
Committee against Torture

List of issues prior to submission of the ninth periodic report of Sweden*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

1. In its previous concluding observations,¹ the Committee requested the State party to provide information on the follow-up to its recommendations on the definition and criminalization of torture, on the imposition of restrictions, including solitary confinement, and on ensuring identification of torture victims in deportation proceedings, individual review of deportation decisions, and non-refoulement (paras. 10, 16 and 22, respectively). Noting that a reply concerning the information sought by the Committee was provided on 2 December 2022,² and with reference to the letter dated 26 April 2023 from the Committee’s rapporteur for follow-up to concluding observations,³ the Committee considers that the recommendations included in paragraphs 10 and 22 have been partially implemented. The Committee regrets not having received sufficient information on the measures taken to implement the recommendations contained in paragraph 16 to assess implementation. These points are covered in paragraphs 2, 3, 7, 8, 15 and 18 of the present document.

Articles 1 and 4

2. Please provide information regarding any steps which have been taken by the State party to define and criminalize torture in its domestic law, in full compliance with articles 1 and 4 of the Convention, in line with the Committee’s previous recommendation.⁴ In this regard, please provide updated information regarding the status of discussions relating to the Ministerial Memorandum “A specific provision on torture?”, that was presented in September 2015, and which proposed the explicit criminalization of torture.⁵ While noting the dualist system in place in the State party,⁶ please provide information on any cases in which the provisions of the Convention, or the decisions of the Committee, have been referred to in the decisions of domestic courts. Noting also the State party’s assertion that the Convention’s requirements are fully met by its domestic laws and regulations,⁷ and that

* Adopted by the Committee at its eighty-first session (28 October – 22 November 2024).

¹ CAT/C/SWE/CO/8, para. 45.

² CAT/C/SWE/FCO/8.

³ See

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FSWE%2F52556&Lang=en.

⁴ CAT/C/SWE/CO/8, para. 10.

⁵ See CAT/C/SWE/CO/8, para. 9; CAT/C/SR. 1842, para. 29; and CAT/C/SWE/8, para. 4.

⁶ HRI/CORE/SWE/2018, para. 77.

⁷ CAT/C/SWE/FCO/8, para. 5.

torture can be defined under several categories under its domestic law, including assault, rape, kidnapping or crimes against humanity or war crimes,⁸ and taking into account the Act on criminal responsibility for certain international crimes (2014:406), please update the Committee on any steps taken by the State party during the period under review to ensure that acts amounting to torture are not subject to any statute of limitations.

Article 2⁹

3. Please provide updated information on measures taken by the State party and on the procedures in places to ensure that all detained persons are afforded, in law and in practice, all fundamental legal safeguards against torture and ill-treatment from the outset of their deprivation of liberty, in particular the rights to have access to a lawyer of their choice or, if necessary, to free legal aid, to request and receive a prompt examination by an independent medical doctor free of charge, or by a medical doctor of their choice, to be informed of their rights and the charges against them, both orally and in writing, to have their detention recorded in a registry, to be brought promptly before a judge, regardless of the reasons for their arrest, and to notify a relative or any other person of their choice of their arrest. In relation to the notification of custody, and taking into account the concerns raised by the Committee in its last concluding observations,¹⁰ please provide detailed information on the legislative grounds for denying persons deprived of their liberty this right.

4. The Committee welcomes the establishment of the Swedish Institute for Human Rights, which commenced its activities on 1 January 2022. The Committee similarly welcomes information received indicating that the Institute will seek accreditation from the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions. In this regard, and taking into account concerns raised by the Committee on Economic, Social and Cultural Rights,¹¹ please provide information regarding the technical, human, and financial resources of the Institute, including information as to whether the Institute has an independent budget, and whether its budget allocation is established in legislation.

5. Please provide information on the legislative, administrative, and other measures taken to eliminate all forms of violence against women, including domestic and sexual violence. In this regard, please provide information regarding the implementation to date of the ten-year national strategy to prevent and counter men's violence against women, adopted in 2016, along with any methodology in place in order to monitor the strategy's effectiveness. Please also include statistical data on the number of complaints of gender-based violence and the investigations, prosecutions, convictions and sanctions resulting from those complaints during the period under review. With regard to the protection of victims of gender-based violence, please inform the Committee on the protection and support services available to victims of gender-based violence in the State party, including the number of shelters available, their occupancy rates, and their means of access. Please similarly provide the Committee information regarding the process of obtaining a "contact ban" under the Restraining Order Act (1988:688) (Lag om kontaktförbud), along with detailed and disaggregated data regarding the number of contact bans issued during the period under review, the procedure for renewal and review, and their average duration. Taking into account the concerns raised and recommendations issued by the Committee on the Elimination of

⁸ Ibid., see also CAT/C/5/Add.1, paras.1-7.

⁹ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by States parties, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

¹⁰ CAT/C/SWE/CO/8, para. 11.

¹¹ E/C.12/SWE/CO/7, para. 6.

Discrimination against Women,¹² please provide information regarding the steps taken to improve the collection and analysis of data, disaggregated by age, nationality, country of origin, disability and the relationship between the victim and the perpetrator, on gender-based violence against women and girls.

6. With regard to the Committee's previous concluding observations,¹³ please provide updated information, disaggregated by the age, sex and ethnicity or nationality of the alleged victims, on the number of complaints, investigations, prosecutions, convictions, and sentences imposed in cases of trafficking in human beings since the consideration of the State party's previous periodic report. Please provide updated information on any judicial decisions pertaining to cases of trafficking or related offences. Please also provide information on:

(a) Any new legislation or measures that have been adopted to prevent, combat, or criminalize trafficking in persons;

(b) The outcomes, to date, of the national action plan to combat prostitution and trafficking in human beings, adopted in 2018, along with information on strategies to monitor the effectiveness of the action plan;

(c) Efforts undertaken to ensure that free legal assistance by lawyers specialized in trafficking cases is provided as soon as there are reasonable grounds to believe that a person is a victim of trafficking in human beings;

(d) The measures adopted to ensure that victims of human trafficking have access to effective remedies and reparation, including through the effective implementation of compensation awards;

(e) Steps taken toward the establishment in law of an explicit non-punishment provision for all offences that victims of trafficking were compelled to commit, along with information on training of law enforcement officials, prosecutors and judges on the identification and protection of victims of trafficking in human beings, and on the Prosecutor General's guidelines on the non-punishment of victims of trafficking, issued in 2021;

(f) Access to residence permits for victims of trafficking in human beings and steps taken to ensure that trafficked persons are not returned to their countries of origin where there is a substantial ground to believe that they would be in danger of torture or ill-treatment.

Article 3

7. Please describe the measures taken during the period under review to ensure that no person is returned to a country where he or she would be in danger of torture. Please provide information, disaggregated by sex, age and country of origin, on the number of persons who have been returned, extradited, or expelled from the State party during the period under review. Please provide details of the grounds on which these persons were sent back and the list of the countries to which individuals were returned. Please provide updated information on the type of appeals mechanisms that may exist, any appeals that have been made and the outcome of those appeals. Taking into account the information provided by the State party in its follow-up report,¹⁴ along with information provided by the State party in its letter of 11 September 2023¹⁵ in response to the request of certain Special Procedures mandate holders for additional information,¹⁶ please provide information regarding the circumstances under which appeals against negative decisions of the Migration Agency to a migration court, and, thereafter, to the Migration Court of Appeals, may not have a suspensive effect. Please provide information on steps taken by the State party to ensure the application of an approach during the refugee status determination procedure that allows for the identification of victims of torture among asylum seekers, and provide updated statistical data, disaggregated by sex,

¹² CEDAW/C/SWE/CO/10, paras. 23 and 24.

¹³ CAT/C/SWE/CO/8, para. 37.

¹⁴ CAT/C/SWE/FCO/8, para. 25.

¹⁵ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37706>, para 8.

¹⁶ AL SWE 1/2023.

country of origin and age group, of persons seeking asylum, on: (a) the number of asylum applications registered; and (b) the number of successful applications for asylum or other forms of humanitarian protection, specifying, where appropriate, the number of persons whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin.

8. Please inform the Committee as to whether the State party has accepted diplomatic assurances from other States parties regarding safe return during the reporting period. If so, please indicate the number of refoulements, extraditions and expulsions carried out by the State party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof, as well as any instances in which the State party has offered such diplomatic assurances or guarantees. What are the minimum contents of any such assurances or guarantees, whether given or received, and what measures have been taken in such cases with regard to subsequent monitoring?

Articles 5–9

9. The Committee welcomes information provided by the State party regarding the new legal amendment, which entered into force on 1 January 2022, stating that Swedish courts have full jurisdiction with respect to acts covered by the term “torture” under Article 1 of the Convention even if the crime has been committed outside of Sweden.¹⁷ Resultantly, please provide information, including judicial decisions, on any cases in which the State party has taken the necessary measures to establish its jurisdiction over the offences referred to in article 4 of the Convention where the alleged offender is present in a territory under its jurisdiction and it has not taken steps to extradite them.

10. Please provide updated information on any extradition agreements concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such agreements. Please clarify the mutual legal assistance treaties or agreements and other cooperative arrangements that the State party has entered into with other entities, such as states, international tribunals, or international institutions, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture and ill-treatment. Please provide examples.

11. Taking into account the letter from Special Procedures mandate holders sent on 1 February 2022,¹⁸ and the State party’s response dated 1 April 2022,¹⁹ please indicate the measures taken to facilitate the repatriation of all nationals of the State party detained in camps in north-eastern Syria in inhuman and degrading conditions and without access to legal safeguards, an effective remedy or a fair trial, regardless of their age, gender or degree of alleged involvement in the armed conflict, along with steps taken to ensure that such victims receive the necessary assistance, rehabilitation and reintegration services, including psychosocial support and legal aid. Please comment on information before the Committee indicating that these detainees are guarded by the region’s main militia, the Syrian Democratic Forces, which is backed by the international coalition to counter Daesh, led by the United States of America and of which Sweden is a member.

Article 10

12. Please provide up-to-date information on the training and educational programmes developed by the State party to ensure that all public officials involved in the custody, interrogation or treatment of persons deprived of their liberty, including law enforcement officials, prison staff, border guards and members of the military are fully aware of the provisions of the Convention and know that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please indicate whether the State

¹⁷ CAT/C/SWE/FCO/8, para. 8.

¹⁸ [AL SWE 1/2022](#).

¹⁹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36875>.

party has developed a methodology to assess the effectiveness and impact of training and educational programmes in reducing cases of torture, ill-treatment and excessive use of force, and, if so, please provide information on the methodology. Please also provide detailed information on the existence of any training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting physical and psychological sequelae of torture. Do such programmes include specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised?

13. Please indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention. Please explain whether clear instructions concerning the prohibition of torture and ill-treatment are included in the relevant regulations, and in particular those intended for officials in contact with persons deprived of their liberty. Following the State party's efforts to implement the Principles on Effective Interviewing for Investigations and Information Gathering (the Méndez Principles), please provide information as to whether the Principles form part of the training of public officials involved in the custody, interrogation or treatment of persons deprived of their liberty.

Article 11

14. Please describe the procedures in place for ensuring compliance with article 11 of the Convention. Please provide information on any interrogation rules, instructions, methods, practices, and arrangements for custody, and indicate the frequency with which they are reviewed. Please provide updated information on the outcomes, to date, of efforts to integrate, as governing principles in the State party, the Méndez Principles into the interrogation rules, instructions, methods and practices, as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment, with a view to preventing any cases of torture, as noted by the Committee in its previous concluding observations.²⁰ The Committee also notes information brought to its attention regarding the State party's consideration of initiatives to combat overcrowding at places of deprivation of liberty through the use of extraterritorial detention. In this regard, please provide the Committee information on any plans or discussions in the State party to this effect. If indeed, such initiatives are under consideration, please inform the Committee of measures which are, or which will be put in place to ensure that transferred detainees are treated in accordance with the Convention, including access to fundamental legal safeguards, both in law and in practice, such as the right to unhindered contact with lawyer and, if necessary, legal aid, the right to medical care, and the right to family life, especially for those with young children. Please also provide information regarding the types of detainees that may be transferred under such plans, including elements which may be taken into consideration in their selection, along with information regarding their right to return to the State party upon their release.

15. Please provide updated statistical data, disaggregated by the place of detention, sex, age group (minor/adult), and ethnicity or nationality of detainees, on the capacity and occupancy rate of all places of detention, the number of pretrial detainees and the number of convicted prisoners. In this regard, please provide updated data regarding the number of individuals in pretrial detention, along with information relating to the average length of pretrial detention in the State party and the existence and prevalence of alternative, non-custodial measures. Please provide updated information on the measures taken to ensure that men are separated from women, pretrial detainees from convicted prisoners, and adults from minors in all places of detention. Please also provide information regarding steps taken to ensure that limits on the contact of pretrial detainees with the outside world are subject to the principles of legality, necessity, and proportionality, entail an individual determination of the risk posed in each individual case, and are only used for the shortest possible duration in order to accomplish the objective pursued. In this regard, please inform the Committee of any reduction in the use of restrictions on contact which has resulted from the legislative

²⁰ CAT/C/SWE/CO/8, para. 5.

amendments of 1 July 2021 and 1 January 2022, as mentioned in the State party's follow-up report.²¹

16. Please provide information on efforts taken to ensure that children are only detained as a last resort, when determined to be strictly necessary and proportionate in the light of the child's circumstances, and for the shortest duration possible. In this regard, please provide updated information regarding the number of detention facilities for children in conflict with the law, the number of places available in such facilities, and their current occupancy rates, along with data disaggregated, *inter alia* according to age, gender, and grounds for detention, of all children in conflict with the law currently deprived of their liberty. Please provide information regarding the recreational, educational, and vocational activities available to children in detention, along with information on other measures which take into account the specific needs of children and the principle of the best interests of the child, including, for example, access to healthcare, reintegration, and family contact. More broadly, please provide information regarding steps taken to ensure that places of deprivation of liberty, including applicable detention regimes, are adapted to respond to the specific needs of other groups such as women, including pregnant women and women with young children, people with disabilities, and people suffering from chronic health conditions, including individuals suffering from mental illness.

17. Please provide updated information regarding access to healthcare in detention, including the number of medical staff and their training. Please also provide information regarding deaths in custody, including data disaggregated by age, gender, and cause of death. Please provide information on the manner in which those deaths were investigated, the results of those investigations, and the measures taken to prevent similar cases from occurring in the future. Please indicate whether relatives of the deceased received compensation in any of the cases. If no deaths in custody have occurred during the reporting period, please describe the procedures in place should such deaths occur. Noting the information provided by the State party in its follow-up report,²² please inform the Committee as to whether forensic examinations in cases of deaths in custody are carried out by an independent body, along with information regarding any steps taken to incorporate the Minnesota Protocol on the Investigation of Potentially Unlawful Death into the State party's investigatory procedures. Please also inform the Committee as to whether, in cases of suicide, or attempted suicide, independent investigations into the causes of death are carried out which examine, *inter alia*, the causal links that may exist between the application of restraints and/or solitary confinement and the death under investigation.

18. Please provide updated information on the disciplinary system in places of detention, including migration detention, and indicate whether there is a procedure that guarantees due process and an independent body that reviews the disciplinary measures taken. Noting that the State party does not include solitary confinement among its disciplinary measures, and noting information provided in the State party's follow-up report,²³ please provide updated information on the specific steps taken to limit *de facto* solitary confinement measures in pretrial detention, to abolish the use of *de facto* solitary confinement for minors, and to adopt legislation to enable adult detainees to associate with others in alignment with new legislation adopted for minors. With regard to use of force against persons deprived of their liberty, please provide information on the applicable legislation and regulations governing such uses of force, including the legislation and regulations governing the use of physical and chemical restraints in detention settings, and methods of documentation.

19. Noting the recommendations of the International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement²⁴ following its visit from 31 October to 4 November 2022, along with the concerns and recommendations of the Committee on the Rights of Persons with Disabilities,²⁵ please provide information regarding steps taken to amend the Police Act of 1984, as well as the 1969 Government's Decree on

²¹ CAT/C/SWE/FCO/8, paras. 10 and 11.

²² *Ibid.*, para. 16.

²³ *Ibid.*, paras. 13 and 14.

²⁴ A/HRC/54/CRP.1, paras. 51 and 56.

²⁵ CRPD/C/SWE/CO/2-3, para. 23 and 24

Use of Firearms in the Police Service, to align them with international standards governing the use of force, inter alia, by incorporating the principles of precaution and proportionality into such legislation. More broadly, please provide information on any legislative, judicial or administrative efforts aimed at reducing resort to the use of force by law enforcement officials, along with information regarding any trainings which have taken place in this regard.

20. Please provide updated information regarding procedures relating to involuntary hospitalization in the State party, along with procedures for review and appeal of decisions in this regard. Taking into account the recommendations of the Committee on the Rights of Persons with Disabilities,²⁶ please provide information regarding the steps taken to improve access to community housing and supports and to use such resources in lieu of involuntary hospitalization or other forms of institutionalization, such as mandatory placement in social care homes, and to amend and/or repeal legislation that restricts the legal capacity of persons with disabilities and provides for harsher measures against persons with disabilities found to have perpetrated criminal acts than for other individuals convicted of the same crimes, such as indeterminate detention. Please provide updated information on any legislation relating to the use of physical and chemical restraints in institutional settings, along with information on steps taken to prohibit the use of coercion and restrictive practices and the application of electroconvulsive therapy and medical treatments without consent for children and adults with disabilities and in psychiatric settings. With regard to children in social care homes, please provide information regarding efforts to ensure that staff are adequately trained in methods of non-violent and non-coercive care, along with data regarding complaints, investigations and prosecutions of staff who are alleged to have committed physical, sexual, or psychological abuse.

21. Please indicate the measures taken by the State party during the reporting period to ensure that the detention of asylum seekers and undocumented migrants is used only as a last resort, where necessary and for as short a period as possible, and to further implement alternatives to detention in practice. Please provide up-to-date information on the number of asylum seekers and undocumented migrants apprehended and detained during the reporting period, along with information on the average period of detention, the reasons for their apprehension, and the outcomes of their cases. Please provide information on steps taken to ensure that asylum seekers and undocumented migrants detained on grounds related to immigration have access to an independent and effective mechanism for addressing complaints.

22. Please provide updated information regarding the existence of detention monitoring mechanisms in the State party, along with specific information regarding their independence, the regularity and methodology of their visits, and their mandate, including their powers to make recommendations, public reporting, and access to places of deprivation of liberty.

Articles 12–13

23. Please provide updated, disaggregated information on the number of complaints, investigations, prosecutions, and convictions relating to acts of torture or ill-treatment in the period under review, along with information on the sentences handed down in cases where alleged perpetrators were found to be guilty. Please also provide information regarding the measures taken to ensure that any individual who alleges that they have been subjected to torture or cruel, inhuman or degrading treatment or punishment has the right to complain and to have their case promptly and impartially investigated. In this regard, and taking into account the information provided by the State party in its follow-up report,²⁷ please provide information on any plans to fully separate the Special Investigations Department from the police authority in order to strengthen its independence, including in the perception of the general public.

²⁶ Ibid., paras. 32 and 34.

²⁷ CAT/C/SWE/FCO/8, paras. 27 and 28.

Article 14

24. Please provide information on redress and compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or their families during the period under review. Please include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case. Please also provide updated information on any ongoing reparation programmes, including the treatment of trauma and other forms of rehabilitation, provided to victims of torture and ill-treatment, and on the material, human and budgetary resources allocated for their effective functioning.

Article 15

25. Please provide updated information on the specific measures that have been adopted to ensure that the principle of inadmissibility of evidence obtained through torture or ill-treatment is observed in law and in practice. Please provide examples of any recent cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

Article 16

26. Taking into account the recommendations of the Special Rapporteur on freedom of religion or belief²⁸ following her visit to the State party from 11 to 20 October 2023, along with the recommendations of the International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement,²⁹ please provide information regarding the number of complaints, investigations, prosecutions and, in cases where the alleged perpetrator has been found guilty, the sentences handed down, in relation to hate crimes in the State party, along with the administrative and judicial measures taken to investigate and prosecute such crimes. Please also provide updated information on:

(a) Steps taken to amend the Anti-Discrimination Act so that it fully applies to the conduct of State agents, including law enforcement and officials in the criminal justice system as a whole;

(b) Efforts undertaken to enhance the collection of disaggregated data regarding hate crime allegations, including the results of investigations and prosecutions in the State party;

(c) Efforts undertaken to counter harmful narratives affecting minority groups in the State party, including efforts undertaken to combat islamophobia, antisemitism, antigypsyism, and hateful rhetoric directed toward migrant populations.

27. Please provide information on any steps taken to explicitly prohibit the performance of non-urgent and non-essential medical or surgical treatment on intersex children before they are of sufficient age or maturity to make their own decisions and provide their free, prior, and informed consent. Please also inform the Committee of the existence of any independent oversight of decision-making to ensure that medical treatments for children with intersex traits who are unable to consent are necessary and urgent, and are the least invasive option. Please further indicate whether victims of non-urgent and non-essential treatment have received redress, including appropriate compensation and rehabilitation, and provide the Committee with information on the number of cases in which redress has been provided, including the types of redress provided and amounts of compensation awarded, if any. Please provide information regarding the availability of professional counselling services and psychological and social support for intersex children and their families.

²⁸ A/HRC/55/47/Add.2, para. 98.

²⁹ A/HRC/54/CRP.1, paras. 51 and 56.

Other issues

28. Please provide updated information on the measures taken by the State party to respond to the threat of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of international standards and, if so, what the outcome was.

29. Please provide information regarding any considerations or discussions ongoing in the State party regarding the ratification of the Convention for the Protection of All Persons from Enforced Disappearance, which was signed by the State party on 6 February 2007.

General information on other measures and developments relating to the implementation of the Convention in the State party

30. Please provide detailed information on any other relevant legislative, administrative, judicial, or other measures taken to implement the provisions of the Convention. Such measures may include institutional developments, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party considers relevant.
