, the numbers have fluctuated over the years. Overall, the results indicate that individuals born in Sweden with both parents born outside Sweden and foreign-born individuals may be subjected to sexual offences to a greater extent than other individuals.

Victimisation for sexual offences within the population aged 16–79 in 2005–2010 according to Swedish Crime Survey data (SCS 2006–2011).

	2005	2006	2007	2008	2009	2010
All respondents	0.9	0.8	0.7	0.8	0.9	0.7
Born in Sweden with one/both parents born in Sweden	0.8	0.8	0.7	0.7	0.8	0.7

Born in Sweden with both parents born outside Sweden	0.9	0.4	1.1	0.9	1.0	1.5
Foreign-born	1.4	0.7	0.8	0.9	1.5	0.5

According to the National Centre for Knowledge on Men’s Violence Against Women (NCK), immigrant and refugee women as well as women with disabilities who are subjected to violence may be more vulnerable than other abused women. Factors such as discrimination, language difficulties, segregation and weak social networks can make the situation more difficult for immigrant and refugee women and also limit their possibilities to seek out help and support. For a woman with a disability, the disability in itself can make her more vulnerable, as can the fact that she may be dependent on the person who is abusing her.

Measures against sexual violence and other forms of sexual abuse were covered by the National Action Plan to combat men’s violence against women, violence and oppression in the name of honour and violence in same-sex relationships (2007); see paragraph 6. During this term of government, the Government has given special priority to measures to combat sexual violence and other forms of sexual abuse.

The Government has commissioned the Crime Victim Compensation and Support Authority to develop and implement an educational programme to improve the way in which victims of sexual crimes are treated when they report the crime to the police and in connection with pre-trial and trial proceedings. The assignment runs for the period of 2011–2014.

The Government has also approved SEK 10 million for the period 2011–2014 for Karolinska University Hospital to develop support and assure quality at the unit at the Centre for Andrology and Sexual Medicine (CASM) that receives people who commit, or are at risk of committing, sexual violence.

To improve knowledge about men’s violence against women, the Crime Victim Compensation and Support Authority has been commissioned to distribute funds to research, methods development and other similar activities aimed at improving knowledge about men’s violence against women, including sexual violence and other forms of sexual abuse, over the period 2011–2014.

The National Centre for Knowledge on Men's Violence Against Women (NCK) at Uppsala University has been commissioned to develop the national telephone support line, *Kvinnofridslinjen*, to assure the quality of the support it provides and to reach out to more women who are subjected to threats, violence and/or sexual abuse. The assignment runs for the period of 2011–2014.

The Government has also commissioned the Swedish National Board of Housing, Building and Planning to integrate experience of projects aimed at increasing security in urban environments so as to decrease the risk of sexual violence and other forms of sexual abuse. The assignment runs for the period of 2011–2012.

In October 2010, the Sexual Offences Commission of 2008 submitted its report *Sexualbrottslagstiftningen – utvärdering och reformförslag* ('Sexual offences legislation: evaluation and proposals for reform'; Swedish Government Official Report 2010:71). The Commission was of the opinion that in general the protection of personal and sexual integrity and sexual self-determination had been improved and made clearer by the Sexual Offences Reform of 2005, and similarly that the protection of children (persons under the age of 18), had improved. Moreover, the Commission was of the opinion that the aim of the reform – to create clear and well-defined provisions – had been met. The aim of the legislature has thus been achieved in these respects. To further strengthen the legislation on sexual crimes, the Commission also proposed some amendments to the legislation, *inter alia* that the scope of the offences of rape and sexual coercion should be extended. There has been a round of consultation on the report and further consideration is currently in progress at the Ministry of Justice.

8. *Please provide updated information on any new legislation and/or measures adopted to prevent and combat trafficking in women and children, including for sexual purposes, and to provide assistance to the victims. Has the State party adopted a national programme for combating trafficking in human beings? Please elaborate on the implementation of these measures, including resources available, and provide information on the impact and effectiveness of the implemented measures in reducing cases of human trafficking. Please also provide statistical data on the number of women and girls who have been trafficked to, from and through Sweden since the consideration of the fifth periodic report in 2008 as well as statistical*

data on the number of complaints relating to human trafficking, and on the related investigations, prosecutions, convictions and sanctions, as well as compensation provided to victims.

The Government decided on 20 December 2005 to appoint an inquiry chair with a mandate to review the provisions on crimes of human trafficking, etc. (terms of reference 2005:152). The aim was to enable human trafficking to be combated more effectively, and the task included an assessment of whether the definition and punishment should be revised. The report “*Trafficking in human beings and child marriage - enhanced protection provided by criminal law*” (Swedish Government Official Report 2008:41) was submitted to the Swedish Government in April 2008.

On 18 March 2010, a Government bill was submitted to the Swedish Parliament (the Riksdag) concerning enhanced protection in criminal law against human trafficking (Government Bill 2009/10:152). The bill proposed a new definition of the crime of human trafficking, involving clearer and more appropriate charges. The aim was to make the definition more effective and to strengthen the protection against human trafficking in criminal law. Among other changes, the requirement that the perpetrator take control over the victim was removed. In addition, the requirement of dual criminal liability was abolished to enable Swedish courts to pass sentences for human trafficking committed abroad. The new provisions on human trafficking entered into force on 1 July 2010.

In 2008, the Government also appointed a special inquiry led by the Chancellor of Justice to evaluate the implementation of the ban on purchase of sexual services and its effects. The inquiry presented its report (Swedish Government Official Report 2010:49) to the Government on 2 July 2010 and a summary in English can be found online at: <http://www.regeringen.se/sb/d/13358/a/149231>

The evaluation showed that the ban on purchase of sexual services had had the intended effect and is an important instrument in preventing and combating prostitution and human trafficking.

In July 2008 the Swedish Government adopted a National Action Plan for the prevention and combating of prostitution and human trafficking for sexual purposes. The plan, which covered the period 2008–2010, encompassed five priority areas and contained 36

measures to fight prostitution and trafficking for sexual purposes. The five priority areas in the plan were:

- protection and support for people at risk,
- more emphasis on preventive work,
- higher standards and greater efficiency in the justice system,
- increased national and international cooperation, and
- a higher level of knowledge and awareness in general.

In 2009 the Swedish National Council for Crime Prevention was commissioned by the Government to evaluate the results of the initiatives under the National Action Plan. The evaluation was presented to the Government in November 2011 (report 2011:18).

The purpose of the National Action Plan to combat prostitution and human trafficking for sexual purposes was to initiate a set of actions that would create sustained effects throughout the administration and society. It was intended at the outset of the Action Plan that combating human trafficking would be incorporated into the regular work of the Swedish administration with more vigour and without extra temporary funding. However, for the period 2011–2014, the Government has decided to continue to pursue special efforts against human trafficking for sexual purposes. Therefore, several measures have been decided on to continue the work initiated during 2008–2010. The fight against this phenomenon is an important part of Sweden's gender equality policy.

The National Action Plan also requires that special measures are taken on behalf of children and young people. Moreover, the Action Plan aims at intensifying outreach activities targeting those exposed to prostitution or trafficking for sexual purposes, and gives greater priority to sheltered housing, treatment centres and other forms of support and protection. Evaluation and training of professionals are other key elements of the plan.

More than EUR 23 million has been spent on implementing the measures in the National Action Plan. Funding has also been provided for activities conducted by the Council of the Baltic Sea States (CBSS) and by NGOs such as the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights.

Under the umbrella of the National Action Plan, the Stockholm County Administrative Board received the task of coordinating work

for continued and enhanced cooperation, mainly between key state actors, at operational level. In 2011, its mandate was extended until 2014, to coordinate the work of state actors and strengthen cooperation between state actors and NGOs.

The Ministry of Education and Research is the coordinating body for the implementation of the National Action Plan. The National Coordinator (NC) and National Coordination Secretariat against Prostitution and Trafficking (NCS) employ three full-time staff members. The annual budget until 2014 amounts to approximately EUR 700 000. In order to implement its given tasks, the NCS has developed, and is currently maintaining, an operationally oriented Task Force, the National Task Force against Prostitution and Trafficking (NMT), and several other national networks. These mechanisms aim to strengthen and improve cooperation and case management, disseminate information and raise awareness, and promote capacity-building activities, among other matters.

Concerning international actions against human trafficking, it should be mentioned that since September 2011 there has been a special ambassador at the Ministry for Foreign Affairs whose role is to coordinate and intensify Sweden's anti-trafficking work within the United Nations and other international organisations.

The account below gives examples of efforts in the period 2011–2014 to combat and prevent prostitution and human trafficking, including for sexual purposes, and to provide assistance to victims.

With a view to spreading information on Swedish methods, initiatives and perspectives to curb and combat prostitution and human trafficking for sexual purposes, the Swedish Institute has been commissioned by the Government to organise visiting programmes and international seminars for foreign key actors.

Furthermore, the County Administrative Boards in Sweden (21 regional authorities) have been commissioned to support and strengthen the coordination of regional efforts to combat and prevent sexual trafficking and prostitution, as part of their work against men's violence against women. This task also includes developing rehabilitation programmes for victims of trafficking for sexual purposes and prostitution.

Since 2009, the Stockholm County Administrative Board has also had instructions to implement activities to enable persons subjected to prostitution and human trafficking for sexual purposes to safely return to their countries of origin. For this purpose, the Stockholm County Administrative Board runs a safe return project to develop measures to make trafficking victims' return safe, efficient and well organised so as to avoid the risk of re-trafficking. The project works closely with NGOs and governmental bodies in countries of origin and in transit states to create routines for safe returns. During autumn 2012, the Stockholm County Administrative Board is starting a pilot project with the International Organization for Migration (IOM) office in Helsinki. Through the project, the Stockholm County Administrative Board and IOM will reach out to and cooperate with Swedish local and national authorities responsible for the return, support and safety of victims of trafficking for sexual purposes.

Funding from the National Action Plan (2008–2010) has enabled several strategic actions to be taken by the Council of the Baltic Sea States (CBSS) Task Force against Trafficking in Human Beings. These actions also provide the basis for Task Force activities in the period of 2011 to mid-2014 during which Sweden is continuing to fund the Senior Adviser to the Task Force. Sweden also continues to fund the CBSS children's unit and the Expert Group for Cooperation on Children at Risk (EGCC) within the CBSS.

An Action Plan against the sexual exploitation of children in Sweden was first adopted by the Government in 1998. The Government's objectives in the present Action Plan are to ensure that:

- No child in Sweden will be subjected to sexual exploitation.
- No children in other countries will be subjected to sexual exploitation by people from Sweden.
- Children subjected to sexual exploitation will receive the support and assistance they need.
- Sweden will contribute to effective international cooperation on these issues.

The Action Plan is primarily aimed at central and local Government authorities that come into contact with children, agencies responsible for tourism education programmes, the travel industry and voluntary organisations involved in these issues.

The present Action Plan contains ten new measures to further combat the sexual exploitation of children, including human trafficking. The measures presented in the Action Plan are in the following areas:

- Sexual exploitation of children in tourism and travel.
- Disseminating knowledge and information.
- Identification of measures aimed at offenders.
- Increased cooperation at national and international level.
- Review of legislation.

The Ministry of Health and Social Affairs is responsible for coordinating the implementation of the Action Plan. A follow-up of the measures in the Action Plan was conducted in 2010 and presented in an appendix to the Government's proposed strategy for strengthening the rights of the child in Sweden. The present National Plan of Action against Sexual Exploitation of Children will be revised during 2013.

For the period 2011–2014, the National Board for Youth Affairs has received further funding for a continued training programme for professionals working with youth. In particular, the funding is aimed at intensifying preventive work among young people who risk being exposed to sexual exploitation on the internet and other types of interactive media.

As part of efforts to combat trafficking in human beings, the Stockholm County Administrative Board has supported two campaigns, the Safe Trip and Reducing Demand campaigns.

The Safe Trip campaign is an information campaign especially directed at women who are potential victims of trafficking for sexual purposes and who have been, or are at risk of being, trafficked to or within Sweden. The Safe Trip campaign was organised and implemented by the CBSS Task Force against Trafficking in Human Beings as a pilot scheme in the Stockholm area. The Safe Trip campaign is an information campaign conveying its message in Swedish, English, Romanian, Russian, Spanish and Thai. The campaign has been developed in partnership with the 24-hour national telephone support line for women subjected to threats and violence (*Kvinnofridslinjen*). The campaign is an eye-opener to the crime of human trafficking and aims to inform (potential) victims how they can receive help to escape from a seemingly hopeless situation.

The Reducing Demand campaign focused on reducing demand by information and reflection. The first part of the campaign mainly focused on the buyer while the second part focused on the buyer and the victim. The campaign was led by an experienced NGO called *1000 möjligheter* ('1000 possibilities') in cooperation with other national actors such as *umo.se*, *ungdomsmottagning på nätet* and *tjejjouren.se*.

In September 2008, the Government also commissioned the Swedish National Police Board and the National Prosecution Authority to reinforce and increase the number of current operational initiatives against prostitution and human trafficking for the purposes of sexual exploitation. The National Police Board undertook a number of measures during the period of the commission, aimed at achieving lasting results in preventive work against prostitution and human trafficking for the purposes of sexual exploitation.

To increase the number of operational initiatives, the skills development was initially targeted at groups within the Police that work on acquiring information on suspected criminal activities, such as informer activities, criminal intelligence services, forensics and police personnel working on secret telephone surveillance. For example, further training has been provided at the Police Academy for chief investigation managers and investigators of crimes which concern human trafficking, procuring and the purchase of sexual services. Further, a manual for investigators has been developed as well as an interactive training course on human trafficking, which is available to all police employees on the Swedish Police intranet.

The Government commission led to a marked increase both in the number of reports filed and in preliminary investigations initiated into crimes related to human trafficking, although there are still differences between the police authorities. However, the reports received by the National Police Board in 2010 indicated that the number of reports, preliminary investigations initiated and cases brought concerning other human trafficking increased more during the period than those concerning human trafficking for the purposes of sexual exploitation. Even so the Government commission created good conditions for the police authorities to continue improving their efforts to prevent and combat prostitution and trafficking in human beings for sexual purposes and related criminal activities.

A number of entities in Sweden are responsible for the collection of data on human trafficking. The National Rapporteur primarily collects data, information and intelligence about human trafficking from the police services throughout Sweden. This information is complemented by other sources that help to provide a comprehensive overview of the situation and criminal intelligence that supplies additional elements to yield a comprehensive view of the phenomenon that goes beyond the judicial process. The Rapporteur produces an annual report with statistics on human trafficking cases.

The Swedish National Council for Crime Prevention is responsible for producing and publishing official crime statistics, including on the offence of human trafficking. It publishes annual statistics on reported offences, solved cases, persons suspected of offences, persons found guilty of offences and recidivism. The information gathered is based on offences reported to the police, customs authorities and the prosecution service.

Since 2011, the Crime Victim Compensation and Support Authority has collected statistics on the number of victims receiving criminal injuries compensation, including victims of trafficking.

The Swedish Migration Board is responsible for statistics about recovery and reflection periods, residence permits and the repatriation and return of victims.

Statistics 2007–2008

One person was convicted of trafficking in human beings for sexual purposes. In addition, one person was convicted of conspiracy to commit trafficking in human beings for sexual purposes and a further 22 people were convicted of trafficking-related crimes such as procuring or aggravated procuring.

In addition to exploitation for sexual purposes, the section on trafficking in human beings also mentions examples in which the victim is exploited for forced labour or some other such coerced status. As with trafficking in human beings for sexual purposes, it is hard to give precise figures for the scope of trafficking in human beings for forced labour to, through and within Sweden. In 2007, thirty-five reports of trafficking in human beings for forced labour were drawn up by the police, and in 2008 there were eight such

reports. Not one person was convicted of this crime during this reporting period.

Statistics 2009

In 2009, no one was convicted of human trafficking for sexual purposes. Seven persons were convicted of aggravated procuring, three of procuring, one of attempted procuring and one of aiding and abetting procuring that was in the nature of human trafficking. Four people were convicted of human trafficking for non-sexual purposes, and one person of complicity in this. A prosecution for human trafficking of two people who exploited two children in order to commit theft was disallowed by the District Court. In addition, 26 reports were made to the police in connection with human trafficking for non-sexual purposes.

Statistics 2010

31 reports relating to human trafficking for sexual purposes were drawn up by the Police. In the same year, three persons were convicted of human trafficking for sexual purposes and one person was convicted of complicity in the same crime. In addition, five persons were convicted of aggravated procuring and fourteen of procuring of a human trafficking nature. Finally, 336 legal proceedings were initiated concerning the purchase of sexual services².

53 reports relating to human trafficking for other purposes were drawn up by the Police. The subjects covered by the reports included human trafficking for various forms of forced labour and unreasonable employment terms concurrent with increases in the foreign workforce in 2010. The reports also covered situations in which people were forced to travel to Sweden to beg or to be complicit in criminal activity. In the same year, five people were convicted of human trafficking for purposes other than sexual exploitation.

Statistics 2011

35 reports relating to human trafficking for sexual purposes were drawn up. Two persons were convicted of human trafficking for sexual purposes. In addition, three people were convicted of aggravated procuring and eight of procuring of a human trafficking

² The combined number of judicial decisions, orders of summary punishment and failed prosecutions in 2010.

nature. Finally, 450 legal proceedings were initiated concerning the purchase of sexual services.

The police also drew up 63 reports relating to human trafficking for other purposes, such as forced labour. In the same year, one person was convicted of human trafficking for purposes other than sexual exploitation.

Victims of crime have a right to claim compensation/damages from the perpetrator under the Tort Liability Act. In cases where no perpetrator can be identified or where he or she is unable to pay damages, victims of crime can generally apply for state compensation. Such compensation is regulated in the Criminal Injuries Compensation Act (1978:413).

The Crime Victim Compensation and Support Authority has a statutory duty to disseminate information on criminal injuries compensation to crime victims. Victims must be informed not only of their opportunity to claim compensation, but also of the application procedures. The authority operates a telephone service where anyone may ask questions and seek advice on compensation and damages. Furthermore, the authority has produced leaflets with information relevant to crime victims, including information on state compensation. This information is available in Swedish and 11 additional languages.

Criminal injuries compensation, i.e. compensation disbursed by the State, is primarily intended for personal injuries such as psychological and physical injuries arising from the crime. For example, the victim of a crime can receive compensation for expenses for medical treatment, counselling, loss of income, pain and suffering and permanent injuries. If the crime is considered to be a serious violation of the victim's personal integrity, private life or human dignity compensation can also be awarded for violation of personal integrity. Most criminal acts suffered by victims of human trafficking should fall within this category. Compensation can furthermore be awarded for damaged clothes, spectacles or similar objects worn at the time of the crime. Criminal injuries compensation can be disbursed if the offender is unable to pay or unknown and the injuries are not fully covered by insurance. This kind of compensation covers crimes committed, or at least completed, in Sweden regardless of whether the victim is a Swedish resident or here temporarily. Swedish residents

can also be entitled to criminal injuries compensation for crimes committed abroad.

As referred to above, since 2011 the Crime Victim Compensation and Support Authority has been responsible for collecting statistics on the number of victims receiving criminal injuries compensation.

9. *Please provide information on the implementation, including results achieved and challenges identified, of the common Action Plan developed by the Border Control Police, the Migration Board and the Social Services which aims to minimize the risks of unaccompanied asylum-seeking children disappearing and becoming victims of trafficking. In the light of the recommendation of the Committee on the Rights of the Child (CRC/C/SWE/CO/4, para. 63), please indicate if the State party has conducted a thorough evaluation of trusteeship for unaccompanied children and/or formulated national guidelines and clear directives defining the work of a trustee.*

The Action Plan developed by the Border Control Police in Stockholm in cooperation with the Swedish Migration Board and the Social Services has been implemented and is still in use. However, it is very seldom used these days since the number of unaccompanied children arriving by plane to Arlanda Airport has decreased to a very small number in the past couple of years. When used, the Action Plan has provided a basis for fruitful cooperation with good results.

The aim of the Action Plan is to minimise the risk of unaccompanied asylum-seeking children disappearing and becoming victims of trafficking. The Action Plan lists the measures to be taken by first and foremost the Border Control Police to investigate whether an unaccompanied child is a victim of trafficking, and the measures to be taken when a child has arrived at housing in a municipality. The Action Plan emphasises the importance of cooperation between the authorities and that a plan is established between the responsible officials and the persons in charge to ensure a flexible cooperation and exchange of information between the authorities. To implement the Action Plan, the Migration Board has included it in its training programme aimed at training and increasing the skills of officials working with unaccompanied asylum-seeking minors, and it is also accessible on the Board's homepage. The Action Plan has also been distributed to the County Administrative Boards.

The majority of persons, whether adults or minors, who disappear from the asylum process do so after the rejection of their asylum application or after a decision on their transfer to another EU Member State under the Dublin Regulation. Thus, most disappearances are due to the fact that Sweden does not have a system of automatic detention of failed asylum seekers in preparation for their removal. Instead, Swedish legislation provides for a period of voluntary departure, during which many disappear from the return procedures. In most cases, neither the police nor Migration Board or Social Services officials have reason to suspect that the persons have become victims of trafficking.

Unaccompanied children are looked after by the social authorities in each municipality and covered by the rules of the Social Services Act. The social services have a special responsibility for all children and young people who need support and protection. When measures concern children, the best interests of the child are always to be given special consideration. This responsibility applies equally to all children resident in the municipality, regardless of whether they have residence permits or not. In other words, the Social Services Act applies to all children, regardless of the child's nationality and residence status, and regardless of whether the child is in Sweden on a short visit or in transit.

After arriving in Sweden, unaccompanied children can make themselves known to the authorities in any municipality in the country. If a child without known guardians has made itself known to the Migration Board and applied for a residence permit, the Board notifies the social services in the municipality in question that an unaccompanied minor has arrived. The child is then given temporary accommodation in that municipality pending the Migration Board's assignment of the child to a municipality which will provide the child with accommodation during the asylum process.

In order to give vulnerable children and young people the support and treatment they need, however, the social welfare committee may intervene compulsorily in some cases in accordance with the Care of Young Persons Act (1990:52). According to Chapter 5, Section 11 of the Social Services Act, the child is entitled to protection if he or she is a crime victim.

The relevant provision in the Act on Guardians Ad Litem for Unaccompanied Children (2005:429) states that “A guardian ad litem shall be arranged as soon as possible”. Under the Act, a guardian ad litem is to act as a guardian and custodian and be responsible for the child’s personal circumstances and look after the child’s interests. The Children and Parents Code is applied with regard to who can be appointed as guardian ad litem. It is important that the local chief guardian finds a suitable person for this complex task.

When assessing whether the person appointed is suitable for the task, the chief guardian is to attach particular importance to the child’s vulnerable situation. The chief guardian appoints the guardian ad litem after a petition from the Migration Board or the local Social Welfare Board. The chief guardian may also take up the matter at his or her discretion. The guardian ad litem is under the supervision of the chief guardian, to whom the young person can complain, and can be dismissed if he or she is considered unsuitable.

The Chief Guardians Board provides information to the guardians ad litem. Training programmes may differ between the various chief guardians. The Swedish Migration Board continuously provides training sessions and attends meetings in collaboration with the chief guardians throughout the country. For several years, the Swedish Migration Board and the Swedish Association of Local Authorities and Regions (SALAR) have held projects on unaccompanied children. In 2011, six regional seminars were held for those working with unaccompanied children, including guardians and chief guardians. The aim was to share experience and best practice regarding the reception of unaccompanied children. Another outcome of the cooperation between the Swedish Migration Board and SALAR is a website (<http://ensamkommandebarn.skl.se>) introduced in 2011. This website is a platform for information sharing, and provides information about the responsibilities of different actors in society concerning unaccompanied minors.

In the ongoing project “*Unaccompanied children – support for local and regional development*”, a national framework for the training of guardians is to be developed. The project, run by the Swedish Migration Board, SALAR, the National Board of Health and Welfare and the County Administrative Boards, is introducing four national training programmes, starting in November 2012. The national training is expected to provide equivalent basic training for guardians

throughout the country. The chief guardian is responsible for implementing such training.

The Government has decided to appoint an inquiry to take a closer look at issues concerning legal representatives, including guardians ad litem. The instructions for the inquiry include identifying problems and proposing solutions to provide better conditions for legal representatives to carry out their tasks. The closing date of the inquiry is 31 December 2012.

In March 2012, the Government commissioned the Swedish Migration Board to develop information material on the asylum process intended for guardians ad litem for unaccompanied minors, to be used in the training programmes. The Migration Board, in cooperation with SALAR and others, has developed new websites addressed to guardians ad litem. The websites describe the guardians' role, the asylum process, the consequences when a child is granted a residence permit and the consequences of a rejection, benefits the child might be entitled to, and laws and other regulations.

10. Please provide updated information on any steps taken towards the establishment of an independent national institution with a broad human rights mandate, in accordance with the Paris Principles.

The issue of a National Human Rights Institution has been dealt with by the Delegation for Human Rights in Sweden in its final report (Swedish Government Official Report 2010:70).

The report contains several proposals for the protection and promotion of human rights, including the establishment of a national institution for human rights. The report has been referred for consideration to the relevant bodies in Sweden. The Delegation's report is currently under consideration at the Government Offices.

Article 3

11. In its previous concluding observations (CAT/C/SWE/CO/5, para. 13), the Committee welcomed the inclusion in the Aliens Act of a new ground for issuing a residence permit whereby an alien will normally be granted such a permit when the Committee, or another

international complaints body, has found the State party to be in breach of its treaty obligations. Please provide updated information on examples of application of such ground and indicate whether it has been applied in the case of a breach of the Convention.

The European Court of Human Rights examine complaints lodged by individuals to ensure that states respect the rights and guarantees set out in the European Convention on Human Rights. Sweden is obliged to comply with the Court's judgments. In addition, Sweden is one of the countries which allow individuals to lodge complaints according to several UN Human Rights Conventions. At a hearing, the Court or the competent Committee gives an opinion on whether Sweden has lived up to its commitments under the relevant Convention in the individual case. The majority of cases against Sweden regarding expulsion of aliens, or refusal of entry, refer to the principle of non-refoulement.

In all cases where the Court or a Committee has found that implementing an expulsion order would be a breach of the relevant Convention, and the complainant is still in Sweden, the Migration Board has granted permanent residence permits. The judgment or decision in itself is not regarded as a separate ground for a residence permit. The Migration Board has granted permits on the grounds of refugee status or need of protection but with reference to the judgment or decision of the Court or Committee. This excludes cases on expulsion on account of criminal offences, in which the Migration Board does not make decisions.

As reported to the Committee Against Torture, the individual complainants in the following cases versus Sweden have been granted permanent residence permits either as refugees or as in need of protection: *C.T. and K.M.* (Committee decision of 17 November 2006), *Njamba and others* (decision of 14 May 2010), *Aytulun and Güclü* (decisions of 11 and 19 November 2010), *Mondal* (decision of 23 May 2011), *Bakatu-Bia* (decision of 3 June 2011), *S.M. and others* (decision of 21 November 2011) and *M.A.M.A. and others* (decision of 23 May 2012).

12. *Further to the Committee's previous concluding observations (CAT/C/SWE/CO/5, para. 13) and the State party's follow-up replies (CAT/C/SWE/CO/5/Add.1, pp. 4-6), please provide an update on recent measures taken to implement the Committee's decision as well*

as the Views of the Human Rights Committee concerning Mr. Agiza and Mr. Alzery. Please indicate if the Government has made its decision on the appeals lodged by Mr. Agiza and Mr. Alzery regarding the residence permit issues. Has the State party undertaken an in-depth investigation into the reasons for their expulsion and prosecuted those responsible, as appropriate, as recommended by the Committee? Please elaborate on measures being taken or envisaged to prevent similar incidents from occurring in the future. Further to the concluding observations of the Human Rights Committee (CCPR/C/SWE/CO/6, para. 16), please inform the Committee if the State party has reconsidered its position regarding the possible future use of diplomatic assurances.

On 1 March 2007 (in respect of Mr Alzery) and on 16 May 2007 (in respect of Mr Agiza), the Swedish Government decided to repeal the decisions of the former Government of 2001 in view of the violations of Mr Agiza's and Mr Alzery's human rights as established by the Committee Against Torture and the Human Rights Committee. The Government referred Mr Agiza's and Mr Alzery's requests for a residence permit to the Migration Board, which on 10 May 2007 (in respect of Mr Alzery) and 9 October 2007 (in respect of Mr Agiza) rejected the applications. Both Mr Agiza and Mr Alzery appealed against the Migration Board's decisions. After having referred the cases to the Migration Court of Appeal, the Government rejected Mr Agiza's and Mr Alzery's appeals on 19 November 2009. The Migration Board registered a new application from Mr Agiza for a residence permit on grounds of family reunification on 25 October 2011. The application was granted on 4 July 2012 and a permanent residence permit was issued.

As indicated in the Government's follow-up reply of 29 May 2009 (CAT/C/SWE/CO/5/Add. 1) to the Committee Against Torture, public prosecutors at different levels have assessed whether a criminal investigation should be initiated in the cases of Mr Agiza and Mr Alzery. Both a district prosecutor and a director of public prosecution have decided not to initiate a preliminary investigation. The Parliamentary Ombudsman has also decided not to institute a criminal investigation in these cases. The Prosecutor-General has decided not to resume the preliminary investigation.

Under the Swedish Constitution, the public prosecutors, like the administrative authorities, are independent in relation to the

Government. The Government is not allowed to instruct these authorities in their assessment of an individual case. The Government is therefore not in a position to request that the “prosecuting authorities” institute criminal investigations in the cases of Mohammed Alzery and Ahmed Agiza.

In light of the amendments made to the processing of security cases (see reply to paragraph 4), the possibility of using diplomatic assurances in the area of migration is now very limited. In general, diplomatic assurances should only be considered in exceptional cases and under a procedure that provides adequate security and guarantees for human rights.

13. Please comment on reports that the State party continues to forcibly return lesbian, gay, bisexual and transgender (LGBT) people to countries where homosexual or other "unnatural acts" by law can result in the death penalty or imprisonment or other persecution. Please inform the Committee of effective measures taken to ensure the full compliance with article 3 of the Convention in such cases.

As mentioned in paragraph 4, the Aliens Act, as from 2006, includes well-founded fear of persecution based on sexual orientation as a ground for recognition of refugee status.

Assessments of the grounds for asylum are always made on the basis of the individual conditions in each case. In its yearly appropriation directions, the Government has instructed the Swedish Migration Board to give special attention to issues related to LGBT persons in training programmes and to report on how the Board will maintain and develop competence in this area.

In 2009 and 2011, the Swedish Migration Board issued legal statements regarding the application of legislation in cases where grounds for asylum are related to LGBT issues.

During 2009–2011 the Swedish Migration Board ran the project ‘Beyond Borders’. The goal of this project was to reduce the risk of sexuality- and gender-related norms affecting the Swedish Migration Board’s treatment and examination of cases. Two reports were produced as part of the project and served as important parts of the Migration Board’s in-service training. More than 600 case officers

have so far participated in training programmes including LGBT issues. The reports can be found online at:

- 'Unknown people' (January 2010),
http://www.migrationsverket.se/download/18.478d06a31358f98884580001120/migrationsverket_unknown_people.pdf.
- 'Norm-critical study of Swedish asylum examination' (February 2010),
http://www.migrationsverket.se/download/18.1c1b3f51128bf913da580001304/normkritiskstudie_en.pdf

Several other activities of the Swedish Migration Board are set to enhance the Board's competence in LGBT issues. The handbook for case officers was updated in 2011 with additional material regarding LGBT issues and recommendations to officials handling these cases. A greater number of reports regarding LGBT issues have been added to the Board's Country of Origin Information System (Lifos). These reports are easily accessible to case officers, judges and lawyers.

During 2012 the Swedish Migration Board has initiated a project to increase the quality of interpreters. One or several seminars within the project will concentrate on words and terms referring to sexuality. In 2012 the Swedish Migration Board has also launched the project 'The learning organisation', which aims to develop supporting methods and tools that would enable officials to increase the legal quality of their work.

A proposal on how to organise, coordinate and standardise work on gender and LGBT issues has recently been presented to the Board's Director-General.

14. Further to the agreement signed by the State party to repatriate Iraqi refugees displaced by conflict, please provide information on the number of Iraqi refugees currently living in Sweden, the number of such refugees repatriated thus far, the estimated number of such refugees intended to be repatriated, and on steps being taken to ensure that any such repatriation conforms with the State party's obligations under article 3 of the Convention.

A Memorandum of Understanding (MoU) between Sweden and Iraq entered into force in 2008. The MoU laid the basis for a closely coordinated, phased and humane process of assisted return of Iraqis in

Sweden which respects the primacy of voluntary return and which takes account of the conditions in Iraq and of the importance of safe, dignified and sustainable return. The MoU states that the Parties accept that the return of Iraqis will, primarily, take place at their freely expressed wish, based on their knowledge of the situation in intended places of return and of any options for continued stay in Sweden:

- Iraqis holding a permanent residence permit in Sweden will return to Iraq on the basis of their freely expressed wish in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- Iraqis with pending applications for asylum who decide of their own free will to return to Iraq can opt for voluntary return.
- Iraqis who are found not to have protection needs or humanitarian reasons in accordance with the regulations of the Aliens Act could opt for voluntary return after a final negative decision on their asylum claim.
- Iraqis who have no need of protection or compelling humanitarian needs justifying prolongation of their stay in Sweden but who nevertheless continue to refuse to avail themselves of the option of voluntary return may be ordered to leave Sweden as an option of last resort. The return process of such persons will be phased, orderly and humane.

The number of Iraqi citizens who have returned to Iraq after a final negative decision on their asylum claim since the MoU entered into force on 18 February 2008 up until 22 August 2012 amounts to 6 862 persons. Of these, 5 315 have returned voluntarily and 1 547 have been forcibly returned.

All Iraqi asylum seekers whose applications have been rejected, and who have received an expulsion or refusal-of-entry order are expected to return to Iraq (see number of rejected asylum applications below). At the end of June 2012 the Swedish Migration Board had 642 open cases regarding expulsion or refusal-of-entry. Cases turned over to the police authority are not included in this figure. The Swedish Migration Board may turn over a refusal-of-entry or expulsion case to the police authority for enforcement if the person to be refused entry or expelled has gone into hiding and cannot be found without the assistance of the police authority, or if it can be assumed that force will be needed to enforce the decision. As of 31 October 2012, a total of 1 199 refusal-

of-entry or expulsion orders against Iraqi citizens registered at the Migration Board have been turned over to the police for enforcement.

*Statistics*³

Number of Iraqi asylum seekers	
2007:	18 559
2008:	6 083
2009:	2 297
2010:	1 977
2011:	1 633
2012 (to the end of June):	619

Number of residence permits granted to Iraqi refugees, persons in need of alternative protection or otherwise in need of protection and resettled persons	
2007:	9 008
2008:	3 857
2009:	1 685
2010:	969
2011:	991
2012 (to the end of June):	254
The large numbers of family member immigration are not included.	

Rejected asylum applications from Iraqis	
2008:	7 572
2009:	2 946
2010:	812
2011:	924
2012 (to the end of June):	309

Number of persons born in Iraq residing in Sweden:	
2002:	62 751
2003:	67 645

³ Statistics from the Swedish Migration Board and Statistics Sweden. Available at: http://www.migrationsverket.se/info/790_en.html and http://www.scb.se/default_2154.aspx

2004:	70 117
2005:	72 553
2006:	82 827
2007:	97 513
2008:	109 446
2009:	117 919
2010:	121 761
2011:	125 499
The numbers includes all grounds for residence permits, refugees as well as family member immigration.	

15. *Further to the Committee's previous concluding observations (CAT/C/SWE/CO/5, para. 14), please provide information on the status and content of the Memorandum of Understanding between the State party with the Government of Afghanistan in connection with the State party's participation in the International Security Assistance Force (ISAF) operation. With regard to the possible transfer of detainees within a State party's effective custody to the custody of any other State, please elaborate on effective measures taken by the State party to ensure that it complies fully with article 3 of the Convention in all circumstances.*

The Memorandum of Understanding has not been concluded. The Swedish troop contingent is placed at the disposal of the organisation or state in charge of the international peace operation, and is acting under the effective control of that organisation or state. This is manifested through a decision on transfer of authority.

The Swedish troop contingent is to observe the operational rules of engagement as well as the orders and directives of the commander responsible for the international peace operation. If a member of the troop contingent should witness a violation of article 3 of the Convention, he or she is under orders to report this firstly within the chain of command of the international peace operation for action, and secondly to the Swedish Armed Forces Headquarters for information. A report will be filed with a Swedish public prosecutor if a member of the Swedish contingent is suspected of having committed a violation of article 3.

Articles 5, 7 and 8

16. *Since the examination of the fifth periodic report, please indicate whether the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings. In any such cases, please also indicate which sections of the Swedish Penal Code were affected or abridged.*

As far as can be seen in the registration of the Ministry of Justice there has been no request for extradition by another State of any individual suspected of having committed an offence of torture.

Article 10

17. *Please provide updated information on educational and training programmes developed and implemented by the State party to ensure that all relevant personnel, including law enforcement officials, prison staff as well as Swedish embassy staff are fully aware of the State party's obligations under the Convention, that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please indicate if the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) has become an integral part of such training. Furthermore, please indicate if the State party has developed a methodology to assess the effectiveness and impact of training/educational programmes on the reduction of cases of torture, violence and ill-treatment, and, if so, please provide information on the content and implementation of such methodology as well as on the results of the implemented measures.*

Sweden attaches great importance to the human rights training of law enforcement officials. The judiciary and prison staff have devised training programmes tailored to the needs of their various services.

Human rights issues are well integrated throughout the education and training process and are illustrated from various perspectives. See further the reply to paragraph 18.

The Government has instructed the Swedish Prison and Probation Service at recurrent intervals to present how human rights issues, especially human rights of the inmates, are in focus in the education of the prison staff.

The Government has also instructed the Swedish Prison and Probation Service to present a summary of the cases processed by the authority's disciplinary board.

Embassy staff also receive training in human rights, which includes the obligations under the Convention. Training is compulsory for newly recruited diplomats, initially through a brief general overview which is followed up a few months later by a two-day training course. In addition, human rights training is provided to ministry staff who are to be posted at Swedish embassies or missions abroad.

The Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) has not become an integral part of training. However, training is conducted in how to approach and deal with victims of torture. This training is mostly relevant when taking care of refugees and asylum seekers. Crimes involving systematic torture are relatively uncommon in Sweden.

18. Please provide the Committee with the education and training materials currently used for training law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. How often are these materials reviewed (e.g., for effectiveness), updated and distributed? Please provide information on any training regarding suicide prevention in light of reports that suicides and suicide attempts in prisons have increased.

In Sweden, it is mainly police officers that are involved in the custody, interrogation and treatment of individuals subjected to arrest, detention and imprisonment.

The basic training of future police officers – the police training programme – devotes a great deal of time to the issue of professional ethics and human rights education as an integral part of the basic two-year police training. Several learning activities are designed to raise awareness of the importance of ethical behaviour in day-to-day police work. Knowledge of rights and freedoms is considered fundamental to

guarantee respect for the rights of all. Human rights issues are therefore examined from a variety of perspectives, such as the legal, the psychological, the self-protective and the use of force. The first semester of basic training focuses on the role of the Police and their function, purpose and mission in society. In this context, international conventions, for example the European Convention for the Protection of Human Rights and Fundamental Freedoms, are referred to and the paramount importance of the equal rights of all persons is underlined. Training also encompasses the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as relevant Swedish legislation, for example the Instrument of Government (protection against corporal punishment and torture). A selection of the textbooks used: Fisher, D. (2012). *Mänskliga rättigheter: en introduktion*. 6. uppl. Stockholm: Norstedts Juridik; Granér, R. & Knutsson, M. (2000). *Etik i polisarbete*. Lund: Studentlitteratur; Knutsson, M. & Granér, R. (2001). *Perspektiv på polisetik*. Lund: Studentlitteratur.

In all further education of police officers and civil employees of the Police, the powers of the Police are discussed from the perspective of legality. Once again, human rights and the equal rights of all persons are the starting point when discussing coercive measures taken by the Police. During the police training programme, students learn how to handle situations involving mental illness in general and suicidal situations in particular. The training is based on a theoretical block that includes treatment, arrests and suicide prevention. Learning activities include lectures, seminars and exercises. Another area covered during training is how to treat persons deprived of their liberty, including the rights of detained persons and the care of detainees during their time in police custody. This emphasises the importance of careful and systematic body searches to minimise the risk of suicide in police custody.

Investigative interviewing of suspects is taught in the second term of the two-year basic police training programme. In addition to legal and ethical considerations, great emphasis is put on the effectiveness of a humane approach to interviewing suspects. The focus is on eliciting reliable information, not extracting a confession. Students are trained in research-based, non-coercive interview techniques that are associated with a higher chance of obtaining reliable information and a lower risk of false confessions. The course literature relating to investigative interviewing with suspects: Granhag, P.A. &

Christianson, S-Å. (Ed.) (2008). *Handbok i rättspsykologi*. Stockholm: Liber; Jakobsson-Öhrn, H. & Nyberg, C. (2009). *Searching for truth or confirmation?* (Elektronic) *International Investigative Interviewing Research Group Bulletin*, vol. 2: 1, pp. 11–19.

Senior police officers and trainers attend courses, seminars and conferences, for example, Human Rights – Police Ethics, arranged through CEPOL (the European Police College) in order to strengthen their awareness of the importance of ethical behaviour in day-to-day police work and to enhance the integration of diversity issues into police management. To strengthen police academy practitioners’ training skills in anti-discrimination, diversity and other fundamental rights, trainers from the Swedish National Police Academy take part in courses, seminars and conferences, for example on human rights-based law enforcement training, arranged through CEPOL.

Article 11

19. *In its previous concluding observations (CAT/C/SWE/CO/5, para. 7), the Committee noted with satisfaction that the Government had allocated additional resources to the Prison and Probation Administration to create better facilities, both in prisons and remand prisons, and to build a number of new prisons and remand prisons to increase their capacity. Please provide updated information in this respect as well as information, including statistics, disaggregated by sex, age and ethnicity, on the number of imprisoned persons and the occupancy rate for the reporting period.*

In 2008–2012, a total of 389 new prison cells were opened, located in modern facilities suitable for a modern prison regime. In addition to this, 265 cells in other prisons have been renovated and upgraded. During the same period 409 cells, in older prisons, were closed.

Capacity and average occupancy, prison

	Permanent capacity	Standby capacity	Occupancy	Occupancy rate
2011	4 895	61	4 503	92%
2010	4 895	68	4 561	93%
2009	5 050	83	4 667	92%
2008	5 083	106	4 687	92%

601 remand prison cells were opened in 2008–2012. All the new cells are located in modern facilities. During the same period 76 remand prison cells were closed.

Capacity and average occupancy, remand prison

	Permanent capacity	Temporary capacity	Occupancy	Occupancy rate
2011	2 021	61	1 759	85%
2010	1 860	68	1 796	92%
2009	1 864	83	1 725	88%
2008	1 824	106	1 708	88%

20. *The Committee, in its previous concluding observations, expressed its concern at information that between 40 and 50 per cent of remand prisoners are subjected to restrictions, and that such prisoners are currently unable to effectively challenge and appeal decisions to impose or maintain specific restrictions (CAT/C/SWE/CO/5, para. 16). Please inform the Committee of measures taken to further reduce the imposition of restrictions as well as their length. In its follow-up replies (CAT/C/SWE/CO/5/Add.1, pp. 6-8), the State party has provided information on the imposition of restrictions on remand prisoners, including the outcome of the Prosecution Authority's account of the number of persons in detention in 2008 and the number of cases where restrictions have been imposed. Please indicate if the State party has now initiated the gathering of official statistics on the use of restrictions? What is the status of the proposal that the court should always decide on specific restrictions and that such decision should be subject to appeal? Has a bill to this effect been presented to the Parliament (Riksdag)?*

A bill was presented to the Parliament by the Government in 2010 and resulted in the Act on Detention (2010:611), which entered into force on 1 April 2011. Apart from the fact that a court's decision on a specific restriction can now be subject to appeal, the new legislation did not entail any significant changes compared with the account provided in CAT/C/SWE/CO/5/Add.1, pp. 6–8. In the Government's bill to the Parliament, it was declared that introducing a system in which a court should always decide on specific restrictions would be of insignificant added value compared with the already existing provisions, under which the suspect can request the district court to examine a specific restriction decided by the prosecutor, a possibility

available already at the first detention hearing and also at a later stage. The only difference between a system in which the court would always decide on specific restrictions and the existing provisions would be that the current system requires the suspect to institute the examination by the court. The Government declared that the need for a change was questionable since the existing provisions already ensured a high level of legal security and the alternative was of little added value.

As from 2009, the annual appropriation directions issued by the Government to the Swedish Prosecution Authority contain an obligation for the authority to provide detailed statistics on remand prisoners and the use of restrictions. This obligation encompasses the following statistics for the relevant year:

- The total number of remand prisoners.
- The number of remand prisoners in the age category 15–17 years.
- The number of remand prisoners in the age category 18–21 years.
- The length of time of remand imprisonment, by appropriate time intervals (with separate accounts for the age categories 15–17 and 18–21).
- The total number of remand prisoners subjected to restrictions.
- The number of remand prisoners in the age categories 15–17 and 18–21 subjected to restrictions.
- The time remand prisoners have been subjected to restrictions, by appropriate time intervals (with separate accounts for the age categories 15–17 and 18–21).
- Any significant differences between different parts of the country as regards the use of restrictions or the length of their imposition should be thoroughly described. The reasons for any differences should also be analysed.

As from 2010, the annual appropriation directions issued by the Government to the Swedish Economic Crime Authority contain an obligation for the authority to provide the following statistics for the relevant year:

- The total number of remand prisoners.
- The length of time of remand imprisonment, by appropriate time intervals.
- The total number of remand prisoners subjected to restrictions.

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- The time remand prisoners have been subjected to restrictions, by appropriate time intervals.

In this context it should be clarified that the Swedish Economic Crime Authority is the second of Sweden's two prosecution authorities and that the authority's area of responsibility is limited to the three metropolitan areas and to economic crimes. This means that the number of remand prisoners reported is significantly lower than reported by the Prosecution Authority. Furthermore, due to the nature of the crimes dealt with by the Economic Crime Authority, it has no or insignificant numbers of cases involving juvenile delinquents.

The following statistics have been provided by the Prosecution Authority:

Annex 1 shows the total number of remand prisoners and remand prisoners subjected to restrictions during 2011. 10 432 persons were detained by the courts after application by the prosecutor. 122 persons were under the age of 18. 7 530 of the detained persons were subjected to some sort of restrictions during the whole or parts of their time in detention. For comparison, in 2010 there were 11 213 remand prisoners, of whom 7 856 were subjected to restrictions.

Annex 2 shows the number of days in detention broken down by different age categories. For all categories, the most common detention period was 21–30 days.

Annex 3 displays the number of days in detention with restrictions broken down by different age categories. For all age categories, the most common length of time with restrictions was 21–31 days. The time spent in detention with restrictions did not vary much between the different Public Prosecution Offices. However, the three International Public Prosecution Offices stood out as having longer periods of restrictions. These Offices manage serious crimes often involving international legal cooperation, which affects the period in detention and the use of restrictions.

Suspects under the age of 18 can only be detained given exceptional reasons. The most common ground for detention of suspects under the age of 18 is the risk of removal of evidence or other acts impeding an investigation. It is only possible to impose restrictions if such risks exist. Older suspects are detained on other grounds to a higher degree.

Consequently, suspects under the age of 18 are subjected to restrictions to a larger extent than older persons. In the age category 15–17, 122 persons were detained, 106 of whom were subjected to restrictions. For comparison, the corresponding numbers for 2010 were 155 and 128.

In the age category 18–20, there were 1 256 detainees of whom 986 were subjected to restrictions. For comparison, the corresponding numbers for 2010 were 1 327 and 1 025.

In the age category 21 years and older, there were 9 054 detainees of whom 6 439 were subjected to restrictions. For comparison, the corresponding numbers for 2010 were 9 731 and 6 703.

The specific restrictions used in the above-mentioned cases have encompassed restrictions in receiving visitors, electronic communication via phone or internet, sending and receiving letters and associating with other detainees.

There were no noticeable differences in the use of restrictions in 2011 compared with 2010. The three metropolitan Public Prosecution Offices have the largest numbers of detainees. At the same time, these offices reported the lowest number of detainees subjected to restrictions in relation to the number of detained persons. This was due to the fact that the nature of the crimes is different in the major cities compared with the rest of the country. Prosecution Offices that manage comparatively more cases involving suspects without a permanent address in Sweden use restrictions less often than other offices.

Comparing the statistics for 2010 and 2011, there are no unambiguous circumstances explaining why a certain public prosecution office had a higher or lower proportion of detainees subjected to restrictions. The numbers of detainees and detainees with restrictions seem to depend on circumstances that cannot be controlled by the Prosecution Authority. Some of the public prosecution offices that had above average use of restrictions in 2010 had below average use in 2011 and vice versa.

In addition to the Government's focus on useful statistics, the Prosecutor-General decided in April 2012 to launch a project aimed at identifying possible measures to reduce the use of restrictions. The

result of this project was reported to the Prosecutor-General in October 2012 and is currently under consideration.

Statistics provided by the Swedish Economic Crime Authority (**Annex 4**) show the detention time and average number of days detainees were subjected to restrictions. In 2011, 72 persons were detained and 67 of those were subjected to restrictions.

A number of persons detained in 2011 were still in detention at the end of the year. Since the statistics only involve detention that has ended, these detainees are not included in the statistics. The Economic Crime Authority underlines that the prosecutor, by law, must reconsider a decision to impose restrictions as often as there is reason to do so. Furthermore, it is not uncommon that prosecutors, on a case-by-case basis, decide on alleviations of the restrictions, e.g. visits from a certain family member. Decisions on alleviations are recorded but they do not show in the above statistics.

In 2013, the Economic Crime Authority will organise seminars for its prosecutors focusing on the use of restrictions.

21. Noting the concerns of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT/Inf (2009) 34) regarding the lack of access to medical care in some prisons, please advise the Committee on the measures in place to ensure that medical services in remand prisons are sufficient to serve inmate populations. In addition, please respond to reports that access to a doctor is restricted in some prisons through measures, including requiring grounds for medical care, before prison staff provides appropriate forms. What procedures are used by prison staff to screen medical requests?

Under Chapter 9, Section 1 of the Act on Imprisonment (2010:610), a prisoner who needs health or medical care shall be treated in accordance with the instructions of a doctor. If the prisoner cannot be examined or suitably treated in the prison, the public health service shall be used. If necessary, the prisoner shall be transferred to a hospital.

In order to give the prisoner increased protection in the new Act, the provisions of the second paragraph have been more rigorously formulated, i.e. the former expressions *should* and *may* have been replaced by *shall*.

Medical care for persons in remand prisons is regulated in Chapter 5, Section 1 of the Act on Detention (2010:611). A remand prisoner who needs health or medical care shall be examined by a doctor. A doctor shall also be called if a remand prisoner so requests and it is not obvious that such an examination is not needed. A remand prisoner who needs health or medical care shall be treated in accordance with the instructions of a doctor. If a remand prisoner cannot be examined or treated suitably in the place of confinement, the public health service shall be used. If necessary, the remand prisoner shall be transferred to a hospital.

In accordance with the normalisation principle, all Swedish prisoners have the same access to general health care as other people living in Sweden. The Swedish Prison and Probation Service has no mandate to provide health care, but for security and practical reasons some outpatient health care is provided. Outpatient health care can be defined as the care that can be given without the resources and staffing of a hospital.

The Swedish general health care system is based on primary care and access to a health centre. At the health centre the patient meets a general practitioner. According to the National Care Guarantee, an appointment with a physician should be arranged within one week if a medical need exists. If emergency care is needed, the patient should be transferred to an emergency room. To provide guidance to patients and relatives, every county is linked to a Health Care Information Centre. This is a telephone counselling centre which assesses the need for care and calls for ambulance transport.

Health care in the Swedish Prison Service is arranged in a similar way. Section 25 of the Prison Regulation (2010:2010) and Section 15 of the Remand Regulation (2010:2011) stipulate that each prison/space where detainees are kept shall have access to a doctor and staff with appropriate medical training.

All prisons and remand prisons have at least one nurse on duty at the same hours as a health centre. In the metropolitan remand prisons a nurse is on duty seven days a week. The prisoner can contact the nurse either by a request form or by telephone booking. A consultation can often be provided the same day. A general practitioner (or a physician with similar qualifications) is available at all prisons and remand

prisons at least once a week, to ensure that the National Care Guarantee can be maintained. All other days of the week, the physician is available for telephone counselling. If a need for emergency care arises at other times, the staff should contact the Health Care Information Centre for an assessment of whether ambulance transport is necessary. If the care need is obvious but not life-threatening, the staff can use the remand prison/prison's own transport service to transport the prisoner to an emergency room.

Under Chapter 5 of the Regulations and General Guidelines of the Swedish Prison Service for remand prisons (KVVSF 2011:2), a prisoner shall be questioned about his or her health status upon being taken into custody. As soon as possible, the prisoner shall be given the opportunity to be examined by a nurse, if such an examination has not been made in another place of custody or institution. A prisoner receiving ongoing medical treatment must always be given the opportunity to see a nurse. A prisoner who has been prescribed medication shall have access to it while in custody.

Most people come to the remand prison from police custody and have reported their medical needs there. Despite this, all persons attending a remand prison are questioned about current medication. Screening forms are used upon arrival in remand prison. The form includes questions on health such as current use of medication, diseases, etc. This routine is used in order to enable the staff to discover serious illness and risks of suicide or self-harming acts, and to provide the detainee with medical treatment as soon as possible. The screening form has been updated and guidelines have been revised in recent years. Detainees meet a nurse the same day or the first subsequent working day if they arrive in the evening or at the weekend. All staff have education in common health problems among prisoners and their knowledge is verified annually through an e-course. All nurses are educated in 'prison medicine', which especially emphasises emergency medicine, substance use disorders, psychiatric and infectious diseases.

22. *Please provide information on steps taken by the State party to review its use of physical restraints in psychiatric institutions and hospitals and to further limit the use of solitary confinement as a measure of last resort and for as short a time as possible under strict supervision. Please also inform the Committee if the State party has established a reporting system to monitor the use of electroshock*

therapy in psychiatric institutions? Please further indicate if the on-line register for compulsory mental care and forensic mental care which was being prepared by the National Board of Health and Welfare has been completed, and provide information on its content and implementation.

The law states that physical restraints may be used only when there is imminent danger of personal injury to the patient or another person, and only for a brief period of time. If the chief psychiatrist orders the use of physical restraints for any longer period of time, there must be sufficient cause to justify doing so. The law requires the chief psychiatrist to immediately report such use to the National Board of Health and Welfare. The Board then reviews the use of physical restraints and takes appropriate measures to ensure the safety of patients.

The law also states that a patient may be isolated from other patients, for a maximum of eight hours, only if necessary due to aggressive or disruptive behaviour constituting a severe disruption in patient care. If the chief psychiatrist orders solitary confinement for any period of time exceeding eight hours, there must be sufficient cause to justify this. The law requires the chief psychiatrist to immediately report such use to the National Board of Health and Welfare. The Board then reviews the use of solitary confinement and takes appropriate measures to ensure the safety of patients.

The Swedish Government, the Swedish Association of Local Authorities and Regions (SALAR) and the National Board of Health and Welfare have taken a joint initiative to review and further limit the use of physical restraints and solitary confinement. In the initiative, clinical staff work directly on implementing measures to reduce the need for and use of coercive measures. Specialised courses are offered to improve the skills and knowledge required to reduce the use of coercive measures in psychiatric care. Participating clinics receive special funding and results so far show that the initiative has been successful in significantly reducing the use of coercive measures such as physical restraints and solitary confinement at participating clinics.

The use of electroconvulsive therapy is monitored by the National Board of Health and Welfare. The Board collects information on all inpatient care in Sweden, as well as outpatient care visits, in the National Patient Register (NPR). This includes procedures such as

electroconvulsive therapy when the procedure is performed by a doctor.

In 2011, the Board conducted a survey on the use of electroconvulsive therapy. When the procedure is performed by a specialised psychiatric nurse it is not registered in the NPR, and the survey shows this to be the case in several of Sweden's county councils, which have the main responsibility for health care. In conclusion, a reporting system has been established but needs to be improved in order to adequately monitor the use of electroconvulsive therapy in Sweden.

The registers for compulsory mental care and forensic mental care have been in operation since 2009. Caregivers submit their data three times a year by uploading files over a secure connection. The register contains information on:

- Administrative data such as personal registration number (PNR), gender, place of residence, hospital, clinic, date of admission and discharge, and emergency and planned admission.
- Start and end of leave.
- Start and end of unauthorised absence.
- Type of psychiatric care, including date of admission and discharge.
- Diagnostic information.
- External cause.
- Procedure code (separate procedure codes are used for physical restraints, solitary confinement and forced medication), and time of procedure.

23. Noting the concerns of the CPT regarding access to psychological and psychiatric care for prisoners in some prisons and the negative effects of isolation on prisoners subject to restrictions, please advise the Committee on the measures in place to ensure that remand prisoners have access to psychological and psychiatric care.

Almost all Swedish remand prisons and most prisons have access to a psychiatrist. All prisons housing youths and women and metropolitan remand prisons have access to psychologists. Units without access to psychiatrists use the general health care system for assessment/treatment. This means transfer to a psychiatric emergency room or therapy at a psychiatric outpatient clinic. Prisoners subject to restrictions on communication imposed by the prosecutor should

essentially be placed in a certain remand prison and it is an ambition that these remand prisons should have access to a psychiatrist/psychologist. All prisoners in solitary confinement should be examined by a physician in accordance with the Act on Imprisonment (2010:610). See also the reply to paragraph 21.

24. *Please provide information on the measures in place to ensure that prison staff is able to promptly and effectively transfer mentally ill prisoners to appropriate care facilities.*

Education about common health problems among prisoners also covers psychiatric problems and so does the e-course that is used to verify the knowledge annually. All staff are also trained in how to ask questions about risk factors for suicide. The Swedish Prison and Probation Service organises inspections of the care system in all units every third year. At these inspections two items are assessed:

- whether the routines for need of emergency care are known, and
- the percentage of staff able to complete a questionnaire about risk factors for suicide.

According to the Swedish Prison and Probation Service the overall impression is that the routines are well known and that three quarters of the staff are familiar with questioning about risk factors for suicide.

25. *In the State party's follow-up replies (CAT/C/SWE/CO/5/Add.1, p. 8), reference is made to a committee appointed to review the Swedish legislation on compulsory mental care and forensic mental care, including the regulation concerning physical restraints and solitary confinement. Please indicate if the committee has finalized its work and if so, please elaborate on its findings.*

In 2008 the Government appointed an inquiry chair to conduct a review of the psychiatric compulsory treatment legislation. The Compulsory Mental Care Act regulates the care of people suffering from serious mental disturbances where it is felt that the necessary care cannot be provided on a voluntary basis. The Forensic Mental Care Act contains provisions on the treatment of people who have committed crimes and are considered to be suffering from a serious mental disturbance. The Act primarily applies to people who are sentenced to compulsory mental care as a penal sanction. The inquiry

submitted its report to the Government on 3 April 2012 (Swedish Government Official Report 2012:17). The report is currently being evaluated in the Government Offices. The inquiry proposes that the Compulsory Mental Care Act and Forensic Mental Care Act should be combined into a single law, and this law should provide detailed regulations concerning the conditions for operating compulsory care services and the patient's legal security. The report includes proposals to improve safety rules, such as searches of visitors and a general prohibition against, for example, mobile phones.

Article 12 and 13

26. *In its previous concluding observations (CAT/C/SWE/CO/5, para. 18), the Committee expressed its concern at information that the basic precepts of independence, effectiveness and promptness might not have been observed in all cases of complaints of police misconduct. Please elaborate on steps taken by the State party to ensure prompt, impartial and effective investigations into all allegations of torture and ill-treatment committed by law enforcement officials, and inform the Committee whether the State party has reconsidered the possibility of establishing an independent body. Please also provide updated information, including statistics, on the number of complaints of alleged torture and ill-treatment, their investigation and prosecution 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 filing the complaint.*

On the issue of establishing an independent body entrusted with carrying out investigations on alleged police misconduct, an inquiry initiated by the Government is currently investigating how the police might be organised to be more flexible and deliver better results. The inquiry presented its first report (Swedish Government Official Report 2012:13) in March 2012 and proposes that the unit handling complaints about police misconduct remain within the police. However, it is proposed that the unit be given an autonomous standing, for example by the Government appointing its head and by giving it a separate appropriation. In addition, it is proposed that an independent review body should be set up to supervise the activities of the police, including the unit handling complaints about police misconduct. The inquiry will return to this matter in coming reports.

The reports will be the basis for coming deliberations on the organisation of the Swedish police.

As to the Committee's question regarding statistics, in Sweden's official crime statistics there are no statistics available of the kind referred to in the Committee's question. However, the Disciplinary Board of the National Police Board reports on its activities on an annual basis. The report includes information on the Board's decisions on discharge from the Police on personal grounds, disciplinary measures, reports for prosecution, suspension, and medical examination. Some of the decisions concern discharge from the Police due to inappropriate behaviour, for instance excessive force in connection with an arrest. The statements of the Parliamentary Ombudsmen on issues relating to police work are also closely observed, not least as regards the limits for use of coercive measures in different situations. Please see paragraph 37 on the role of the Parliamentary Ombudsmen.

27. *Further to the Committee's previous recommendations (CAT/C/SWE/CO/5, para. 24), please provide detailed information on steps taken to establish an effective system to gather all statistical data relevant to monitoring the implementation of the Convention at the national level, including complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment, violence against women and children, including domestic violence and violence committed in the name of honour, as well as on compensation and rehabilitation provided to the victims.*

Several national bodies have been commissioned to gather statistical data in areas relevant to monitoring the implementation of the Convention. For example, since 2011 the Crime Victim Compensation and Support Authority has collected statistics on the number of victims receiving criminal injuries compensation (see reply to paragraph 8), and in 2009 the Swedish Prosecution Authority was commissioned to provide detailed statistics on remand prisoners and the use of restrictions (see reply to paragraph 20). In addition, the compilation of statistics within official crime statistics has been adjusted to better highlight domestic violence using a specific code for violence between people in close relationships which was introduced in 2009. Furthermore, the Swedish Crime Survey is being developed to capture hate crimes, so as to provide better knowledge in the future of the extent of this problem in Sweden.

28. *The Committee, in its previous concluding observations, expressed its concern at allegations that a prisoner was tortured by French soldiers in the presence of Swedish soldiers during the international UN/EUFOR Operation Artemis in the Congo in 2003 and that the State party did not call for a prompt and impartial investigation in this respect (CAT/C/SWE/CO/5, para. 19). Please provide detailed and updated information on any on-going or envisaged investigations into this matter and inform the Committee of effective steps taken to ensure that such incidents do not occur in the future.*

The Swedish Armed Forces investigated the matter in 2007; no further investigations are envisaged. The Swedish Armed Forces has issued a standing order to Swedish troop contingents directing that any grave human rights violation witnessed in the operational area is to be reported to Swedish Armed Forces Headquarters.

Article 14

29. *Please provide details on steps taken to ensure that appropriate treatment and rehabilitation services, including medical and psychological assistance, are provided to victims of torture and other ill-treatment, trafficking, domestic and honour-related violence throughout the country. Further to the Committee's previous recommendations (CAT/C/SWE/CO/5, para. 20), please provide disaggregated information as to how often these different kinds of services have been utilized and what resources are allocated to victims of torture or ill-treatment for psychiatric services.*

Sweden's 21 county councils are responsible for financing and providing health care. Within this responsibility, the county councils have considerable freedom with regard to the organisation of their health services. The services have to comply, however, with the general legal framework set out in the Health and Medical Services Act (1982:763). Health services are mainly financed out of county council tax revenues.

County councils are obliged to provide immediate health care to all residents of the county, which includes persons who are staying in Sweden without a permit. County councils are not obliged to provide care free of charge or at a certain price, but they may not deny a patient immediate care due to an inability to pay. Asylum seekers

aged 18 or above are to be offered health and dental care that cannot be deferred, maternity care, abortion care and contraceptive advice. Asylum-seeking children are offered the same health care and dental care as children resident in Sweden. This is regulated in the Act on Health and Medical Care for Asylum Seekers and Others (2008:344). The same applies to children who avoid enforcement of a refusal-of-entry or expulsion order. Under a government proposal currently under preparation, persons who avoid enforcement of a refusal-of-entry or expulsion order and persons residing in the country without applying for a permit will be legally entitled to subsidised care corresponding to the care to which asylum seekers currently have access. The new rules will take effect from 1 July 2013.

As a consequence of the decentralised organisation of health services in Sweden, services for psychiatric and physical treatment of victims of torture and ill-treatment may be conducted in many different ways. Many of the patients in question are provided requisite care through specialised psychiatric care. In some counties specific treatment or rehabilitation centres have been established for victims of torture and ill-treatment. Furthermore, the county councils work with the Swedish Red Cross, which has established six regional rehabilitation centres, available to people living in Sweden who have been affected by or tortured in armed conflict or war. The patient is normally admitted to such a centre after referral by a physician. There is no aggregate information on how often these different kinds of services have been utilised.

Information on services to victims of torture and ill-treatment is normally provided by a primary health care physician after the patient has come into contact with primary health care services and it has been established that the patient has a further need of specialised care.

30. *In its previous concluding observations (CAT/C/SWE/CO/5, para. 20), the Committee noted with concern that there has been no case decided by or is currently pending before any Swedish courts concerning claims for compensation or other kinds of redress to victims of torture. Please provide updated information, if available, on redress and compensation measures ordered by the courts and actually provided to victims of torture, or their families, since the examination of the fifth periodic report in 2008. This information should include the number of requests made, the number granted, and the amounts of compensation ordered and those actually provided in*

each case. Please indicate how many victims have been compensated despite the perpetrator not being identified. Do investigations into such cases continue until the perpetrator(s) is/are identified and brought to justice?

As far as the Government is aware, no case has been decided by or is pending in any Swedish court concerning claims for compensation or other kinds of redress to victims of torture.

Article 15

31. In the light of the Committee's previous concluding observations (CAT/C/SWE/CO/5, para. 22), please indicate if the State party has included or envisages to include a specific provision in its domestic legislation ensuring that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, as required by article 15 of the Convention.

The information provided in Sweden's fifth periodic report (CAT/C/SWE/5 paras 47–53) with reference to article 15 is still valid. No further provisions in national law are envisaged.

Article 16

32. Please provide information on the number of reported hate crimes in the State party, including racial hate crimes, as well as information about complaints, investigations and punishments of such crimes since the consideration of the previous periodic report in 2008. Has the State party evaluated the effectiveness of the hate crime hotline, as recommended by the Human Rights Committee (CCPR/C/SWE/CO/6, para. 19)? Please also provide updated information on effective measures taken to combat discrimination against vulnerable groups, including Roma, as well as racial discrimination, xenophobia and related violence, to ensure prompt, impartial and thorough investigations into all such motivated violence and to prosecute and punish perpetrators in all cases with appropriate penalties which take into account the grave nature of their acts.

The statistics on police reports of crime in which hate is identified as a motive are presented annually. The method of data collection differs

significantly from other crime statistics since, in Swedish criminal law, hate is in many cases considered a motive behind a crime rather than a crime in itself. There is a general provision stating that if the motive of a crime was to aggrieve a person, ethnic group, or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation or other similar circumstance, this is to be considered an aggravating circumstance when deciding the penalty. Apart from this general approach, the Penal Code includes criminal provisions on *agitation against a national or ethnic group, unlawful discrimination and defamation*.

There are no special offence codes for hate crimes in the police's computerised system for receiving crime reports. However, since 2008, the police officer registering a police report is required to indicate in the report whether or not the offence could be a suspected hate crime. Because of the lack of codification it is currently not possible to produce and publish hate crime statistics in the usual generic way. Instead, the motive for the crime is assessed on the basis of information included in the offence description contained in the police offence report.

In the statistics, hate crimes are classified in four categories of offences: crimes with (i) xenophobic/racist, (ii) anti-religious, (iii) homophobic, biphobic or heterophobic, and (iv) transphobic motives. Data on hate crimes with xenophobic and homophobic motives are also collected annually through the Swedish Crime Survey. The other hate crime motives are not covered by the survey.

The statistics should be interpreted with caution, since both data sources are encumbered with problems. They should therefore not be seen as reflecting the actual extent of hate crime in Sweden. Currently, there is no hate crime hotline as recommended by the Human Rights Committee. However, there is an emergency point of contact which prioritises the investigation of these types of crimes.

*Statistics*⁴

In 2010 there were 5 139 confirmed hate crimes, compared with 5 767 in 2009 and 5 895 in 2008. Assault and harassment were the most common types of crimes reported in 2010, and the most common

⁴ Statistics from the Swedish National Council for Crime Prevention (Brå). Available at: <http://statistik.bra.se>

motive was xenophobia or racism. Few of the reports lead to prosecution.

Number and proportion of cleared-up hate crime reports, by principal crime, reported in 2010 and cleared up during the period January 2010–March 2012.		
Type of decision	Number	%
Personally cleared up	347	7
Decision to prosecute	326	6
Prosecutor fine	14	0
Waiver of prosecution	7	0
Technically cleared up	3 234	63
Suspect under 15	167	3
Crime cannot be confirmed	827	16
Deed is not a crime	1 222	24
Other technically cleared up	1 018	20
Unresolved	1 558	30
Under investigation	171	3
Other unresolved	1 387	27
Total	5 139	100

Number and percentage of police reports with an identified hate crime motive, by type of offence, 2007–2011.										
	2007		2008		2009		2010		2011	
Type of offence	No	%	No	%	No	%	No	%	No	%
Number %										
Unlawful threat and non-sexual molestation	1 242	35	2 475	42	2 496	43	2 020	40	2 322	43
Violent crime*	732	21	1 237	21	1 220	21	958	19	970	18
Defamation	589	17	682	12	750	13	949	19	852	16
Hate speech	417	12	467	8	468	8	506	10	510	9
Criminal damage/graffiti	359	10	677	11	542	10	357	7	474	9
Unlawful discrimination	159	4	216	4	180	3	150	3	165	3

Other crimes	38	1	141	2	111	2	168	3	148	3	
Total number	3 536	100	5 895	100	5 767	100	5 108	100	5 441	100	

For 2009–2011, transphobic hate crimes are excluded due to statistical secrecy regulations. Therefore, the total number of cases differs from the other tables.

Number of police reports with an identified hate crime motive, for the years 2006–2011.

Motive	2006		2007		2008*		2009		2010		2011		Change compared to 2008, in %
	No	%	No	%	No	%	No	%	No	%	No	%	
Xenophobia/racism	2 189	67	2 489	70	4 224	72	4 116	71	3 786	74	3 936	72	-7
Afrophobia**	..	..	..	..	761	13	780	13	818	16	803	15	6
Anti-Roma***	..	..	..	..	178	3	163	3	145	3	184	3	3
<i>Between minorities</i>	..	..	..	..	692	12	808	14	476	9	551	10	-20
<i>Against the majority</i>	..	..	..	..	142	2	144	2	130	3	128	2	-10
Anti-religious	386	12	324	9	602	10	591	10	552	11	651	12	8
Islamophobia	252	8	206	6	272	5	194	3	272	5	278	5	2
Anti-Semitism	134	4	118	3	159	3	250	4	161	3	194	4	22
Christianophobia	..	..	..	..	161	3	134	2	97	2	162	3	67 1
Other anti-religious	..	..	..	..	10	0	13	0	22	0	17	0	-23 70
Homophobia,	684	21	723	20	1 046	18	1 039	18	749	15	839	12	-19

biphobia and heterophobia													
Homophobia	684	21	723	20	1 046	18	1 039	18	749	15	839	15	-20
Transphobia	..	..	..	..	14	0	30	1	31	1	52	1	271
Total number	3 259	100	3 536	100	5 895	100	5 797	100	5 139	100	5 493	100	-7
.. Information is unavailable.													
* The hate crime definition changed in 2008 to include more categories of victims. Due to the changes, it is not possible to compare the level of reported cases for 2008 and later with the previous years.													
** Includes majority against Afro-Swede and minority against Afro-Swede													
*** Includes majority against Roma and minority against Roma													

Exposure to hate crimes motivated by homophobia among the population (16–79 years), including estimated number of incidents and proportion of incidents reported to the police in 2010 according to the Swedish Crime Survey (SCS) 2011.

	Proportion exposed in %	Estimated no exposed in population	Estimated no of incidents in population	Proportion of reported incidents in %
Homophobic hate crime	0.3	19 000	31 000	40

Exposure to hate crimes motivated by xenophobia among the population (16–79 years), including estimated number of incidents and proportion of incidents reported to the police in 2010 according to the Swedish Crime Survey (SCS) 2011.

	Proportion exposed in %	Estimated no exposed in population	Estimated no of incidents in population	Proportion of reported incidents in %
All hate crimes motivated by Xenophobia	1.1	81 000	127 000	27
<i>Muggings</i>	0.1	8 000	10 000	49
<i>Assault</i>	0.1	11 000	18 000	36

<i>Threats</i>	0.5	34 000	69 000	27
<i>Harassment</i>	0.4	29 000	29 000	14

New measures, partnerships and strategies have been developed to combat and prevent hate crimes and discrimination against vulnerable groups. For example, the Prosecution Authority has continued to give priority to the aim of combating hate crime. One example is a project in progress at the Prosecution Authority's Development Centre of Malmö (UC Malmö). The project aims at creating better conditions and bases for further monitoring and review of the handling of hate crimes by the police and prosecutors. Representatives from UC Malmö have participated in a project in the Organisation for Security and Cooperation in Europe (OSCE), with the aim of developing new guidelines for prosecutors regarding hate crimes, to be published later this year.

Moreover, the Police have given priority to hate crime in recent years. Among other things, the National Police Board has initiated a project aimed at increasing knowledge of and improving working methods for detecting violence-oriented radicalisation. The Police in Stockholm, Västra Götaland and Skåne County have established special 'dialogue police officers' as a link between police management and those who arrange different modes of expression, mostly demonstrations. The purpose of the dialogue police officers is to prevent misunderstandings in these situations, when people are expressing their opinions.

Furthermore, the Stockholm County Police are coordinating work against hate crimes through a Hate Crime Centre. The Centre educates professionals in the treatment of victims and provides assistance in investigating reported hate crime, in order to increase the number of prosecutions for hate crimes. The Hate Crime Centre interacts with various organisations, associations, researchers and government agencies.

To combat hate crime, the Skåne Police have focused on internal training during the period 2009–2011. Among other efforts, training in hate crimes has been conducted in the Malmö police district. Anti-Semitic hate crimes have been observed, and there are more anti-Semitic hate crimes in Skåne than in Sweden in general. Anti-Semitic hate crimes declined from 27 per cent of all hate crimes in 2009 to 10 per cent of all hate crimes in 2010. In 2011, anti-Semitic hate crimes

increased again. The Skåne Police are working actively on the issue of hate crime and have regular dialogues with the Jewish community, among others.

The Security Police is responsible for preventing crimes against national security and terrorism, including certain types of hate crimes. The Security Police work to uncover, combat and prevent activities that are intended by means of violence or threats to change the democratic system of government or to influence political decisions, the implementation of such decisions or free public debate. The Government has submitted an updated national strategy against terrorism to the Swedish Parliament (the Riksdag), which was adopted on 9 February 2012. The work that the Security Police are carrying out in order to prevent violence-oriented extremism is described in the Government's official communication *Responsibility and commitment – a national strategy against terrorism (2011/12:73)*.

Tasks have also been delegated to authorities outside the judicial system, such as publishing reports and study materials. For example, in May 2011, the National Council for Crime Prevention presented a survey and analysis of the authorities' efforts regarding hate crimes in the years 2003–2010.

In November 2011, the Minister for Integration decided on a contribution of SEK 150 000 to the Uppsala Anti-Discrimination Bureau to strengthen the Agency's work on a project to prevent and combat cyber hatred. The measures are intended to prevent or counteract xenophobia spreading via the Internet. Furthermore, as a part of the Government's work against xenophobia, the Minister for Integration has launched a new website on the Government's official website responding to some of the most common myths about immigrants and minorities by providing facts.

Sweden also continues to participate actively in international efforts to combat discrimination against persons belonging to the Roma minority and to increase the social and economic inclusion of Roma in society. At a national level, the Government decided on 16 February 2012 on a coordinated and long-term strategy for Roma inclusion between 2012 and 2032 (official communication 2011/12:56). The twenty-year strategy should be seen as a reinforcement of the minorities policy. The overall objective of the strategy is that Roma who are 20 years old in 2032 shall have the same opportunities in life

as non-Roma. The rights of twenty-year-old Roma should then be safeguarded within ordinary structures and areas of action in the same way and in the same degree as the rights of other twenty-year-olds in the population. The target group is mainly Roma who find themselves socially and economically excluded and are subjected to discrimination. Women and children are given particular priority.

33. *Please comment on the concerns expressed by the Committee on the Rights of the Child (CRC/C/SWE/CO/4, paras. 70 and 71) that under current rules, it is possible to isolate children in youth detention centres if they display violent behaviour or are affected by drugs to the extent that they jeopardise the general order. In this respect, please provide information on the steps taken to implement the Committee's recommendations, i.e. to review the current practice of solitary confinement, including amendment of current legislation, as appropriate; to limit the use of this measure to very exceptional cases; to reduce the period for which it is allowed and seek its eventual abolition; and to ensure that all children who have been taken into custody are provided with adequate legal representation. Information before the Committee indicates that the Government has commissioned the Swedish Standards Institute (SIS) to evaluate the situation and identify potential deficiencies. Please provide more information about the outcome of such evaluation.*

Section 15c of the Care of Young Persons Act (1990:52) states that young people in special youth homes may be placed in a special isolation room if they use violence or are under the influence of drugs in such a manner that they endanger the order of the home. Isolation may only be used if it is proportionate to the purpose of the measure. If less restrictive measures are adequate, they must be used. Isolation may never be used as a punishment and the decision to isolate must be based on current behaviour. When the grounds for isolation cease, for example when the young person has calmed down, the isolation must be ended. Isolation decisions may be appealed to a court of law.

In 2009, the Government gave the National Board of Institutional Care (SiS), the state agency that runs special youth homes, the task of reviewing the application of isolation and reporting planned and ended measures, as well as making suggestions for improvements. The Government has also given SiS instructions to clearly describe the use of special powers, including isolation, in its Annual Report so that use can be monitored over time. In connection with the regulatory reform

implemented in 2010, the Government also assigned the new monitoring agency, the National Board of Health and Welfare, a specific task to monitor special youth homes.

SiS's report shows that several measures have been taken regarding the use of isolation, including the introduction of peer review of decisions regarding special powers. Training has also been provided in the application of the law and in relevant documentation. SiS's report on the use of isolation shows that both the frequency and average period of isolation have been reduced. SiS also proposed that the maximum permitted period for isolation be reduced. The proposal is currently being processed by a government-appointed inquiry chair tasked with reviewing the Care of Young Persons Act (1990:52). The purpose of the inquiry is to further strengthen the child rights perspective and the legal rights of children and young persons taken into care under the Care of Young Persons Act. The inquiry chair is to report to the Government in March 2014.

The trend towards making less use of isolation is also confirmed by the National Board of Health and Welfare's inspection report (National Board of Health and Welfare 2011), which shows that the amount of time young people spend in isolation is now comparatively short, and has been more than halved since 2008. The Board also notes that the number of young people placed in isolation decreased between 2008 and 2009. In its report the Board concludes that the inspections demonstrate that SiS in general fulfils the requirements of the law, but that there are some deficiencies concerning documentation and the legal rights of the individual.

Other issues

34. *In its previous concluding observations (CAT/C/SWE/CO/5, para. 25), the Committee was concerned that the mechanisms designated by the State party as national preventive mechanisms (NPMs) under the Optional Protocol to the Convention, i.e. the Parliamentary Ombudsman and the Chancellor of Justice, are reactive, not preventive, in nature, that neither organizations have multi-professional staff and that the Government has not allocated any additional resources which would allow these institutions to deal with the new tasks. Please explain if the State party has reconsidered the designation of the existing institutions as NPMs, in particular*

considering the reluctance of the Parliamentary Ombudsman to assume such function. Please also provide information on the additional human, financial and logistical resources granted to the existing NPMs to conduct their preventive mandate under the Optional Protocol.

In December 2010 the Swedish Parliament (the Riksdag) decided to provide the Swedish Parliamentary Ombudsmen with additional resources to fulfil their role as a national visiting body (NPM). An amendment to the Act with Instructions for the Parliamentary Ombudsmen (1986:765) made it clear that the Swedish Parliamentary Ombudsmen also undertake the tasks incumbent on a national preventive mechanism pursuant to the Optional Protocol of 18 December 2002 to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

As from 1 July 2011 the Swedish Parliamentary Ombudsmen have a special unit tasked with monitoring and ensuring that individuals deprived of their liberty are not exposed to cruel, inhuman or other degrading treatment or punishment. Its work is based on the Optional Protocol of the United Nations Convention against Torture of 2002 (OPCAT). This Protocol requires States to have a national system, a National Preventive Mechanism (NPM) to monitor this question. The Swedish Parliamentary Ombudsmen's NPM unit regularly inspects places in Sweden where individuals deprived of their liberty are being held, reports on its visits and takes part in international cooperation in this area.

35. *Please inform the Committee if the State party has enacted legislation implementing the provisions of the Rome Statute of the International Criminal Court, including the list of crimes, in domestic law.*

The obligations under the Rome Statute have been implemented in Swedish law. The Act on Cooperation with the International Criminal Court (2002:329) covers all forms of cooperation set forth in Part 9 of the Rome Statute as well as enforcement of sentences, fines, forfeiture and reparation orders in accordance with Part 10 of the Statute. The necessary legislation with respect to the privileges and immunities of the Court in accordance with the Statute and the Agreement on the Privileges and Immunities of the International Criminal Court, which Sweden ratified on 13 January 2005, is provided in the Act on

Immunity and Privileges in Certain Cases (1976:661). In order to fully meet the obligations regarding offences against the administration of justice by the Court (article 70 of the Statute), necessary amendments have been made in the Penal Code and in the Act on Cooperation with the International Criminal Court. Also, amendments have been made in the Penal Code concerning the non-application of the ordinary statute of limitation for the crime of genocide and crime against international law (which corresponds to war crimes), if the crime is gross.

In Swedish penal law the crime of genocide is criminalised by the Act relating to the punishment of genocide (1964:169). The provisions of this Act stipulate that if a crime is committed for which the least severe punishment prescribed in Swedish law is imprisonment for four years or more (such as murder, gross rape and extremely gross assault), and the act is committed with the special intent that distinguishes the crime of genocide, it is considered to be an act of genocide. The provision on crime against international law in Chapter 22 Section 6 of the Penal Code corresponds to war crimes and criminalises grave breaches of international humanitarian law. There is no provision explicitly criminalising crimes against humanity. However, such an act can constitute a crime under the Penal Code such as murder, rape or assault.

Although the Rome Statute does not *per se* require the implementation of the crimes of the Statute into national legislation, Sweden has a strong interest in having legislation permitting prosecution of serious international crimes to the extent possible under the international system. Obligations to criminalise international crimes follow from other international treaties to which Sweden is a party, and from customary international law.

Following a Government resolution, a commission was appointed to review Swedish legislation on criminal liability for international crimes and jurisdiction over such crimes. The commission has submitted the report *International Crimes and Swedish Jurisdiction* (Swedish Government Official Report 2002:98), which entails a proposal for amendments of the current penal law. The report has been remitted for comment by public authorities, universities, and non-governmental organisations, and further preparation is presently in progress at the Ministry of Justice. A proposal concerning international crimes will be presented in 2013.

36. *Please provide updated information on the legislative, administrative and other measures taken by the State party to respond to any threats of terrorism. Please describe if, and how, these measures have affected human rights safeguards in law and practice and how the State party has ensured that such measures comply with all its obligations under international law. Further to the concluding observations of the Human Rights Committee (CCPR/C/SWE/CO/6, para. 18), this information should also include the implementation of the Law on Signals Intelligence in Defence Operations (2008:717). Please describe the relevant training given to law enforcement officers; the number and types of convictions under such legislation; the legal remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.*

Swedish legislative measures taken to respond to threats of terrorism include acts on criminal liability for terrorist offences, for public provocation, recruitment and training concerning terrorist offences and for the financing of terrorism. These acts fulfil Sweden's international obligations in this field. When the legislation was introduced, respect for human rights was a central consideration.

There has been a special law on criminal liability for terrorist offences in Sweden since 2003, the Act on Criminal Responsibility for Terrorist Offences (2003:148). The Act contains a list of certain actions that may lead to penalties under the Swedish Penal Code or other statutes. Under special circumstances, these offences are to be considered terrorist offences instead.

According to the special Act, an action is to be regarded as a terrorist offence if it might seriously damage a state or an intergovernmental organisation. It must also be undertaken for certain, specific purposes, such as serious intimidation of a population or a population group or to compel a government to take a certain decision. Under these circumstances, the acts that constitute terrorist offences include murder, kidnapping, sabotage, hijacking, spreading poison or a contagious substance and unlawful handling of chemical weapons. The penalty for terrorist offences is imprisonment for a maximum of 18 years, or for life. Attempt, preparation or conspiracy to commit a

terrorist offence is also punishable, as is failure to disclose such an offence.

The Act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serious Crimes (2010:299) contains provisions that allow further measures to be taken to prevent terrorism.

The Act imposes particular criminal liability on those who:

- in a message to the public urge or otherwise attempt to entice people to commit particularly serious crime (public provocation),
- seek to induce another person, in a case other than that specified above, to commit or otherwise participate in particularly serious crime (recruitment), or
- provide or seek to provide instruction in the making or use of explosives, weapons or noxious or hazardous substances that are particularly likely to be used in particularly serious crime, or in other methods or techniques that are particularly intended for such purposes, if the act has been committed with the knowledge that the instruction is intended to be used in particularly serious crime (training).

‘Particularly serious crime’ means *inter alia* terrorist offences and offences referred to in certain specified international agreements. Criminal responsibility under the Act shall not be imposed if the offence may be considered petty. The penalty is imprisonment for at most two years or, if the offence is gross, imprisonment for at least six months and at most six years.

Since 2002, Swedish legislation has contained a special law on criminal responsibility for the financing of terrorism, the Act on Criminal Responsibility for the Financing of Particularly Serious Crime in Some Cases, etc. (2002:444). The Act imposes criminal sanctions on collection, provision or reception of funds or other assets with the intention that they should be used, or in the knowledge that they are to be used, in order to commit particularly serious crime. Attempts to finance terrorism are also punishable offences. The penalty is imprisonment for a maximum of six years, but if the act is punishable by the same or a more severe penalty under the Act on Criminal Responsibility for Terrorist Offences (for example, preparation for a terrorist offence), or under the Swedish Penal Code, the offender shall be sentenced for these crimes and not according to

the penal provisions of the Act on Criminal Responsibility for the Financing of Particularly Serious Crime in Some Cases. In such cases, a maximum sentence of life imprisonment may ensue.

The Act on Money Laundering and Terrorist Financing (Prevention) (2009:62) contains provisions on administrative measures aimed at preventing financial and other designated non-financial businesses and professions (DNFBPs) from being exploited for money laundering and financing terrorism. The measures laid down concern e.g. customer identification and verification of the beneficial owner (customer due diligence) and the obligation to examine and report suspicious transactions. Financial institutions and DNFBPs are, as obliged reporting entities, responsible under the Act to examine and report suspicious transactions to the National Police Board (Financial Intelligence Unit). The reporting entities are also obliged to refrain from processing suspicious transactions. The purpose of the provisions is to alert law enforcement agencies of suspicious transactions and to prevent financial institutions and DNFBPs from participating in transactions that could be criminal. The Ministry of Finance is responsible for the Act.

As to the Committee's question on statistics, according to Sweden's official crime statistics two persons were convicted in 2010 under the Act on Criminal Responsibility for Terrorist Offences (2003:148).

The purpose of the Act on Signals Intelligence in Defence Operations (2008:717) is to collect intelligence for the security of the realm. Regarding international terrorism, signals intelligence may be used in order to map strategic conditions from a foreign and security policy perspective. The Act sets up clear regulations for how signals intelligence is to be conducted. Signals intelligence is a special form of intelligence collection used in the context of foreign intelligence work. It is conducted by intercepting electronic signals. The Act includes control mechanisms to ensure legal security and protection of the right to privacy. In addition, the Swedish Parliament (the Riksdag) has requested the Government to report annually on the electronic surveillance activities undertaken pursuant to the law. The most recent such report was presented by the Government on 20 December 2011 (Protection of privacy in signals intelligence in defence operations, official communication 2011/12:48).

In February 2012 the Government submitted an updated version of the National Counter-Terrorism Strategy in a Communication to Parliament (2011/12:73). In this Communication the Government presents a national strategy to prevent the emergence of terrorism, to pursue terrorist attacks and to prepare for the eventuality of a terrorist attack occurring nevertheless. In the strategy the Government sets out its view of the starting points, objectives and direction of Swedish counter-terrorism. The Government also gives an overview of the measures already taken, started or planned to address future challenges. The strategy can be found in English online at: <http://www.sweden.gov.se/sb/d/16072/a/195928>

Relevant training in the area of counter-terrorism is given to law enforcement officers. One example is a newly developed programme from August 2012 for local police officers, on detecting and preventing violent radicalisation at local level.

One starting point in the strategy is that terrorism can only be countered effectively using means and aims that have a place in an open and democratic society based on the rule of law. International law, including human rights, must be respected nationally and internationally. Democracy must be protected without harming the values defended.

Anti-terrorist crime measures, like measures against other crime, are dealt with by the judicial system. The main responsible law enforcement authority is the Swedish Security Service. At the prosecutorial level there is a specialised unit within the Swedish Prosecution Authority – the Prosecution Office for National Security – where prosecutors specialised in combating terrorism are employed. There are, however, no special courts or special procedures – all is handled within the normal judiciary, including all appropriate legal remedies, such as appeals to the second and third instance. Since 1995 the European Convention on Human Rights is part of the Swedish legal system and may be invoked in normal Swedish procedures. In cases where a person is not satisfied with the decision of the domestic court, an appeal may be lodged with the European Court of Human Rights. Sweden is obliged to comply with the judgment of the Court.

The number of complaints lodged for non-observance of international standards is not available. One reason for this is the incorporation of

the European Convention on Human Rights into domestic law, which has brought national standards into line with international standards.

Complaints can also be lodged with the Parliamentary Ombudsmen who may give a decision in a specific case, which in turn will set standards for how similar matters shall be handled in the future. An individual may also lodge a complaint with the Chancellor of Justice, who may grant compensation on behalf of the State. This may include complaints for non-observance of international standards.

**General information on the national human rights situation,
including new measures and developments relating to the
implementation of the Convention**

37. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the consideration of the previous periodic report and the relevant parts of the follow-up information submitted, including any relevant jurisprudential decisions.

The task of the Parliamentary Ombudsmen is to ensure that public authorities and their staff comply with the laws and other statutes governing their actions. The Ombudsmen exercise this supervision by evaluating and investigating complaints from the general public, by making inspections of the various authorities and by conducting other forms of inquiry on their own initiative. As mentioned in paragraph 34, the Swedish Parliament (the Riksdag) decided in December 2010 to allocate more funds to the Parliamentary Ombudsmen to allow them to fulfil the role of a national preventive mechanism under the 2002 Optional Protocol to the UN Convention Against Torture (OPCAT). As from 1 July 2011, the Act with Instructions for the Parliamentary Ombudsmen has been supplemented by a new provision stating that the Ombudsmen undertake the tasks incumbent on a national preventive mechanism (NPM) pursuant to OPCAT. As a consequence, an NPM unit has been established within the Office of the Parliamentary Ombudsmen. The unit's role is to monitor and ensure that individuals deprived of their liberty are not exposed to cruel, inhuman or other degrading treatment or punishment, as required by OPCAT. The NPM unit regularly inspects places in Sweden where individuals deprived of their liberty are being held,

reports on its visits and takes part in international cooperation in this area.

On 1 January 2009, a new Act against Discrimination (2008:567) entered into force. At the same time a new agency, the Equality Ombudsman, was established to supervise compliance with the Act. The aim of the Act is to combat discrimination on grounds of sex, transgender identity or expression, ethnic origin, religion or other belief, disability, sexual orientation and age.

On 1 January 2011, a number of amendments were introduced in the Instrument of Government to further strengthen and clarify the protection of individuals against infringement upon their rights and freedoms. These amendments included the following:

- the protection of personal integrity was strengthened through a new provision on protection against serious infringements of privacy involving monitoring or studying an individual's personal situation;
- the general principle of full compensation in cases of expropriation and other such use of an individual's property was clarified;
- the protection against discrimination was extended to include unfair treatment on the grounds of sexual orientation;
- the catalogue of fundamental rights and freedoms was supplemented by a provision on protection for the freedom of research and a provision stating that legal proceedings are to be fair and held within a reasonable period of time;
- a purpose clause clarified that it is a public responsibility to protect children's rights and to promote the right of national minorities to retain and develop their own cultural and social life, with the Sami people being given special mention.

A provision on judicial review carried out by the courts and other public bodies was also amended and clarified. According to this provision, courts and other public bodies are not to apply a regulation in an act or ordinance that conflicts with the Constitution or another superior statute.

38. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level since the previous periodic report and the relevant parts of the follow-up information submitted,

including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results.

The Swedish Government's long-term goal is to ensure full respect for human rights in Sweden. This goal has been expressed e.g. in Sweden's two National Action Plans for Human Rights, which were adopted in 2002 and 2006. In April 2010, the Government Offices published its internal review of how the different undertakings in the second Action Plan had been carried out. In December 2009, the Government also appointed an inquiry chair to evaluate the plan. The evaluator published his report *Coordinated, well designed and sustainable? An evaluation of the Government's National Action Plan for Human Rights 2006–2009* (Swedish Government Official Report 2011:29) in April 2011.

As part of the Government's second Action Plan for Human Rights, a temporary commission of inquiry, the Delegation for Human Rights in Sweden, was appointed in March 2006. The Delegation's remit (ToR 2006:27) was, *inter alia*, to support Government agencies, municipalities and county councils in work to ensure full respect for human rights within their field of activity. The Delegation's remit also included the task of presenting proposals on how to provide continued support for work towards ensuring full respect for human rights in Sweden after the Delegation had concluded its work. The Delegation published its final report *New Structure for the Protection of Human Rights* (Swedish Government Official Report 2010:70) in October 2010. The report has been referred for consideration to authorities, courts, municipalities, county councils and civil society organisations, among others.

Sweden intends to maintain a high level of ambition with regard to continued systematic human rights work. Work is in progress in the Government Offices to develop the Government's third National Action Plan/Strategy for Human Rights. This work is being carried out in the light of the Delegation's proposals, as well as the evaluator's recommendations. The judgments, opinions and recommendations that Sweden has received from international treaty and monitoring bodies provide further important input for the Action Plan. In addition, during spring 2012 a consultation process was undertaken with a broad range of stakeholders in society, in order to gather viewpoints on the continued systematic work for human rights.

Sweden also views the Universal Periodic Review (UPR) of the Human Rights Council as an important mechanism for the protection and promotion of human rights, both nationally and internationally.

Sweden was reviewed in 2010 and the next review of Sweden is scheduled for 2015. Sweden is therefore approximately half way through the implementation phase. The UN General Assembly calls on Member States to provide the Human Rights Council, on a voluntary basis, with a mid-term update on how the implementation of accepted recommendations is proceeding. Sweden sees the value of such a mid-term report, both for the implementation of accepted recommendations and for the development of Sweden's human rights work more generally. On 21 September 2012, Sweden thus submitted its mid-term report to the UN Human Rights Council. The report is available in Swedish on the Government's human rights website.

The Government's human rights website (www.humanrights.gov.se) is an important tool for reporting on human rights issues and disseminating information on, e.g., Sweden's international human rights commitments, the Government's reports to treaty bodies and the concluding observations of these bodies. The website was established in 2002 and has an average of 50 000 unique visitors per month. The website's main language is Swedish. For increased accessibility, there is also basic information in English, and some information in national minority languages and in sign language. The website was re-launched in June 2012, after having been improved and updated. The website is updated continuously.

39. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous periodic report and the relevant parts of the follow-up information submitted, including the necessary statistical data, as well as on any events that have occurred in the State party and are relevant under the Convention.

During 2011 a new Act on Imprisonment (2010:610) and new Act on Detention (2010:611) came into force. The Act on Imprisonment contains clear requirements concerning an individualised plan for the time in prison, with meaningful and clear contents to promote the prisoner's adjustment in society, as well as requirements concerning a plan to facilitate release.

The new Act on Detention provides an increased possibility of appealing against a prosecutor's decision to impose restrictions on a detained person. This is to ensure that restrictions on a detained person are used with the utmost restraint. See further the reply to paragraph 20.

An important objective of the work has been that the new legislation should meet Sweden's international commitments, including in the area of human rights.
