



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

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## Committee against Torture

Seventy-second session

### Summary record of the 1845th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 10 November 2021, at 3 p.m.

*Chair:* Mr. Heller

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention (continued)**

*Eighth periodic report of Sweden (continued) (CAT/C/SWE/8; CAT/C/SWE/QPR/8)*

1. *At the invitation of the Chair, the delegation of Sweden joined the meeting.*
2. **Ms. Bram** (Sweden) said that, in 2019, the Police Authority had introduced a national digital custody register where details concerning persons in detention were recorded. Its purpose was to standardize legal procedures and to facilitate the management of any incidents that might occur in a custody setting. The custody handbook, first issued in 2018, was being revised and updated on an ongoing basis to ensure compliance with new regulations and changing practices.
3. A pilot project involving video surveillance as a supplement to physical supervision of prisoners had been temporarily suspended and was being evaluated in the light of issues raised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment concerning the importance of protecting personal privacy in the context of surveillance. Under the Young Offenders Act, arrested persons under 18 years of age could be held in police custody only under exceptional circumstances and when absolutely necessary. The Police Authority had developed a procedure for deciding whether or not to place a young person in detention. If a young person was to be detained, the preferred option was to place him or her in a centre run by the Swedish Prison and Probation Service rather than in police holding facilities. Long-term solutions for the placement of children in conflict with the law were currently being studied.
4. Persons deprived of their liberty were informed of their rights at the moment of their arrest both orally and in writing. They were advised that they had the right to inform a family member or other person of their choice of their arrest and to contact a lawyer or, in certain cases, avail themselves of the services of a public defender. Details and documentation relating to individual cases were recorded in the digital custody register. In the light of concerns expressed by the European Committee for the Prevention of Torture, the Police Authority was currently reviewing its recording procedures with a view to possible improvements and looking at ways that it might clarify the information provided to persons in detention. The Police Development Centre would be responsible for implementing the new national guidelines for effective interviewing, which would govern the action of the Police Authority in that connection.
5. **Ms. Brodén** (Sweden) said that persons in detention had access to health care on an equal footing with the rest of the population. The guiding principle was that the sociomedical needs of detained persons should be met by the same centres that normally provided such services to all citizens. An individual's status as a detained person was of no consequence in that respect; health-care services were prioritized exclusively on the basis of need. Health care was decentralized at the regional level, and county councils and municipalities therefore had primary responsibility for providing medical services for persons in detention as well as the general public. The central government played only a regulatory and supervisory role, and government agencies, including the Police Authority, had no statutory obligation to provide medical treatment, although the Prison and Probation Service did run primary care facilities. The Government was making major investments in the health sector in areas such as emergency care, mental health and suicide prevention, and it was annually investing 1 billion krona (SKr) to improve working conditions for medical personnel.
6. All inmates in facilities run by the Prison and Probation Service received a medical check-up from a nurse within a week of being admitted, which was consistent with the Nelson Mandela Rules. Following the initial examination, a doctor would review any medicines or treatment being administered, and inmates could always request to see a doctor in case of need. Inmates were vaccinated against hepatitis B and, at the present time, coronavirus disease (COVID-19), and were told how to contact health-care services.
7. **Ms. Bram** (Sweden) said that arrested persons who were in a state of intoxication were left to sober up in care facilities unless those facilities were too far away or the persons

concerned acted violently, in which case they could be held in police custody. The Police Authority was actively working to ensure that intoxicated persons did not have to be placed in police custody and, in some areas, alternatives to arresting such persons were being developed. The Government encouraged municipal and police authorities to work together in an effort to improve safety and health care in detention facilities, particularly for intoxicated persons under 18. An evaluation conducted in 2018 had shown that the measures that had been taken had had some positive effects but also certain shortcomings, and a project had been started up to study the situation and to improve internal procedures for handling intoxicated persons in detention.

8. **Ms. Brodén** (Sweden) said that the Government remained firmly committed to combating all forms of gender-based violence. That included protecting children from violence and from witnessing violence. The 10-year national strategy for preventing gender-based violence against women, which had been launched in 2016, had four principal aims: increasing prevention, improving detection, contributing to more effective law enforcement and enhancing knowledge. The strategy focused on building a long-term sustainable structure at the national, regional and local levels and on providing greater support for women, children and lesbian, gay, bisexual, transgender, queer and intersex persons. It also addressed violence in same-sex relationships and destructive forms of masculinity.

9. In June 2021, the Government had rolled out a package of measures intended to prevent gender-based violence. The package included stricter legal guidelines on the prosecution of men who assaulted their partners or former partners. Extensive resources for the implementation of that package had been allocated in the 2022 budget. In addition, the Government was proposing the establishment of a standing appropriation for combating violence against women and furnishing shelter and support to victims. Shelters for women and girls had received extra funding during the COVID-19 pandemic. At the request of the Government, the Swedish Agency for Participation was conducting a study on the subject of violence, including honour-related violence and violence against persons with disabilities. The Agency was due to present its findings, including proposals for action, by the beginning of 2023. The legal definition of rape had been broadened a number of times in recent years, and legislative reforms around the concept of consent had been introduced in 2018. It was probable that those legislative changes and a wide-ranging public debate on sexual violence had contributed to an increase in the reporting of such crimes.

10. **Ms. Eklund Rimsten** (Sweden) said that, in July 2021, the Government had presented a bill intended to provide greater protection from violence in the context of close relationships. The bill provided for heavier penalties for gross violations of integrity and for non-compliance with a no-contact order. On 1 July 2021, a new offence dealing with the violation of a child's integrity, which included causing a child to witness domestic violence, had been entered into the statute books.

11. Recent government reports had called for the minimum penalty for rape to be increased from 2 to 3 years' imprisonment, for the removal of fines from the range of punishments for the purchase of sexual services, for the minimum penalty for the purchase of the sexual services of a child to be increased to 6 months' imprisonment and for the introduction of legislation to combat honour-based offences. During the course of 2020, the statute of limitations had been lifted for rape and female genital mutilation perpetrated upon persons under the age of 18, and legislation intended to prevent child marriage had come into force.

12. **Ms. Roth Olanders** (Sweden) said that the only flaws which the Swedish Migration Agency had identified in the temporary law mentioned in paragraph 56 of the State party report had concerned the length of residence permits, but, in any case, that law was no longer in force. The government bill to amend the Aliens Act mentioned the obligations of Sweden under international human rights treaties – specifically the European Convention on Human Rights and the Convention on the Rights of the Child – but made no reference to the jurisprudence of United Nations treaty bodies or of the European Court of Human Rights. The governing documents and country database of the Swedish Migration Agency did, however, mention the jurisprudence of the European Court of Human Rights and of the Committee against Torture. That jurisprudence was also referenced in the context of credibility assessments of asylum claims, which were also dealt with by the Migration

Agency, and was covered in the training offered to the Agency's case officers and decision makers.

13. In 2021, the Swedish Migration Agency, together with the Swedish Red Cross, had begun to provide training in identifying and dealing with victims of torture or trauma and their specific needs. Agency staff also attended training events provided by the European Asylum Support Office concerning the identification and documentation of the special needs and vulnerabilities of asylum seekers. The compulsory course that the Agency ran for newly arrived asylum seekers provided information on health services and stressed the importance of undergoing the free medical examination offered to all asylum seekers. It also broached topics such as gender equality, the rights of children and sexual minorities, domestic violence, so-called honour crimes and the prohibition of female genital mutilation in order to help trauma victims self-identify. Personnel at migration detention facilities received training in torture-related issues in which reference was made to the Convention.

14. The term "forced returns" referred to cases where the Agency had given over the enforcement of expulsion decisions to the police. That was usually done when an asylum seeker whose application had been denied refused to cooperate with the Agency.

15. None of the legislative amendments concerning the detention and supervision of aliens that had been submitted to the parliament in August 2018 had been adopted because it had been determined that the reports on which they were based were outdated. Nevertheless, funding had been provided for a new public enquiry into the matter. In the interim, the Agency had published a legal comment which indicated that a decision to detain an asylum seeker had to comply with both Swedish law and European case law, which was more restrictive. Detained foreigners awaiting return to their home countries were generally placed in a special facility run by the Agency. However, when persons were being expelled for committing an offence or had to be held separately for security or other exceptional reasons, they could be placed in a prison, remand centre or police facility. One prison near Stockholm airport had a separate building reserved for detained foreigners. In that facility, restrictions, including on telephone calls and visits, were considerably less strict than in ordinary prisons. Agency staff now received training in how to manage disruptive and aggressive detainees, with a focus on de-escalation techniques. Detained foreigners who had to be placed in solitary confinement were not typically transferred to a prison or remand centre but could remain in their detention facility.

16. While the State had no plans to put an end to the detention of migrant children entirely, that measure could be applied only under limited circumstances, for the shortest possible time and taking into account the child's best interest. Minors could not be detained for more than 72 hours, extendable once by a further 72 hours, or in a correctional institution or police facility. The reception of unaccompanied minors, including the designation of a guardian and the provision of housing, education and social support, was the responsibility of the municipalities, although they received financial assistance from the State.

17. Asylum applications could not be processed at a Swedish mission abroad. Refugees and other persons in need of protection were resettled in Sweden, in cooperation with the Office of the United Nations High Commissioner for Refugees, while awaiting their permanent residence permit. Since 2018, the annual refugee quota in Sweden had been 5,000 people.

18. **Ms. Brodén** (Sweden) said that there was no general provision on the use of force in prisons. However, under chapter 24, section 2, of the Criminal Code, Prison and Probation Service staff were authorized to use violent means if necessary to prevent persons deprived of their liberty from escaping, to maintain order or to prevent prisoners from harming themselves or others. The Act on Detention and the Act on Imprisonment, supplemented by international guidelines, governed the use of control and coercive measures and restraints. There had been a decrease in the use of pepper spray in custodial settings in the past 10 years. The Prison Service provided inmates and their legal counsel with information on how to file a complaint at either the local or central level. Written complaints were registered, and responses were provided orally or in writing in accordance with the Administrative Procedures Act.

19. **Ms. Larsson** (Sweden) said that the State did not in any way accept, allow or condone torture or ill-treatment, especially in children's residential homes, where the children were in a particularly vulnerable situation and were, moreover, dependent on staff of the National Board of Institutional Care. In order to improve the care provided in such homes and prevent unjustified violence, a coordination group had been established in June 2021 to identify shortcomings, and staff had received training in late 2021 on the topic of coercive measures which embodied a human rights perspective and included information on relevant laws and regulations. Mandatory training to inform all new staff of their responsibilities under the law had been introduced in 2021. The Swedish Agency for Public Management had adopted a human rights action plan with the aim of raising awareness among National Board staff and beneficiaries and incorporating a human rights perspective into case management, follow-up and methods of work. An online training course based on the action plan had recently been launched and would be incorporated into the existing training offered to all staff and management.

20. In addition, wards would be opened in three more youth homes in 2022 to provide more suitable care for young persons and adults with autism and intellectual disabilities. The Agency was exploring the possibility of setting up an internal supervisory system to detect problems, such as cases of ill-treatment, more effectively. The Government had allocated an additional SKr 120 million in 2021 to enhance safety and staff skills and, from 2022, would be allocating SKr 100 million annually to further improve the Agency's work in that domain. The Agency would be reporting to the Government on the provision of care to children and young people in institutions by 31 March 2022. Lastly, the Health and Social Care Inspectorate had been mandated to report to the Government on how youth homes were being run, including their use of solitary confinement, by 31 December 2022.

21. **Ms. Öhman** (Sweden) said that the reason why the periodic report did not contain data on compensation and redress for victims of torture was that, at the time of drafting, the concept of a victim of torture had been given a narrow interpretation. However, victims could always seek compensation, either from the perpetrator or the State, usually through criminal proceedings. It was also possible to obtain compensation for violations by Sweden of the European Convention on Human Rights. For example, Sweden had been found guilty in three cases of refoulement or enforcement of expulsion orders since 2014 and had reimbursed the plaintiffs for their litigation costs in those cases. In July 2021, following a government study, a proposal had been put forward to double the amount of compensation for crime victims in certain circumstances.

22. **Ms. Bram** (Sweden) said that a large amount of resources had been channelled into human rights training for law enforcement officers, prison staff and border agents. Since 2020, the police had been addressing the concerns expressed and recommendations made by international review bodies in a more structured manner and had conducted four thematic workshops in 2021 to discuss those matters and possible solutions. A national online workshop on the issues raised about the treatment of persons deprived of their liberty had been held in May 2021. The principle that all human beings were equal played a central part in the training provided to prison guards, who were expected to support inmates' change process and develop good working relationships with them. All members of the Coast Guard were required to take two courses on human rights, including one dealing with the Convention and Security Council resolution 1325 (2000) on women, peace, and security, as part of their basic training. Swedish military personnel also received training on relevant aspects of international law, and a module on torture as an international or war crime was included in pre-deployment training. Military personnel remained under the jurisdiction of Sweden while serving abroad.

23. **Ms. Janlöv** (Sweden) said that the national human rights institution would report to the Government, rather than to the parliament, because the parliament had determined that it was not in a position to oversee such a body and because that arrangement had been recommended by an official panel created to explore the issue. The director of the institution would be appointed by its board, not by the Government, and, although the Government would appoint the board members, nominations for those positions would be sought from the Swedish bar association, universities and other external parties.

24. **Ms. Bram** (Sweden) said that the organizational structure of the Special Investigations Department had been decided upon by the parliament. The Department submitted an annual activities report, which included relevant statistics, to the Government. It recruited all its own staff, and its investigators held the rank of commissioner; no civilians were employed in that capacity. The Department participated in Police Authority projects designed to improve support services only in very exceptional cases, and the director of the Department was not a member of the national strategic management team headed by the chief of police. Special security arrangements, including the vetting of the persons involved, were put in place for the small number of Department operations for which the police provided support.

25. **Mr. İşcan** (Country Rapporteur) said that he wished to know whether Sweden intended to become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

26. **Mr. Vedel Kessing** (Country Rapporteur) said that he welcomed the measures taken by the State party to limit the length of pretrial detention and reduce the practice of holding pretrial detainees in isolation. He wished to know whether the new electronic system for monitoring pretrial detention would also track how long detainees were held in isolation and whether there were any regulations that specified the number of hours a day that adult detainees were entitled to associate with other persons. It would be helpful to have statistics on incidents involving the use of force in prisons in which means other than pepper spray were employed. He wondered whether the Government might consider bolstering the independence of the Special Investigations Department by, for example, moving it out of Police Authority premises and establishing a separate police complaint mechanism.

27. **Mr. Touzé** said that he wished to know if there were any government plans to allow applications for asylum to be filed at Swedish missions abroad.

28. **Mr. Rodríguez-Pinzón** said that he welcomed the guidelines put in place by the State party on the application of the Principles on Effective Interviewing for Investigations and Information Gathering, otherwise known as the Méndez Principles. The Committee would appreciate information on the compensation provided to victims of the specific incidents of misconduct and assault committed by State actors between 2018 and 2020 that the State party had recently identified. He would be keen to learn more about the proposal for increasing the amounts of compensation awarded as reparation which Ms. Öhman had mentioned once it had been fully formulated.

29. **Ms. Belmir** said that she wished to learn more about how the State party was addressing the range of serious problems involving unaccompanied minors in Sweden, such as trafficking, disappearances, denial of refugee status and deportation.

*The meeting was suspended at 4.35 p.m. and resumed at 4.45 p.m.*

30. **Ms. Eklund Rimsten** (Sweden) said that Sweden had signed the International Convention for the Protection of All Persons from Enforced Disappearance, but the Government would need to conduct a comprehensive analysis of the legislative amendments that would be required before the Convention could be ratified. In the Government's view, Sweden was essentially already in compliance with the Convention.

31. **Ms. Roth Olanders** (Sweden) said that the Government's position regarding the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families remained unchanged since the country's most recent universal periodic review.

32. **Mr. Viström** (Sweden) said that the law on pretrial detention did not provide for a right to have meaningful contact with others in the case of adults. However, the legal framework was continuously being evaluated, and other legislative amendments aimed at reducing isolation had been enacted.

33. **Ms. Brodén** (Sweden) said that the new digital system would also track the use of measures to reduce isolation. Statistics on the use of restraints other than pepper spray were unavailable. The records did show that the use of pepper spray had declined over the past

decade. The use of restraints was governed by the principle of proportionality, and restraints were only to be used when needed.

34. **Ms. Bram** (Sweden) said that no changes in the way that the Special Investigations Department was organized, which had been decided upon by the parliament, were currently under consideration.

35. **Ms. Roth Olanders** (Sweden) said that applications for asylum could not be processed at Swedish missions abroad. The provisions of the Aliens Act were based on the Convention relating to the Status of Refugees. Sweden remained committed to the right to seek asylum in accordance with the Convention, and there were no plans to change the application process. The resettlement process provided a secure, safe and orderly means of transferring refugees to Sweden. The Swedish Migration Agency had recently been able to swiftly resettle Afghan citizens using the process already in place.

36. Sweden was committed to absolute respect for the principle of non-refoulement of children. Asylum-seeking children whose applications were denied would be returned to their home countries only if arrangements could be made for their reception in those countries. Sweden took cases of disappearances of children very seriously, and a number of government bodies had responsibility for following up on such cases.

37. **Ms. Svensson** (Sweden) said that her delegation wished to thank the Committee for the constructive dialogue and the expertise that Committee members had shared. The Committee's concluding observations would serve as a guide for her country's future work in the field.

*The meeting rose at 5 p.m.*