



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

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COMMITTEE AGAINST TORTURE
Twenty-eighth session
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture

SWEDEN

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

A. Introduction

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

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

B. Positive aspects

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

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

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

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

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

(e) The setting up of a special commission to review legislation and case law relating to the application of decisions concerning expulsion from Swedish territory, especially in relation to allegations that individuals have been expelled to countries with which they have no significant ties;

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

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

C. Subjects of concern

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

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

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

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

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

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

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

D. Recommendations

7. The Committee recommends that the State party should:

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

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

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

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

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

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

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

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

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

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