United Nations CAT/C/SR.814

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

Distr.: General
9 May 2008
English
Original: French

COMMITTEE AGAINST TORTURE

Fortieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 814th MEETING

Held at the Palais Wilson, Geneva, on Wednesday, 30 April 2008, at 10 a.m.

Chairperson: Mr. GROSSMAN

CONTENTS



* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.814/Add.1.



GE.08-41630 (E) NY.09-41780 (E)
*0941780*

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

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 7) (*continued*)

Fifth periodic report of Sweden (HRI/CORE/1/Add.4/Rev.1; CAT/C/SWE/5; CAT/C/SWE/Q/5; written replies of the State party (informal document distributed in English only)

1. *At the invitation of the Chairperson, the members of the Swedish delegation resumed their seats at the Committee table.*

2. Mr. EHRENKRONA (Sweden), replying to the question about the incorporation into criminal law of a provision making torture a specific crime, said that the Swedish delegation had taken note of the Committee's comments and the content of the report submitted by the Swedish Red Cross, but the position of Sweden was unchanged on the point in question.

3. On whether psychological suffering was covered by Criminal Code provisions that suppressed acts constituting torture, Mr. Ehrenkrona recalled that, as indicated in the initial report (CAT/C/5/Add.1, paras. 33 to 35), the definition of offences constituting torture also included psychological suffering, particularly the definition of violence and aggression (article 5 of chapter 3 of the Criminal Code).

4. With regard to interrogation methods, article 12 of chapter 23 of the Code of Criminal Procedure specifically prohibited interrogators from using force and threats to obtain confessions from a suspect; it also provided that the duration of the interrogation could not be excessive, and it prohibited food and sleep deprivation. Violation of those provisions constituted neglect of duty, and, if the acts committed were serious, they were covered by the provisions of the Criminal Code.

5. In relation to the circumstances surrounding the expulsion of Mr. Alzery and Mr. Agiza, two Egyptian nationals that had applied respectively to the Human Rights Committee and the Committee against Torture (CCPR/C/88/D/1416/2005 and CAT/C/34/D/233/2003), and who had been deported from Swedish territory, the Parliamentary Ombudsman had severely criticized the methods used by the police when they had escorted those two people to Bromma airport. Nonetheless, he had not initiated any proceedings to bring the case to the courts, probably because the Attorney General had intimated that, in his opinion, the police officers concerned had not committed any violation so there were no grounds to bring any legal action against them. Despite that, there was no legal obstacle to an inquiry into the circumstances of the expulsion of Mr. Alzery and Mr. Agiza. On the question of the Committee's interpretation of article 14 of the Convention in these two cases, the Swedish Government considered that the obligation to compensate victims of torture was incumbent upon the State whose agents had committed the violations in question. As, in the specific case in question, Mr. Agiza and Mr. Alzery had not been tortured by Swedish officials, the Chancellor of Justice had been asked to consider awarding voluntary reparation to those two persons. The Swedish delegation could not predict when the competent authorities would announce their decision on that subject. As regards the final review of applications for residency permits submitted by the parties in question, a number of questions still needed to be dealt with before the Swedish Government could give its decision. In particular, it had not yet received the final observations of the attorney acting for Mr. Alzery. Sweden did not

maintain statistics with a gender or sexual orientation breakdown, because the authorities considered that such distinction risked creating discrimination. The migration tribunals were currently handling many cases in which a violation of article 3 of the Convention had been invoked to challenge a deportation order or to request refugee status; but the delegation was unable to give precise figures on that subject. Lastly, prison population statistics showed that no convict had been sentenced to a prison term for having committed acts of torture or having allowed such acts to be committed. Concerning reports on the human rights situation prepared by Swedish embassies abroad, under the principle of free appraisal of evidence, the accuracy of the contents of those reports could be questioned by asylum seekers during the procedure of reviewing their dossier. The law did not prevent officials or private individuals who had participated in preparing such reports from testifying in an asylum procedure. Nonetheless, when the asylum seeker came from a country in which the human rights situation was particularly critical, private individuals (lawyers, members of local non-governmental organizations) who had provided sensitive information should be prevented from participating in the procedure, to avoid reprisals. Embassy staff received training on human rights issues and, in countries where the situation was problematic, they worked with officials from local migration organizations in reviewing cases within their jurisdiction. That method was generally applied when dealing with applications from nationals of Asian and Middle Eastern countries. With regard to the origin of the information obtained by the Swedish Embassy in Ankara on the human rights situation in Azerbaijan, the Swedish delegation was unable to indicate the source of the information. Lastly, on the subject of amendments made to the legislation, the concept of "security issues" was in no way an innovation since it had appeared in the previous Aliens Act; what was new was the procedure followed in cases of that type. The new Aliens Act and the Act on Special Control in Respect of Aliens were not being applied in a discriminatory way, and thus far no evidence had been provided to suggest otherwise.

6. Ms. KELT (Sweden), referring to the statute of limitations in cases of torture, stated that, in the Swedish legal tradition, all offences were subject to a statute of limitations, the period for which was calculated on the basis of the maximum penalty involved. Nonetheless, recommendations aimed at making certain serious offences such as murder and terrorism imprescriptible were being studied.

7. The delegation could not provide statistics on the number of complaints and procedures relating to police brutality, since in Sweden there was no classification by profession of the suspect. Nonetheless, according to statistics provided by its Disciplinary Affairs Service, the National Police Board had received 74 complaints in 2006, of which 89 had been classified as without follow-up (this figure also includes complaints filed in 2005), seven had been investigated and rejected, seven had resulted in wage deductions and 18 in a warning. The Summa Summarum report mentioned in the written replies (question 25), which contained proposals for setting up an independent body to deal with petitions relating to violations committed by the police, had been circulated to all competent authorities for their comments. The Swedish Government intended to ask the National Police Board to consider ways of creating such a body and holding it accountable for its work.

8. On the issue of prisoners held in solitary confinement, Ms. Kelt clarified that that measure could only be ordered by senior prison management staff, generally the prison director, and only when the maintenance of order and security within the

establishment so required. In 55 per cent of cases, solitary confinement lasted no longer than two days and, in 80 per cent of cases it was less than four days.

9. Replying to questions on the possibility for suspects to speak to a lawyer, Ms. Kelt pointed out that, as the delegation had indicated in its preliminary statement, a new law strengthening that right had entered into force on April 2008, thus fulfilling one of the recommendations made by the Committee for the Prevention of Torture (CPT) of the Council of Europe, following its visit to Sweden in 2003. Under the new law, anyone questioned by the police, whether as a suspect, witness, victim, or someone not suspected by the authorities of an offence, henceforth had the right to be accompanied by a lawyer during the interrogation. Pursuant to another CPT recommendation, steps had been taken to ensure that suspects could notify their next of kin of their arrest as soon as possible. If the investigating officer had reasons to believe that communication with the exterior was likely to obstruct the investigation, he or she could delay the moment when the suspect had contact with his or her next of kin. If the suspect considered that measure to be unjustified, he or she could complain to the Parliamentary Ombudsman or to the investigating officer's superior. Lastly, suspects that did not have sufficient command of the Swedish language could make use of the services of an interpreter.

10. Ms. DRAKENBERG (Sweden) said that she would reply to questions relating to the situation of children. In the case of unaccompanied minors seeking asylum and children who were victims of trafficking, although the Swedish Government had not adopted a global plan of action to combat the tracking of children, organized criminal groups that engaged in trafficking of children had been arrested, prosecuted and sentenced. Since then, the number of unaccompanied minors seeking asylum in Sweden had decreased, particularly those originating in China.

11. With regard to the implementation of detention measures in relation to foreign minors, Ms. Drakenberg stressed that the Aliens Act specified very few reasons justifying the detention of children and extremely strict conditions governing their placement in detention. Furthermore, the authorities were obliged to review every case individually to ensure alternatives to detention could not be used. In fact, the provisions of the Aliens Act on children attached considerable importance to their health and development needs and the principle of the higher interest of the child. Under the law, any decision to place in detention could be challenged before the migration tribunals, and the maximum duration of detention of minors was 72 hours, extendable for an equal period in exceptional circumstances. To identify the causes of the high frequency of juvenile asylum seekers who displayed a behaviour pattern of pronounced emotional withdrawal, the Swedish Government had appointed a national coordinator to study the phenomenon. Although the study had been unable to determine the origin of the problem, at least it had made it possible to collect the following statistics: in 2005, the number of children displaying such symptoms was 182, compared to 22 in 2006; in 2008, no further case had been identified in the country. The Government would nonetheless continue to monitor the situation closely.

12. Mr. EHRENKRONA (Sweden) said that government agencies enjoyed a high degree of independence when reviewing individual cases, and their status was similar to that of judicial bodies in that sense. Furthermore, as Sweden applied the dualist system, international instruments did not automatically have legal force, but

had to be converted into one or more national laws or be incorporated into existing or new legislation. They could be integrated into Swedish legislation without alteration, by passing a law that provided for that. When Sweden intended to ratify a new instrument, the competent authorities would review the legislation to search for any incompatibilities. If they discovered any, changes were made to domestic legislation or a new law was passed establishing that the instrument had the status of national law. Furthermore, under the jurisprudence principle of "interpretation according to treaties", which had been established by the Supreme Court in several rulings, when a domestic law was likely to give rise to several interpretations, the courts had to choose that which was most consistent with the international obligations undertaken by Sweden. While it was true that the international human rights instruments ratified by Sweden had not been incorporated into domestic law, their essence was at the very heart of Swedish legislation, and persons under court jurisdiction could ask the courts to ensure that applicable domestic laws were applied consistently with the provisions of duly ratified treaties. They could also invoke the provisions of the Convention against Torture before the courts and question the conformity of the law in question, or its application, with that instrument.

13. On sexual violence, which Sweden considered particularly important, the Committee against Torture was not necessarily the body best placed to deal with the issue, which was better covered by the mandate of the Committee for the Elimination of Discrimination against Women, as had been the subject of debate during consideration of Sweden's fourth and fifth periodic reports. The same was true of issues relating to discrimination, which were primarily the responsibility of the Committee for the Elimination of Racial Discrimination. Nonetheless, the delegation would later provide the Committee with additional information on the Swedish Government's plan of action to combat discrimination against women.

14. The fact that an alien held a residency permit was no guarantee in itself against extradition. Nonetheless, if the residency permit had been granted to protect the party in question against torture, that was taken into account when considering a request to extradite the interested party, and it was in no case possible to extradite an individual when there were serious reasons for believing that he or she might face the death penalty in the country of origin.

15. Ms. DRAKENBERG (Sweden), in reply to a question on the various motives for granting a residency permit, noted that, in addition to provisions relating to the protection of refugees, the new Aliens Act, which had entered into force on 31 March 2006, provided that such a permit could be granted in the case of "alarming circumstances". Such circumstances should be evaluated in the light of the risk of torture involved for the applicant, his or her situation in the country of origin, or his or her health status. In relation to the various types of residency permit that could be granted by the Swedish authorities, it was worth specifying that while asylum seekers covered by a protection order obtained the status of permanent resident, temporary renewable residency permits could be granted when there were doubts as to whether the applicant's likely way of life would be compatible with the Swedish way of life. Detailed information on the provisions of the 2005 Aliens Act are posted on the Government's website, at the address indicated by the State party in its written replies to question No. 4.

16. Ms. KELT (Sweden) said that there were no official statistics on restrictions imposed on persons held in custody awaiting trial. Nonetheless, independent surveys showed that 40 to 50 per cent of them would be covered by such measures. A commission had been set up to find solutions to the problem and the Government had also ordered the Office of the Attorney General to review the number of cases in which restrictions had been imposed in 2008. Sweden would therefore soon be able to provide the Committee with official statistics on the subject. Recordings of police interrogations were only used during the preliminary inquiry into acts of sexual violence committed against children under 15 years of age, since minors were generally not brought before the courts. Such questioning was conducted by police officers specially trained for that purpose and by staff from social services. Recordings could be used as evidence before the court, which was entirely at liberty to appraise its evidentiary effect. Interrogations undertaken by the secret services were no different since ordinary police officers and secret service agents were subject to the same rules as regards the conduct of the investigations.

17. Ms. DRAKENBERG (Sweden) said that the maximum period of detention for asylum seekers was not set by administrative law. Nonetheless, migration tribunals were required to give priority to asylum requests. The legality and justification of holding a person in detention were regularly reviewed by the authority ordering the detention. The detention of juvenile asylum seekers, in contrast, could not last longer than a certain period. With regard to the procedure for reviewing the asylum request as such, it was a matter for the applicant and his or her lawyer to prove that there had been an act of torture, for which purpose they could produce medical certificates testifying to the existence of injuries and establishing that they could be the result of acts of torture. In contrast, the applicant did not have to produce any such certificate to show the existence of a future risk of being subject to torture, which the competent authorities could consider as established merely on the basis of the facts reported by the applicant. Furthermore, staff of the Swedish Migration Board were all required to undergo an education programme dealing with international instruments on human rights. Staff recently recruited by the Migration Board held university qualifications in international public law and international human rights law. In 2007, information on issues relating to torture, including the regulation applicable to the perpetrators of acts of torture, had been issued by the Migration Board, with support from the Swedish Red Cross and the United Nations High Commissioner for Refugees. Lastly, the 2005 Aliens Act had been amended in 2006, and the right to asylum could now be granted to persons who had suffered acts of persecution based on sex or sexual orientation.

18. Mr. EHRENKRONA (Sweden) added that, in February 2008, Sweden had signed International Convention for the Protection of All Persons from Enforced Disappearance, which it intended to ratify. Nonetheless, as ratification would need a prior in-depth review of Swedish legislation, it was too early to provide a date.

19. The CHAIRPERSON (Rapporteur for Sweden) thanked the Swedish delegation for its supplementary information. With regard to the incorporation of the specific crime of torture into criminal law, the position of the Committee, which considered the crime of torture to be qualitatively different from other forms of violence and aggression, was clearly set out in general guidelines on the preparation of reports and was supported by doctrine. The Committee also considered that the international crime of torture was imprescriptible, and therefore awaited with interest the results of the debate on the possibility of establishing imprescriptibility

for certain serious offences, which the delegation had indicated was currently underway in Sweden.

20. If the Committee asked States parties for statistics it was to obtain an idea of reality in practice. Some might object that data on sexual orientation concerned private life, but there were collection methods that guaranteed respect for privacy. Statistics enabled the Committee to discover, for example, how the principle of non-refoulement set out in article 3 of the Convention was being applied, in the case of a woman who had suffered genital mutilation or in the case of homosexuals who risked persecution.

21. Lastly, Mr. Grossman noted that, in the Agiza case, (Communication No. 233/2003), the State party claimed to have paid Mr. Agiza compensation voluntarily, when the Committee's decision did not clearly require that. Although the Committee had not expressly requested payment of compensation to the claimant, it had not ruled it out.

22. Mr. WANG Xuexian (Co-rapporteur for Sweden) thanked the delegation for its frank and concise replies, and asked for clarification on the issue of the admissibility as evidence of confessions obtained under torture, since he was not sure he had fully understood the delegation's explanations on that subject. The use of confessions obtained under torture was totally prohibited in the Convention, so courts were obliged to dismiss confessions obtained under torture; there was no flexibility on that point. It would be useful if the delegation could specify whether the rejection of confessions obtained under torture was automatic or just merely possible.

23. The State party considered that acts of violence with a sexist motivation were too far removed from the object and due purpose of the Convention against Torture to be included in the jurisdiction of the Committee against Torture. The Committee had clearly expressed the opposite opinion in its General Observation No. 2 of 24 January 2008, on the implementation by States parties of article 2 of the Convention (CAT/C/GC/2), having previously requested the opinions of States parties on that issue. Although the general observations adopted were not binding, the fact remains that the Committee considered that States parties were required to prevent acts of sexist violence under the Convention. Could the delegation comment on that subject?

24. Mr. EHRENKRONA (Sweden), referring to the admissibility as evidence of confessions obtained under torture, said that Sweden applied the principle of freedom of means of evidence, which went hand-in-hand with free appraisal of evidence. Although there was no provision that expressly excluded confessions obtained under torture, it was clear that no court would accept confessions obtained in that way. The Committee interpreted the provisions of the Convention when considering periodic reports and petitions from private individuals, and in preparing general observations. Sweden paid the greatest possible attention to those interpretations but did not consider itself bound to adopt them, as it would be in the case of a court.

25. Ms. GAER recalled that one of the Committee's key missions was to prevent acts of torture in States parties to the Convention, and asked for clarification on the new legal provisions authorizing the police to defer the moment when a person in police custody could communicate with a lawyer, doctor, or his or her next of kin.

Could the delegation in particular specify whether such a decision was subject to control? While she was sure the State party did not deny that violence against women was equivalent in certain circumstances to acts of torture, and having regard to its leading role in combating violence against women, Ms. Gaer was astonished that Sweden was arguing that the sexual abuse from which women suffered, such as rape, female genital mutilation and other harmful traditional practices, trafficking and even forced prostitution, were not within the Committee's brief, since its mission was to combat torture and other cruel, inhuman or degrading punishment or treatment. Given that the State party argued that convention bodies each have their own jurisdiction to which they must confine themselves, she wanted to know which Committee, in the delegation's opinion, should consider the rape of a child migrant in the context of armed conflict for example, or the use of rape as a weapon of war. The strength of the human rights system stemmed specifically from the fact that the principles that each convention body was responsible for upholding were applied equally to all people, irrespective of sex, age, nationality, national ethnic origin, colour, personal or other situation, and she invited a State party to reconsider its position on that subject.

26. Mr. EHRENKRONA (Sweden) replied that, for efficiency purposes, it was necessary to prevent the activities of the various conventional bodies from overlapping. The issues posed by Committee members were in some cases the responsibility of the Committee for the Elimination of Discrimination against Women and in other cases the Committee for the Elimination of Racial Discrimination. It went without saying, however, that violence against women was equivalent to an act of torture in certain cases, specifically when the acts in question were perpetrated by a State that clearly had no desire to combat that phenomenon in its territory. The Swedish Government in no way intended to turn a blind eye to such a serious problem; on the contrary, by ensuring that the mandate of each convention body was well defined, it hoped to ensure the effectiveness of the surveillance system for the application of the different instruments. In relation to the use of rape as a weapon of war or in armed conflict, or rape perpetrated in prison establishments, humanitarian law could be applied as well as human rights law.

27. Ms. KELT (Sweden) said that a new law, which had entered into force on 1 April 2008, provided that the next of kin of a person held in police premises should be notified as soon as the person was taken into custody, which had not previously been the case. The law did not require the family to be notified in writing, because, in most cases, the letter would arrive after the person in question had been released. Notification of the family might obstruct the due process of the inquiry in a case of tax fraud involving a family business, for example, because next of kin could remove evidence before the police had time to carry out a search. The law had been in force for too short a time to assess its effects and say whether it in fact had made it possible to shorten the time between placement in police custody and the moment when next of kin were notified.

28. Ms. BELMIR said that according to information provided in 2006 by a number of trustworthy organizations, conditions of detention in police premises had not improved since the criticisms published in 2003 by the European Committee for the Prevention of Torture and Inhuman or Degrading Punishment or Treatment, as demonstrated by the persistently high rate of death in custody. The State party needed to take measures urgently to provide training for members of the forces of law and order. She wondered whether that situation arose from shortcomings in the

law in that area, a failure to observe the existing regulations, or lack of oversight. She also wanted to know who had been consulted during the preparation of the information document setting out the rights of persons held in custody updated by the National Police Council and the Office of the Attorney General.

29. Ms. Belmir regretted that the definition of a child contained in the Criminal Code was not consistent with the prescriptions of the Convention on the Rights of the Child, and that the problem of child pornography had not been addressed under that instrument. The State party should also take steps to attach greater importance to taking care of children in conflict with the law.

30. Ms. SVEAASS said that she understood that, under Swedish law, it was the responsibility of asylum seekers who had suffered torture to have the existence of injuries verified by a legal physician, even if those injuries had been noted by the physician who had undertaken the routine examination provided for in the framework of the asylum request review procedure.

31. It would be useful to have information on the fate of the many unaccompanied juvenile asylum seekers who had disappeared from the Swedish Migration Board's special units for children without legal guardians, and on the follow-up given to the conclusions of the in-depth investigation into allegations of abuse suffered by a Congolese prisoner in July 2003 in a camp of the European Union forces deployed in the Democratic Republic of the Congo during the Artémis operation. More precise information on what had happened to the Swedish high official who had not immediately informed his superior would also be welcome.

32. Mr. MARIÑO MENÉNDEZ said that the Committee received many complaints of violations of article 3 of the Convention as a result of the Swedish State's generous asylum policy. Often, asylum requests did not satisfy the admissibility criteria, but one could imagine that behind a legally non-admissible request there was a dramatic humanitarian situation. Where the Committee was unable to apply the protection guaranteed by article 3, it could recommend the Swedish State to apply the provisions of its new Aliens Act, which provided for the granting of humanitarian protection. Mr. Mariño Menéndez wanted to know whether the Swedish State would consider such a recommendation to be an infringement of its sovereignty, undue interference, or exceeding the boundaries of the Committee's mandate. That question formed part of the debate on the domains of competency of the various convention bodies of which the State party wanted to keep specific. Nonetheless, each Committee specified the obligations of States parties and nothing prevented the obligations arising from a given instrument being the same as those that arose from another one. There was therefore no reason to fear overlaps; on the contrary, it was necessary to exploit the interpenetration of the rights guaranteed in the various instruments, for the common purpose of ensuring the greatest possible protection for all.

33. Mr. GAYE wanted to return to the issue of incrimination of torture. As the Convention had not been incorporated into domestic law, he wanted to know whether there was a legal provision that objectively prevented making torture a specific crime under domestic law.

34. With regard to the arrest of individuals by the forces of law and order, it seemed that certain fundamental guarantees, such as the presence of a lawyer, were not compulsory when the person in question became a suspect. It was therefore

necessary to know what authority determined whether the person in question was a suspect and whether there were control mechanisms.

35. Ms. DRAKENBERG (Sweden), replying to Ms. Sveaass, said that all asylum seekers had the right to consult a nurse, but only if they requested it. If, during such consultation, an asylum seeker complained of being the victim of acts of torture, or if he or she displayed injuries that were manifestly caused by such acts, the nurse would decide whether the person in question needed care. The procedure was different from the one that allowed an asylum seeker that had suffered abuse to be examined by a legal physician, for the purpose of verifying the existence of injuries manifestly caused acts of torture.

36. Some of the unaccompanied juvenile asylum seekers who had disappeared from the Swedish Migration Board's special children's units had been found, and their asylum requests had been processed under the Aliens Act. Others had never been found, so presumably they had only been in Sweden in transit and had since gone to another country.

37. Mr. EHRENKRONA (Sweden), referring to the case of the young Congolese citizen tortured in 2003 in the Democratic Republic of the Congo, said that enquiries made by the French and Swedish general staffs had not reached the same conclusions. The senior Swedish officer deployed in the camp of the European Union forces at the time had been criticized for not having reported the case to the Swedish authorities; but it should be noted that the issue had nonetheless been dealt with both by his hierarchical superior and by the commandant of the French Armed Forces in DRC.

38. On whether the Committee could request the Swedish State to apply the humanitarian provisions of its Aliens Act, any such recommendation was unnecessary since that law contained provisions covering the terms of article 3 which the Swedish authorities applied in all immigration cases. If the outcome of that application was often challenged, it would be the result of a different assessment of the situations in question. Furthermore, in reaching their decisions, the migration tribunals and the Migration Board relied on the recommendations formulated by the United Nations High Commissioner for Refugees.

39. On the subject of the incrimination of torture, it was true that torture had not been defined as a specific crime; but, as had been explained in detail in previous reports, Sweden considered its existing criminal laws consistent with the Convention, since the crimes specified therein encompassed acts of torture.

40. An individual was identified as a suspect following police inquiries and a decision by the prosecutor who had requested the opening of the inquiry, or the police officer responsible for the inquiry. Fundamental guarantees were applied from the moment that decision was taken.

41. Ms. KELT (Sweden) said that, like the Committee, the Swedish Government was very concerned by the high number of deaths of people held in custody awaiting trial in the last few years. Steps had already been taken to rectify the problem and others were being considered. Thus, in the coming weeks, training based on the prevention and recognition of physical and mental health problems among detainees — suicidal tendencies, or alcoholism, for example — would be provided to all prison staff. A special team would be set up to investigate the care provided to detainees, and the mechanisms that were in place to prevent suicide. The

information had not yet been confirmed, but a criminal investigation had been opened into the suicide of a detainee in February 2008, and the agents involved could be prosecuted.

42. Protection of the rights of the child had been strengthened at the time of the major reform of the criminal classification of sexual offences that had been introduced in April 2005, thanks specifically to more severe punishments in cases where the victims were children. The law on trafficking was being reviewed to allow a special protection regime to be defined for children. Provisions to protect children against forced marriages were also being studied. The commission that had been set up to investigate child pornography had completed its work in the previous autumn. Its report had been circulated to all competent authorities and would serve as a basis for preparing a draft law, which the Government wanted to see completed as quickly as possible.

43. Although it had not been specified as a distinct criminal offence, torture was punishable on the basis of its classification as one of the most serious of criminal offences and subject to heavy penalties. With regard to the applicable period of the statute of limitations, these were generally long, owing to the seriousness of the offences in question.

44. The CHAIRPERSON thanked the delegation for its replies and the openness it had shown in its conversation with the Committee. Returning to the issue of the Committee's mandate, he insisted that the respective domains of competency of the convention bodies were not mutually exclusive, and that certain issues had crosscutting implications that exceeded the bounds of the mandate of a single body. It was thus perfectly legitimate for the Committee against Torture to consider the issue of discrimination based on race or sex, since it was explicitly referred to in the Convention as a possible motive for torture. It was also worth recalling that wording was crucially important. In the Committee's opinion, torture needed to be recognized as a crime everywhere, and suppressed as such; but this was not currently provided for under Swedish criminal law.

45. Having completed its consideration of Sweden's fifth report, which had been very instructive, the Committee looked forward to continuing its collaboration with the Swedish State.

46. *The Swedish delegation withdrew.*

*The first part (public) of the meeting rose at 12.15 p.m.*