

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

Eighth Periodic Report

**Response of the Kingdom of Sweden to the list of issues prior to
reporting (CAT/C/SWE/QPR/8) transmitted to the State Party
under the optional reporting procedure**

Introduction

Pursuant to Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Swedish Government hereby submits its eighth periodic report. The report covers legislative, administrative and other measures linked to the individual substantive provisions of the Convention taken since Sweden submitted its combined sixth and seventh periodic report (CAT/C/SWE/6-7). This presentation follows the list of issues adopted by the Committee at its fifty-ninth session (CAT/C/SWE/QPR/8).

Some statistical material has been placed in annexes to this report.

Reply to the issues raised in paragraphs 2 and 11

A combined reply to the issues raised in paragraphs 2 and 11 is given below. As stated in Sweden's combined sixth and seventh report in October 2013 (CAT/S/SWE/6-7) and at the dialogue meeting in November 2014, it is the understanding of the Swedish Government that the Convention does not oblige a State Party to incorporate a specific provision on torture in its domestic legislation. The Convention's requirements are fully met by Swedish laws and regulations, including Swedish penal legislation. Sweden's first report (CAT/C/5/Add.1) gave a full account of the relevant legislation, which includes, *inter alia*, various forms of assault. Since then Sweden has extended both the criminalised area and its jurisdiction. It should be mentioned, in relation to Sweden's most recent report, that in certain cases acts of torture are also punishable under the new Act on criminal responsibility for genocide, crimes against humanity and war crimes (2014:406). Crimes under that Act are subject to universal jurisdiction and are, in the main, not subject to any statute of limitations. In addition, a stricter minimum penalty has recently been introduced for several serious offences that can constitute acts of torture, including gross assault.

The inquiry appointed to examine whether there is a need for a specific provision on torture in Swedish criminal legislation presented its findings in September 2015 in the ministerial memorandum *A specific provision on torture? [Ett särskilt tortyrbrott?]* (Ds 2015:42). In the memorandum it is proposed that torture be criminalised as a specific crime. It is also proposed that the crime is made subject to universal jurisdiction and be exempt from the statute of limitations. The memorandum has been circulated for formal consultation. The matter is being considered by the Government Offices.

Reply to the issues raised in paragraph 3

a) In previous replies to the Committee, Sweden has set out the rules on the right to access to a lawyer in Swedish legislation (CAT/C/SWE/CO/5/Add.1). Under Swedish law a suspect is entitled, irrespective of whether they have been deprived of their liberty, to a public defence counsel as soon as they are notified in the suspicion of a crime, i.e. before an interview is held about the matter. In other words, the question of the right to defence counsel comes up at a very early stage and is also handled promptly in practice.

Since November 2016 the right to defence counsel has been strengthened further by the implementation of the Directive on the right to access to a lawyer in criminal proceedings (2013/48/EU)¹. A suspect who has been deprived of their liberty and is being represented by a public defence counsel, or a private defence counsel who fulfils corresponding requirements, now has an unrestricted right to meet and communicate in private with their defence counsel. The same also applies to other contacts in the form of, for example, phone calls or letters between the person deprived of their liberty and their defence counsel.

Work is also under way on the implementation of the EU's Legal Aid Directive (2016/1919/EU)² and the Procedural Safeguards for Children Directive (2016/800/EU)³. Both directives are to be implemented by spring 2019. In order to implement these directives two inquiries (Ds 2017:53 and SOU 2017:68) have presented legislative proposals whose purposes include ensuring that it will be possible to appoint public defence counsel for a suspect deprived of their liberty at an even earlier stage than at present. It is the court that appoints a public defence counsel for a suspect. To avoid a decision to appoint a public defence counsel being delayed at times when the court is closed, it is now proposed that the prosecutor should be able to make an interim appointment of a public defence counsel for a suspect pending the decision of the court.

¹ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty.

² Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings.

³ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.

Following consultation with the Swedish Bar Association and the Prosecutor-General about the practicalities for public defence counsels' contacts with their clients remanded in custody, the Swedish Prison and Probation Service has developed procedures under which a public defence counsel of a person who has been remanded in custody by a court or arrested by order of a prosecutor has the right to contact their client at any time of the day or night. However, the time of day or night for phone calls and visits not prenotified may affect the time required to arrange the telephone contact or the visit. Irrespective of whether or not there has been prior notification and irrespective of the time of day or night, waiting times have to be kept as short as possible. The aim for telephone contacts between the detainee and their public defence counsel is that it should not normally take more than 15 minutes from the public defence counsel's request for the detainee to be given the opportunity to return the call. The aim for visits is that in the daytime (08.00-18.00 including weekends) a public defence counsel should be able to meet their client within 15 minutes of the public defence counsel's arrival at the remand prison, even if the visit has not been notified in advance. Prenotified or booked visits, even those when notice is given a short time before arrival at the remand prison, normally speed up the processing of visits. The guidelines are included in the Swedish Prison and Probation Service's Handbook on visits and electronic communication in prisons and remand prisons (2014:3).

b) The health care clinics provided in remand prisons function, in principle, in the same way as a normal health centre. Under the Swedish Prison and Probation Service's Regulations and general advice for remand prisons (KVFS 2011:2) every person admitted to a Swedish remand prison is examined by a nurse who reports to a doctor. The examination takes place the day after or the first working day after arrival and is conducted under health care secrecy. The examination follows a special template to enable all the necessary medical information to be obtained. An examination by a doctor is booked if the nurse considers that the detainee needs to be examined by a doctor or if the detainee wants to have an examination by a doctor. Otherwise detainees are informed about how to book a consultation with a doctor or nurse. An assessment by a doctor other than the doctor in the Swedish Prison and Probation Service is handled as a second opinion. Detainees are able to request to access their medical records and read them with health care professionals,

c) A person who has been deprived of their liberty shall, under the Preliminary Investigations Ordinance (1947:948) be informed of a number of procedural rights. The information has to be given in a language that the person concerned understands.

When a person who is reasonably suspected of an offence is notified of the suspicion, they shall also be notified of their right to:

- engage a defence counsel and have a public defence counsel appointed;
- receive information about changes in the suspicion and access investigative material;
- be assisted when required by an interpreter and have documents necessary to enable them to safeguard their rights translated; and
- not need to make any statement about the suspicion and not need to assist in the investigation of their guilt in any other way.

A person who has been arrested or remanded in custody shall, without delay, be given written information about:

- the rights set out above;
- the right to access the facts that form the basis for the arrest or remand in custody order;
- the right to have a relative or some other person close to them notified of the deprivation of their liberty;
- the right to receive health care; and
- the right to have an arrest order examined at a remand hearing within the statutory time limit.

This information is given in the form of an information sheet that the suspect is entitled to retain as long as they are deprived of their liberty (see Annex 1). The information sheet, which also contains special information aimed at persons under 18 years of age, is currently available in 43 languages.

Notification of relatives

The provisions regulating the notification of relatives in the event of a deprivation of liberty were tightened and clarified in 2016 as a result of Sweden's implementation of the EU directive on the right of access to a lawyer in criminal proceedings and on the right to communicate.

Under Chapter 24, Section 21 a in the Code of Judicial Procedure, a person who is deprived of their liberty has the right to have one of their closest relatives or someone else who is particularly close to them notified of the deprivation of their liberty as soon as possible. It is the person who has been deprived of their liberty who decides who is to be notified, but the responsible official is obliged to ask the suspect whether notification shall be given.

As an exception to the main rule, the leader of the preliminary investigation can decide to postpone a notification if this is necessary so as to not significantly impede the investigation of the matter. The scope for postponing a notification was limited as a result of the 2016 amendment. One example when an investigation risks being substantially impeded can be that the person who has been deprived of their liberty has had restrictions imposed on their outside contacts on account of a danger of collusion and a notification to the person entails a considerable risk that evidence will be removed. The requirement that the decision has to be necessary means that an assessment of proportionality has to be made. It also means that for it to be possible to postpone the notification, the information, if given, would most likely lead to the investigation being substantially impeded. If the reasons for postponing a notification are to do with a particular person whom the person who has been deprived of their liberty wants to have informed, the leader of the preliminary investigation should consider notifying another person close to them.

Provisions on notification regarding minors who have been deprived of their liberty are now set out in Section 5 of the Young Offenders (Special Provisions) Act (1964:167). If a person who has not attained 18 years is reasonably suspected of an offence, their custodian or some other person who is responsible for the care and upbringing of the young person shall immediately be notified and summoned to interviews held with the young person. If the young person has been apprehended, arrested or remanded in custody on account of the suspicion of an offence, such an adult shall be notified about this and about the reasons for it at the same time as notification is given of the suspicion of an offence or otherwise

immediately after the deprivation of liberty. Unlike what applies to adults, the notification regarding children thus also has to relate to the reasons for the deprivation of liberty.

As is the case regarding adults, the leader of the preliminary investigation can decide to postpone a notification of a suspicion of an offence, a summons to an interview or a notification of a deprivation of liberty if it is necessary so as to not substantially impede the investigation of the matter. When there are no longer any reasons for the decision, a notification shall be made immediately. The same applies to a summons to an interview.

Reply to the issues raised in paragraph 4

In October 2016 the Government presented a strategy for national efforts on human rights to the Riksdag.⁴ The strategy is based on the Government's goal to guarantee full respect for Sweden's international commitments on human rights. In the strategy the Government makes the assessment that a national institution for human rights, in accordance with the Paris Principles, ought to be established in Sweden and that the Riksdag ought to be the body responsible for such an institution. The question has been passed on to the Riksdag for further processing. After having investigated the matter the Riksdag concluded that there are reasons for not placing a Swedish institution for human rights in the Riksdag. The Riksdag asked the Government to promptly re-examine the question of a national institution for human rights.

In March 2018 an inquiry was appointed in the Government Offices to review the question of a national institution for human rights (Ku2018/02610/Disk). On the basis of the 'Paris Principles' the inquiry chair is to draft proposals for the setting up of a national human rights institution in Sweden.

As regards the Equality Ombudsman, it can be mentioned that this agency has been given a broader mandate to combat discrimination and work for equal rights and opportunities since the protection from discrimination in the Discrimination Act (2008:567) has been strengthened. For instance, a wider protection against discrimination in the form of inadequate accessibility for persons with disabilities has been introduced. The budget appropriation for the Equality Ombudsman has also been increased by SEK 10 million as of 2016 and by a

⁴ The Government's Strategy for national efforts with human rights, Govt Comm. 2016/17:29.

further SEK 10 million for 2018, strengthening the work of the Equality Ombudsman against discrimination.

Reply to the issues raised in paragraph 5

Since 1 July 2011 the Parliamentary Ombudsmen is appointed National Preventive Mechanism (NPM) under the Optional Protocol to the UN Torture Convention, OPCAT. A special unit assists the Ombudsmen in the task of regularly inspecting places where people are held when deprived of their liberty in order to prevent them being subjected to cruel, inhuman or other degrading treatment or punishment. The NPM role follows from the law and is regulated in the Ordinance containing Instructions for the Parliamentary Ombudsmen.

When the Parliamentary Ombudsmen were given the NPM role, the OPCAT Unit was set up and the Parliamentary Ombudsmen were allocated funding corresponding to four full-time equivalents. A medical expert was recruited in March 2015 and is attached to the OPCAT Unit. In May 2015 Sweden was visited by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The report presented to the Government at the beginning of 2016 stated that the Committee found the OPCAT operations to be understaffed. Following a review of OPCAT operations, the OPCAT Unit has been reinforced by a further two full-time equivalents. For this purpose SEK 1 million has been added to the appropriation of the Parliamentary Ombudsmen as of 2018. This means that there are now six full-time equivalents in the OPCAT operations. The reinforcement put in place means that the OPCAT operations are now better equipped to be able to assist the Ombudsmen in their NPM role.

Reply to the issues raised in paragraph 6

Ten-year national strategy

The work of the Government to prevent and combat men's violence against women is being conducted in line with a ten-year national strategy placing particular emphasis on preventive action. The area of application of the strategy is all forms of physical, mental and sexual violence and threats of violence aimed to women and girls, including honour-related violence and oppression with varying expressions such as genital mutilation and forced marriage. The Government adopted the strategy in November 2016.

The aims of the strategy are increased and effective preventive work to combat violence, improved detection of violence and stronger protection and support for women and children subjected to violence, more effective crime-fighting; and improved knowledge and methodological development.

National action plan to combat genital mutilation

On 28 June 2018 the Government adopted a National action plan to combat genital mutilation of girls and women. The action plan, which brings together both ongoing work and new measures, includes action to better identify girls at risk of genital mutilation, action to increase knowledge among professionals and commissions intended to improve the health care of victims of genital mutilation. Genital mutilation has been prohibited in Sweden since 1982 and is punishable even when performed in a country where it is legal if there is a link to Sweden.

Legislation

On 1 July 2017 stricter penalties came into force for certain serious violent offences. The legislative amendments included tougher scales of penalties for offences under the Act Prohibiting the Genital Mutilation of Women (1982:316). For genital mutilation offences of normal severity the scale of penalties was raised from imprisonment for at most four years to imprisonment for at least two and at most six years. For gross offences the minimum penalty was increased from imprisonment for two years to imprisonment for five years. A separate scale of penalties was also introduced for less serious offences, imprisonment for at most four years. At the same time as these amendments were made, the minimum penalties were also increased for *inter alia* gross assault, exceptionally gross assault, gross unlawful coercion and gross unlawful threat.

Legislative amendments that entered into force on 1 January 2018 expanded criminal responsibility for ‘grooming’ so as to do more to counter adults using children for a sexual purpose. It is now a criminal offence to even *suggest* a meeting with a child under the age of 15 years if the purpose is to commit a sexual offence against the child. There is no longer a requirement that the adult, after making the suggestion, takes some other measure to contribute to the meeting coming about. The maximum penalty was also increased from imprisonment for one year to imprisonment for two years.

Legislative amendments that entered into force on 1 July 2018 are intended to provide stronger protection against harassment and persecution. The amendments include the following. It will be possible to use electronic monitoring of non-contact orders in more cases than before because this is now the main rule if the person referred to in a decision has previously breached a non-contact order. The longest possible prohibition period for a non-contact order combined with an electronic monitoring condition was extended from six months to one year. The scale of penalties for breach of a non-contact order combined with electronic monitoring was increased to imprisonment for at most two years.

Legislative amendments have also been made in order to make it clear that every individual has an unconditional right to personal and sexual integrity and to sexual self-determination. They include the following amendments. The dividing line for a punishable act is set at whether or not participation in a sexual activity is voluntary. There is no longer a requirement that the perpetrator used violence or a threat, or exploited the victim's particularly vulnerable situation, for it to be possible to convict the perpetrator of rape, for example. A special liability for negligence was introduced for certain serious sexual offences. The minimum penalty for gross rape and gross rape of a child was raised from imprisonment for four years to imprisonment for five years. The legislative amendments entered into force on 1 July 2018.

The Riksdag has adopted a government bill on stronger protection for threatened and persecuted individuals who need to live with what is called protected personal data. The legislative amendments introduce a new protection regime, called protected population registration, which will provide greater security for this vulnerable group. It will be possible to obtain protected population registration for an unlimited period and the protection will cease to apply when the individual notifies the Swedish Tax Agency that the measure is no longer needed or when there are special reasons. Since the protection can be provided for an unlimited period and since the Swedish Tax Agency has limited possibilities of deciding to end the protection on its own initiative, there are better possibilities of obtaining long-term and continuous protection. The legislative amendments enter into force on 1 January 2019.

Protection and support

Municipalities have a statutory obligation to provide support for victims of crime, including women and children who have been subjected to domestic violence. Under Chapter 5, Section 11 of the Social Services Act (2001:453) particular consideration shall be given to the fact that women who are being or have been subjected to violence or other abuse by a person close to them may need support and assistance in order to change their situation. This covers various forms of psychological and social support as well as financial and practical assistance. The Swedish National Board of Health and Welfare has further specified the meaning of this provision in regulations and general advice (SOSFS (Swedish National Board of Health and Welfare Code of Statutes) 2014:4). In addition, the Board has published recommendations, monitoring reports and methodological and training material, including a handbook about how the social services and health care can work with women who have been subjected to domestic violence and how to ask questions about violence in close relationships in health care and the social services.

The Board has also published several sets of training material about violence against women in particularly vulnerable situations due to disabilities, drug-related problems, old age and migration. At present the National Board of Health and Welfare is conducting a national inventory of honour-related violence in all age groups, which also includes child and forced marriages.

An important contribution regarding support services is made by the many women's shelters and young women's empowerment centres around Sweden. Today there are around 200 shelters around the country that offer support and protection for women subjected to violence. Most of them are affiliated to one of the two voluntary umbrella organisations for women's shelters: the National organisation for women's and young women's shelters in Sweden and Unizon. Just under 80 local crime victim services are also members of the umbrella organisation Victim Support Sweden and offer support services for victims of crime, most of whom are said to be women. As regards sheltered accommodation some municipalities run their own accommodation but, in practice, most rely on accommodation run by the voluntary sector. However, municipalities have the overall responsibility for all types of services provided under the Social Services Act.

The Government provides considerable support for local women's shelters and young women's empowerment centres; SEK 475 million has been specially allocated to support for their activities in the period 2015–2018.

Statistics

The official crime statistics do not reflect the actual number of offences in society but only provide information about the offences that have come to the knowledge of the justice system. The propensity to report an offence can both vary over time and be lower when there is a relationship between the victim and the perpetrator. This is often the case in sexual offences and regarding gross violation of a woman's integrity. The propensity to report an offence can also vary between countries. Care must therefore be taken when drawing conclusions about the level and development of crime on the basis of crime statistics.

In Swedish crime statistics it is not possible to follow a matter through the justice chain from the report to a conviction decision. The statistics report a cross-section of events during a year and different statistical products measure different objects (offences or decisions). Therefore the conviction decisions reported below cannot be linked directly to the other statistics in the tables since some of the offences reported during a year will not be subject to conviction decisions in the same year. In addition, a conviction decision can cover several offences.

Data about sexual offences and gross violation of a woman's integrity are provided in table 1 and table 2 respectively. The number of registered sexual offences is affected by the legal regulations and the extent to which the criminal activity is reported and registered.

Sweden has a broad legal definition of sexual offences that covers more types of acts than in many other countries. Swedish crime statistics also register each individual offence separately, even in the case of repeated exposure by the same perpetrator against the same victim. Taken together, these considerations contribute to making it difficult to compare the number of registered sexual offences between countries.

The statistics concerned do not contain data about the ethnicity and/or nationality of victims of crime, but Annex 2 to the report provides statistics disaggregated by the age of the victim.

Table 1 Sexual offences ¹; number of reported offences, investigated offences, prosecutions initiated and other conviction decisions 2014–2017

	2014	2015	2016	2017
Reported offences	21 298	19 021	21 074	23 473
Investigated offences	19 055	18 425	18 182	20 345
Prosecutions initiated	5 505	4 507	3 882	3 702
Conviction decisions	1 265	1 283	1 288	1 271

¹ The category of sexual offences includes: rape; sexual coercion and exploitation; sexual molestation; exploitation of a child for sexual posing; indecent exposure; procuring; purchase of a sexual act from a child aged under 18 years; child pornography offence; purchase of sexual service offences; trafficking in human beings for sexual purposes; sexual exploitation of a child aged under 18 years; sexual abuse of a child under 18 years of age, contact with a child under 15 years of age for a sexual purpose.

Source: Swedish National Council for Crime Prevention's official crime statistics

Table 2: Gross violation of a woman's integrity: number of reported offences, investigated offences, prosecutions initiated and conviction decisions 2014–2017

	2014	2015	2016	2017
Reported offences	1 997	1 844	1 886	1 878
Investigated offences	2 009	1 809	1 855	1 834
Prosecutions initiated	378	314	344	299
Conviction decisions	183	149	163	148

Source: Swedish National Council for Crime Prevention's official crime statistics

Reply to the issues raised in paragraph 7

Statistics

Table 3 below presents statistics concerning the number of human trafficking offences reported, investigated, prosecutions initiated as well as the number of conviction decisions since the previous reporting date.

Table 3: Human trafficking: number of reported offences, investigated offences, prosecutions initiated and conviction decisions 2014–2017

	2014	2015	2016	2017
Reported offences	93	179	197	214
Investigated offences	90	136	126	153
Prosecution initiated	1	1	5	4
Conviction decisions	0	2	6	5

Source: Swedish National Council for Crime Prevention's official crime statistics

Legislation and other measures

Several legislative amendments entered into force on 1 July 2018 that were *inter alia*, intended to strengthen the protection in criminal law against human trafficking and exploitation. As regards the penal provision on human trafficking, the legislative amendment clarifies the criteria of the offence and provides stronger protection for children as well as a stricter minimum penalty for human trafficking offences that are held to be less gross.

In 2018 the Swedish Police Authority was commissioned by the Government to further strengthen its capacity to combat human trafficking throughout the country. Work done under this commission is to be reported to the Government in December 2018.

At the initiative of the Prosecutor General an inquiry has reviewed what measures should be taken to ensure that human trafficking matters are handled by prosecutors with special training for or experience of this type of crime. The inquiry proposes that all human trafficking matters should be dealt with by the National Unit against International and Organised Crime. On the recommendation of the inquiry, methodological support will be produced in autumn 2018 in the form of a guiding checklist with an operational focus. The methodological support is mainly intended to provide support in the out-of-hours handling of matters.

The temporary commission to coordinate and support work to address prostitution and human trafficking for sexual and other purposes has become a permanent task for the Swedish Gender Equality Agency, which was set up on 1 January 2018. Working at national level, the Agency is to coordinate work to address human trafficking, develop collaboration between

government agencies and other actors and assist government agencies by providing methodological support and professional development.

National action plan to combat prostitution and trafficking in human beings

In February 2018 the Government adopted a National action plan to combat prostitution and trafficking in human beings. The purpose of the action plan is to prevent and counter prostitution and trafficking in human beings for all purposes and to contribute to better protection and support for people vulnerable to human trafficking. The measures presented in the action plan are divided into eight focus areas: 1. Enhanced coordination between government agencies and other stakeholders; 2. Strengthened prevention; 3. Improved detection of prostitution and human trafficking; 4. Legislative measures; 5. Stronger protection and support; 6. More effective law enforcement; 7. Greater knowledge and methodological development; 8. Increased international cooperation. This action plan applies until further notice.

Action plan to protect children from human trafficking, exploitation and sexual abuse

The action plan in this area from 2014 contained several measures for the period 2014–2015 that were intended to raise the level of knowledge and increase support and protection and also included monitoring so as to protect children from human trafficking, exploitation and sexual abuse. Thereafter the Government announced that the measures in the action plan would be followed up continuously and that an update of the plan should include new action to protect children.

The updated action plan to protect children from human trafficking, exploitation and sexual abuse applies to the period 2016–2018 and contains 23 measures with the aim of preventing crime, protecting and supporting children and creating circumstances in which perpetrators can efficiently be brought to justice. Here are some of the results of the action plan.

- An ambassador for international cooperation to combat trafficking in human beings has been appointed.
- The Stockholm County Administrative Board has completed a systematic audit of all reports to the police about suspected human trafficking of children.
- The Swedish Police Authority has had a commission to propose action to combat various types of sexual offences aimed at children. The measures to be implemented

include specialised groups for this type of crime at the IT crime centres that are gradually going to be set up in the Authority.

- In addition, the Swedish Prosecution Authority has enhanced the expertise of prosecutors about human trafficking and sexual abuse.
- The Swedish Children's Welfare Foundation is working on developing a model to provide better possibilities of support and rehabilitation for children subjected to sexual abuse or physical violence. The Foundation has also developed and spread information to children about their rights and where they can turn if they or a friend have been subjected to sexual abuse.
- The Government has contributed to the funding of work to prevent sexual abuse against children being conducted at the Centre for Andrology and Sexual Medicine (CASM) at Karolinska University Hospital.
- The National Board of Health and Welfare has represented Sweden in the Expert Group for Cooperation on Children at Risk (EGCC) of the Council of Baltic Sea States, which had led to exchanges of knowledge (Sweden was also EGCC Chair in 2017).

Action to counter unaccompanied minors being victims of human trafficking

The Children's Ombudsman has produced a report to increase knowledge about unaccompanied minors who disappear and it has been spread to the relevant government agencies, municipalities and other actors working with or for children and young people who come to Sweden on their own. In addition, the Stockholm County Administrative Board has carried out a systematic audit of all reports to the police of suspected human trafficking with children in 2015–2016. The Board has also carried out a study of particularly vulnerable groups and increased knowledge of unaccompanied asylum-seeking minors, unaccompanied minors not seeking asylum and children whose custodians are victims of human trafficking as special risk groups.

In January 2016 the Government commissioned the county administrative boards to review the question of unaccompanied minors who disappear. The results of this work include a national survey and methodological support for regional collaboration. Procedures are now being developed in the counties so as to be able to act promptly if an unaccompanied minor disappears.

In March 2017 a knowledge centre for unaccompanied children and young people was set up at the National Board of Health and Welfare. The centre was established to strengthen national work on developing and spreading relevant and up-to-date knowledge and appropriate knowledge support, methods and ways of working. The centre is aimed at social services and health care professionals who meet and work with unaccompanied children and young people. Examples include social workers, special representatives, housing staff and health care professionals.

The Border Police in the Swedish Police Authority have a special group tasked with reach-out and crime prevention by giving attention to unaccompanied minors who are on their way into criminal activities and may be victims of human trafficking. Training measures have been taken for staff of the Swedish Migration Agency and the Swedish Police Authority to increase their knowledge about human trafficking and to make it easier for them to detect and identify victims of human trafficking among both children and adults.

Damages and support for victims of human trafficking

A general account of the possibilities that victims of crime have of obtaining damages is given under paragraph 27.

Since 2014 the Swedish Crime Victim Compensation and Support Authority has paid compensation to six victims of human trafficking. In 2016 compensation was paid to five persons, a woman who had been subjected to human trafficking for sexual exploitation and four men who had been subjected to human trafficking that involved exploitation in begging. In 2017 compensation was granted to a girl who had been subjected to human trafficking in order to be exploited for forced labour and to commit crime. The compensation to the victims has varied between about SEK 43 500 and about SEK 123 500.

As of 2018 the Swedish Gender Equality Agency is running the National Task Force against Prostitution and Human Trafficking (NMT); an operational network that offers operational methodological support for municipalities, government agencies and voluntary organisations for the early detection and identification of adults and children who are directly subjected to or risk being subjected to prostitution and all forms of human trafficking. Operational support is offered throughout the process, from identification to support, protection or voluntary return. The Swedish Platform Civil Society against Human Trafficking is one of the organisations that provide support for victims of crime by coordinating, training and

certifying several other organisations in civil society. The organisation runs a support programme that complements the work of public authorities. The support can, for instance, involve offering people a place in sheltered housing or support to return to their country of origin or to start a new independent life in Sweden.

Signature of agreements with countries concerned

During the period in question no new agreement of this kind has been signed.

Reply to the issues raised in paragraph 8

The number of asylum seekers to the EU, and also to Sweden, reached a record high level in 2015. A total of more than 160 000 people sought asylum in Sweden in that year. Around half of them arrived in a two-month period in the autumn of 2015. The asylum system came under great strain and other central functions in society were also subjected to great pressure. On 24 November 2015 the Government presented measures to greatly reduce the number of asylum seekers while improving reception and introduction capacity. One of the measures is the temporary law (2016:752) that adapts Swedish regulations to the minimum level under EU law and international conventions. The adaptation of the regulatory framework was judged to be necessary in order to motivate more asylum seekers to choose to seek asylum in other Member States and to achieve a more even distribution of asylum seekers in the EU. The law entered into force on 20 July 2016 and applies for three years.

The Geneva Convention and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment have been incorporated into Swedish law through the provisions on refugee status, persons eligible for subsidiary protection and impediments to enforcement of refusal of entry and expulsion in the Aliens Act (2005:716). The definition of persons eligible for subsidiary protection corresponds in all essential respects to the definition in the EU's recast Qualification Directive⁵ and its background is to be found in the Convention against Torture and the European Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention). The temporary law does not entail any changes in the provisions of the Aliens Act on the meaning of refugee status and status as a person eligible for subsidiary protection in relation to relevant UN Conventions and the

⁵ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted

European Convention. Individuals who are to be regarded as refugees or persons eligible for subsidiary protection are still entitled to residence permits in Sweden. In addition, the prohibition in the Aliens Act on the enforcement of refusal-of-entry and expulsion orders when there is a risk of the death penalty, corporal punishment, torture or other inhuman or degrading treatment or punishment remains in place.

Under the law concerned, refugees and persons eligible for subsidiary protection are granted temporary residence permits. The exception is resettled persons – quota refugees– who are still granted permanent residence permits. The law limits the possibilities of family member immigration for persons in need of protection with temporary residence permits and tightens the maintenance requirement for family member immigration. However, a residence permit on the ground of family ties shall still be granted to an alien who is not in Sweden if a decision to refuse a residence permit would be contrary to a Swedish commitment under a convention.

During the period when the temporary law is in force it is not possible to grant residence permits to individuals who are persons otherwise in need of protection, which is a category of protection in the Aliens Act that does not have a basis in EU law or other international background. The number of asylum seekers granted residence permits as persons otherwise in need of protection is very low, which may be due to partial overlap between the provisions on persons eligible for subsidiary protection and persons otherwise in need of protection.

Under the law residence permits on the ground of exceptionally or particularly distressing circumstances may only be granted if it would be contrary to a Swedish commitment under a convention to refuse entry to or expel the alien. The granting of a residence permit under this provision is only considered in cases where a residence permit cannot be granted on any other grounds.

A permanent residence permit may be granted to an alien who is able to support themselves through employment or business activities when their temporary residence permit is to be renewed. In certain cases, a permanent residence permit may also be granted to a child with a long-term health impairment. The legislative history of the temporary law mentions torture injuries as examples of impaired health.

Reply to the issues raised in paragraph 9

The statistics asked for on asylum applications and other matters are given in Annex 3. The Swedish Migration Agency does not report statistics of the stated asylum grounds.

Information of that kind is particularly sensitive personal data. The Aliens Data Act (2016:27) and the Aliens Data Ordinance (2016:30) limit the handling of such data in order to protect individuals.

In all, Sweden received an unusually large number of asylum applications in the reporting period. A total of around 178 000 asylum seekers were granted residence permits in the period January 2014–June 2018. Many of those granted residence permits in Sweden in recent years have moved from countries with armed conflicts and/or countries with a difficult human rights situation. Of the 178 000 asylum seekers granted residence permits, some 103 000 have been given residence permits because they are to be regarded as persons eligible for subsidiary protection. The term *person eligible for subsidiary protection* means an alien who, while not a refugee, is outside the country of which the alien is a citizen because there is a well-founded reason to assume that *on returning to their country of origin, the alien would run the risk of the death penalty or being subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment, or would as a civilian run a serious and personal risk of harm due to indiscriminate violence because of an external or internal armed conflict.*

It should be mentioned that, in addition to the number of asylum seekers granted residence permits, Sweden also receives quota refugees. The number of persons resettled in Sweden has increased from 1 900 in 2016 to 3 400 in 2017, and to 5 000 as of 2018.

Handbook on Migration

The Swedish Migration Agency's internal handbook contains a chapter on asylum cases in which torture is referred to. The relevant provisions of the Aliens Act are described and the main lines of the central conventions are presented; this includes the Convention against Torture, whose content is reflected in the Aliens Act. The handbook also contains accounts of the definitions of torture and inhuman treatment and what the terms burden of proof and 'ex officio' principle mean. Case law on matters including the enquiry responsibility is described and the chapter also contains issues concerning children, post-traumatic stress disorder (PTSD) and the role of perpetrators.

An instruction on the Swedish Migration Agency's standard for documentation of special needs from 2017 (I-78/2017) draws attention to the special needs that vulnerable persons may have and the responsibility of the Swedish Migration Agency to respond to these needs. References are made to sources including Article 21 of the EU's Reception Directive⁶ and recital 29 of the EU's Asylum Procedures Directive⁷. As an example, it is stated that if a person already states during their application conversation/interview that they have been subjected to torture, a longer period can be allocated to the asylum investigation. A torture injury investigation can be ordered if needed. In the event of health problems the applicant can be referred to health care.

Legal position papers etc.

In order to establish uniform and consistent application of the law the Swedish Migration Agency produces legal position papers. They take the form of general recommendations on the application of laws and ordinances in the Swedish Migration Agency's area of operations. The documents are published in the Swedish Migration Agency's legal and country information system called Lifos. The Swedish Migration Agency has published a Legal position paper regarding medical investigations of injuries cited after torture or other treatment constituting grounds for protection (RCI 20/2012). The position paper states that a person who refers to injuries after torture or other treatment constituting grounds for protection and presents certificates indicating that they may have been subjected to such treatment should be granted a further examination of his or her injuries at state expense. The European Court of Human Rights has established that the investigating authority has such a responsibility to carry out an investigation, and this is also stated in national case law from the Migration Court of Appeal.

The question of torture is also raised in the Legal position paper regarding state of health and possibilities of obtaining health care as grounds for residence permits for children and families with children focusing particularly on devitalised children (SR 21/2018). The Legal position paper regarding investigation and assessment of persecution on grounds of gender

⁶ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

⁷ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

regarding women (SR 26/2017) states that rape may occur as a method of torture against both men and women and is therefore not a gender-specific method of torture.

Quite a number of country of origin reports about asylum seekers' countries of origin describe the occurrence of torture. Country of origin reports are also published in Lifos.

Training

Several of the Swedish Migration Agency's internal training courses raise torture issues and particularly vulnerable persons. These courses include online training on Human trafficking and on Honour-related violence and oppression. The Swedish Migration Agency also offers training as part of the European Asylum Support Offices Training Curriculum. A couple of these trainings pick up issues concerning torture or particularly vulnerable persons in various ways; for instance, the Evidence Assessment training looks at how to use experts and medical evidence as well as the impact of torture on the evaluation of evidence. The Interviewing Vulnerable Persons training looks, for instance, at signals and signs of vulnerability and symptoms of traumatisation that can be expressed in different ways in different individuals. In addition, Agency staff have access to a tool developed by the European Asylum Support Office that is intended to provide support in identifying persons with special needs, the EASO Tool for Identification of Persons with Special Needs.

Asylum procedure

The Swedish Migration Agency makes decisions regarding applications for residence permits, including asylum applications, and decisions on refusal of entry or expulsion (but not expulsion on account of a criminal offence). The order of the Swedish Migration Agency can be appealed to one of the four migration courts. The order of a migration court can be appealed to the Migration Court of Appeal (Administrative Court of Appeal in Stockholm) where leave to appeal is required for a substantive ruling. The rulings of the Migration Court of Appeal are case law. The rulings of the Migration Court of Appeal are available in Lifos. It also contains rulings from, for instance, the Committee against Torture together with the Swedish Migration Agency's comments.

Statistics concerning appeals in asylum cases and their outcomes are given in Annex 3 to the report.

Reply to the issues raised in paragraph 10

During the reporting period there have been no extradition cases in which diplomatic guarantees have been cited. In cases where an extradition is contrary to Article 3 of the European Convention or Section 7 of the Extradition for Criminal Offences Act (1957:668), this is an impediment to extradition under applicable Swedish law and the request is therefore refused by Sweden.

Reply to the issues raised in paragraph 12

The following conventions/agreements are the main ones used in extradition cooperation between Sweden and other states.

- Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.
- Convention of 15 December 2005 on the Surrender Procedures for Criminal Offences between the Nordic Countries (the Nordic Arrest Warrant)
- European Convention on Extradition of 13 December 1957
- UN Convention of 20 December 1988 against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
- UN Convention of 15 December 1997 for the Suppression of Terrorist Bombings
- UN Convention of 9 December 1999 for the Suppression of the Financing of Terrorism
- United Nations Convention on 15 November 2000 against Transnational Organised Crime (Palermo Convention)
- United Nations Convention of 31 October 2003 against Corruption
- Bilateral agreements on extradition between Sweden and Australia, the United States and Canada.

The type of offence that falls within the definition of crimes of torture is covered by these agreements. Extradition can therefore take place pursuant to these agreements on account of such crimes.

Reply to the issues raised in paragraph 13

The following conventions/agreements on mutual legal assistance in criminal matters are the main ones used in cooperation between Sweden and other states.

- Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (applied between EU Member States)
- European Convention of 20 April 1959 on Mutual Legal Assistance in Criminal Matters
- UN Convention of 20 December 1988 against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
- UN Convention of 15 December 1997 for the Suppression of Terrorist Bombings
- UN Convention of 9 December 1999 for the Suppression of the Financing of Terrorism
- United Nations Convention on 15 November 2000 against Transnational Organised Crime (Palermo Convention)
- United Nations Convention of 31 October 2003 against Corruption
- Bilateral agreements on mutual legal assistance in criminal matters with Australia, Ecuador, the United States, Japan and Canada.

There is extensive international cooperation under these agreements within which evidence is gathered in cases where offences have been committed abroad. However, it is not possible to say to what extent evidence transmitted in accordance with these agreements has then been used in prosecutions regarding crimes of torture since there are no statistics about this.

Reply to the issues raised in paragraph 14

As stated in previous reports, Sweden places great value on the staff of law enforcement authorities being given training in human rights. See also paragraph 31.

Swedish Police Authority

The basic police training contains course components on Sweden's commitments under international instruments and these components impart knowledge about the content of the Convention against Torture. After completing this part of their programme police students should be able to:

- explain the mandate and role of the police in Swedish society,
- describe the foundations of democracy and the organisation of a state governed by the rule of law, both in Sweden and internationally, and
- give an account of and explain the role played by human rights in police work.

The training of custody suite guards also covers the relevant law, *inter alia* regarding discrimination and human rights. During their training they are also informed of the limits that apply to the performance of their duties, and that they may be held to account if they exceed them. Further training is required for custody suite guards within five years of the completion of their basic training. It includes a revision of matters concerning human rights.

The Swedish Police Authority conducts an evaluation at the end of each training course. The result of the evaluation is then taken into account ahead of future runs of the course. A dialogue is always under way in the Swedish Police Authority about the central role of human rights in police work.

Swedish Prison and Probation Service

All permanently employed prison officers who work with people deprived of their liberty in remand prisons and prisons complete a basic training course of twenty weeks. This training deepens participants' knowledge of human rights, in part through studies of how the Swedish Prison and Probation Service's regulatory framework is affected by international declarations and conventions regarding human rights. One important part of their training is reflection and dialogue on the basis of the participants' own experiences, the principles of the equal value of all people and the responsibility of the state and government to protect the rights of individuals deprived of their liberty. Other training provided by the Swedish Prison and Probation Service contains a human rights perspective. All prison officers are trained in self-defence and their legal powers; one important part of this training is respect for human rights and the limits that apply to the use of violence.

The Service's internal supervision work includes some follow-up of this training. This supervision, which focuses on compliance with regulations, can identify needs of further professional development to ensure that staff work in a legally secure way.

Swedish Coast Guard

The basic training completed by all Coast Guard officers contains a training block called Equal treatment and diversity that includes the European Human Rights Convention. There is also a block on border and document checks that also includes human rights in connection with discussion of different measures etc.

Ahead of the Coast Guard's first seaborne Frontex mission in the Mediterranean a special training session on human rights was organised for the employees. Ahead of other international missions, questions concerning human rights have been included in the review of the practical implementation of the mission.

Training courses held are evaluated by course participants and the results of the evaluation are then taken into account in the design of future training provided.

Reply to the issues raised in paragraph 15

All persons deprived of their liberty have access to staff with health care training. Any physical injuries have to be documented at the initial health examination.

Swedish prosecutors and judges do not come into contact with persons deprived of their liberty in such a way that they are able to examine and document traces of torture or torture injuries. The assessment of whether a deprivation of liberty is to continue takes account of the physical and mental state of the person deprived of their liberty.

Sweden is one of the countries that receive the most refugees with torture injuries. This means that there is a great need for knowledge in detecting, diagnosing and treating torture injuries among people who have sought asylum or have recently been given a residence permit. In 2015 the Swedish National Board of Health and Welfare published knowledge support for primary care that is intended to provide support for professionals in primary care in detecting, diagnosing and treating mental ill health among asylum seeking refugees and other migrants who may have experienced war, violence and abuse. The part of the knowledge support that deals with torture highlights the Convention against Torture's ban on torture as well as the obligation for States Parties to examine the physical and mental health of victims in cases

where torture is suspected. It states that it can be difficult for health care staff to identify a traumatised patient in the course of a short consultation, but that the use of a questionnaire can assist both the patient and the person providing treatment. The knowledge support refers to the Istanbul Protocol as a manual for medical and legal investigations and the documentation of torture injuries. More information about the treatment and health of persons who have been subjected to torture is given in the reply to paragraph 27.

Reply to the issues raised in paragraph 16

The regulatory framework and procedures of both the Swedish Police Authority and the Swedish Prison and Probation Service are under continuous review and are amended as required. A few topical examples are given below.

The Swedish Police Authority has recently produced a Custody suite handbook that brings together the provisions that regulate custody suite operations. The purpose of the handbook is to provide support in this work and to establish methods and procedures to enable custody suite operations to be conducted in a uniform and legally secure way throughout the Authority. The handbook sets out the relevant legal regulations and in some cases it also reproduces statements from their legislative history and case law in the area. The handbook also sets out the procedures that should be followed to ensure that uniformity is achieved in this area in the Swedish Police Authority. As well as providing support in day-to-day operations the handbook will also be used in the training of custody suite staff. In spring 2018 a training course was held for all police regions in order to implement the handbook and introduce staff to its use. The Custody suite handbook is updated at least once a year.

The pilot project called *I förvaringsrum, In detention space*, (electronic surveillance as a supplement to physical supervision) is part of broader efforts to improve the work environment, security and protection of staff and prisoners. The basis for it is that prisoners sometimes block the window of their custody suite cell and this means that the custody suite staff's possibilities of ocular supervision are restricted and that it is difficult to assess the condition of the prisoner. It also involves an elevated risk when staff enter the cell to perform supervision. So there are both work environment and security reasons for electronic surveillance as a supplement to physical supervision. The main purpose is to save lives. Several measures concerning suicide prevention work are described in our reply to paragraph 20.

The Internal Audit of the Swedish Police Authority has audited supervision of the Authority's custody suite operations. The audit report makes several recommendations and, on account of them, the Swedish Police Authority is reviewing the possibility of introducing *a national digital* custody suite register among other things. At present the Swedish Police Authority has no possibility of digital case management regarding persons being held in custody suites. In addition to reducing the workload of staff, digital management is also expected to result in more legally secure and effective supervision of persons being held in custody suites.

A custody suite network consisting of representatives from all police regions has been set up to jointly identify improvement areas and deal with them. The network also contributes statistics and assists in communicating and implementing changes decided in custody suite operations.

Work is also under way in the Swedish Police Authority to introduce national uniform self-inspection and supervision for custody suite operations in order to ensure compliance with regulations and legal security for persons deprived of their liberty.

The Swedish Prison and Probation Service has set up a supervision section that inspects compliance with regulations, quality and effectiveness in a single area of operations at a time in order to ensure effective and continuous supervision of the Service's operations. Each year the supervision section carries out a number of inspections of prisons and remand prisons.

At a general level both the Swedish Police Authority and the Swedish Prison and Probation Service are continuously being reviewed by the Parliamentary Ombudsmen. Their task is to ensure that public authorities and their staff comply with the laws and other statutes governing their actions and that public activities do not infringe the fundamental rights and freedoms of citizens. The Swedish Police Authority and the Swedish Prison and Probation Service are also reviewed by the Chancellor of Justice. The supervision by the Chancellor for Justice is intended to check compliance with laws and other statutes.

Reply to the issues raised in paragraph 17

Tables 4–9 present the statistics available about persons admitted to prisons, persons deprived of their liberty admitted to remand prisons and the occupancy rate in remand prisons and prisons in the period since the previous report was made.

Table 4: Persons admitted to prisons on 1 October 2014–2017, disaggregated by sex

Sex	2014	2015	2016	2017
Women	245	228	270	250
Men	4 074	4 064	3 961	3 898
Total	4 319	4 292	4 231	4 148

Source: Swedish Prison and Probation Service

Table 5: Persons admitted to prisons on 1 October 2014–2017, disaggregated by age

Age	2014	2015	2016	2017
15–19 years	40	57	49	58
20-24 years	617	642	597	642
25-29 years	788	734	772	808
30-34 years	665	687	630	673
35-39 years	565	565	567	488
40-44 years	467	486	471	421
45-49 years	405	376	359	359
50-54 years	328	316	323	292
55-59 years	194	2 017	228	170
60-64 years	138	121	121	117
65 years and older	112	91	114	120
Total	4 319	4 292	4 231	4 148

Source: Swedish Prison and Probation Service

Table 6: Persons admitted to prisons on 1 October 2014–2017, disaggregated by nationality

Nationality	2014	2015	2016	2017
Sweden	2 995	2 967	2 957	2 908
Nordic region	134	134	109	104
Europe (excl. Nordic region)	481	478	450	410
Africa	221	237	267	221
Asia	256	243	219	277
North America	17	15	23	21
South America	38	41	38	33
Oceania	1	0	1	2

Country no longer exists/Stateless/Unknown country	176	177	167	172
Total	4 319	4 292	4 231	4 148

Source: Swedish Prison and Probation Service

Table 7: Persons deprived of their liberty admitted to remand prisons on 1 October 2014–2017 disaggregated by sex

Sex	2014	2015	2016	2017
Women	88	99	76	98
Men	1 400	1 300	1 351	1 467
Total	1 488	1 399	1 427	1 565

Source: Swedish Prison and Probation Service

Table 8: Occupancy rate of regular prison places 2014–2017

	2014	2015	2016	2017
Occupancy rate	85%	87%	89%	91%

Source: Swedish Prison and Probation Service

Table 9: Occupancy rate of regular remand prison places 2014–2017

	2014	2015	2016	2017
Occupancy rate	84%	79%	85%	87%

Source: Swedish Prison and Probation Service

Dental care in certain remand prisons

Under the Swedish Prison and Probation Service’s Regulations and general advice for remand prisons (KVFS 2011:2) a remand prisoner has the right to see a dentist if the need is of an acute nature. Acute nature means relief of a pain condition caused by caries damage, loss of a filling, a trauma or an acute infection from a tooth, jaw, tooth socket or oral mucous membrane. If the prisoner lacks the economic resources necessary, the Swedish Prison and Probation Service can make a grant for such care.

The North Regional Office (Falun Remand Prison) has provided the following information. A prisoner who needs to see a dentist writes a request to the director of the remand prison, who approves or refuses the prisoner’s request based on the prisoner’s needs. In case the request is approved, Falun Remand Prison contacts the dentist. The dentist on call in Falun can be either the public dental service or a private dentist.

The following information has been received from the South Regional Office (Malmö Remand Prison). Applications for dental care are considered on a daily basis and transportation to a dentist is available every day. It can, to some extent, be difficult for staff of the Swedish Prison and Probation Service to determine what is a need of an acute nature. The dentist does not make any distinction as to whether or not the care is acute; once the patient has come to the dentist, the measure for which the prisoner has sought dental care is performed. Dentists in the Swedish Prison and Probation Service are contracted and have their own practices. They have a responsibility for maintaining good quality in the dental care they provide and for following the rules that apply to dental care.

The East Regional Office (Växjö Remand Prison) has stated the following. The assessment of whether the need for dental care is acute is made by the duty commander or, when relevant, by the director of the remand prison following submission of a request by the prisoner. If this is the case, the Public Dental Service is contacted for a treatment appointment the same day or as soon as one of the clinics in Växjö is able to see them. In general, the transport takes place within 24 hours of the approval of a request for acute dental care.

Reply to the issues raised in paragraphs 18 and 19

Combined replies to the issues raised in paragraphs 18 and 19 regarding periods of pretrial detention and restrictions are given below.

The Swedish Prison and Probation Service draws on the Nelson Mandela Rules, as well as on other sets of international regulations, in its basic training of all staff. They are also used as guidelines for the Swedish Prison and Probation Service's rules of procedure and its other internal regulatory framework in the form of regulations and general advice, guidelines, policies, strategies, plans, handbooks and instructions. These documents state how the Swedish Prison and Probation Service is to conduct its operations in accordance with the applicable law and in an effective and secure way.

In the Budget Bills in recent years the Government has repeatedly stressed the need to reduce the use of pretrial detention and restrictions and the importance of taking measures to counter the isolation that this leads to on many occasions.

In the Swedish Prosecution Authority's appropriation directions for budget year 2018 the Government has commissioned the Authority to report what measures have been taken in

cooperation with the Swedish Prison and Probation Service in order to contribute to less isolation in pretrial detention. The report is to set out what further work is planned in the area. The results are to be reported in conjunction with the Service's annual report.

In October 2018 the Swedish Prosecution Authority and the Swedish Prison and Probation Service presented a report commissioned by the Government about how the statistics can be developed so as to be able to follow periods of pretrial detention and the use of restrictions in a clearer way over time. The objective is to put in place recurring, systematic reporting of quality-assured data regarding the aggregate period of pretrial detention and restrictions issued. In their report the Swedish Prosecution Authority and the Swedish Prison and Probation Service also describe a procedure that permits more detailed monitoring of restrictions issued. It enables the use of different types of restrictions to be followed in individual cases during the period of pretrial detention.

The two agencies have taken a number of measures to break isolation, and they are described below.

Swedish Prosecution Authority

In 2017 the Swedish Prosecution Authority carried out a supervision investigation to examine whether the application of pretrial detention and the use of restrictions by prosecutors is in line with the guidance in the relevant governing documents, ÅFS 2015:2 and RåR 2015:1. The investigation consisted both of a review of the Authority's statistics from 2014, 2015 and 2016 of the number of people arrested by a prosecutor or remanded in custody by a court, and of a closer examination of 200 deprivations of liberty through remand in custody in the same period. Some of the most important conclusions of the supervision report can be summarised in the following way: Prosecutors make orders not permitting association in the form of 'sitting together' to a large extent. Permission for sitting together means that the suspect may be placed together with one or more other prisoners, who also have restrictions. What usually happens is that two prisoners with restrictions spend part of the day in one of their rooms. In broad terms, orders not permitting sitting together are as common as orders permitting sitting together after an examination. This application is not consistent with the guidelines. It also emerges in the report that when a request for an exemption from or an easing of restrictions is made, prosecutors appear to grant exemptions from restrictions issued to a great extent.

At present the supervision report is being followed up within the Swedish Prosecution Authority in collaboration with the Swedish Prison and Probation Service.

Along with the Swedish Prison and Probation Service, the Swedish Prosecution Authority is also reviewing the use of restrictions and is working for more sitting together among suspects with restrictions. The two agencies are in agreement about how collaboration between them will take place at central and local level. The Swedish Prosecution Authority intends to remove the possibility for a prosecutor to make an order not permitting sitting together and visits; instead a prosecutor will only be able to choose “reservation for examination”. This means that it will be clear that there has to be a continuous examination and that a re-examination has to be made when there is reason to do so.

Swedish Prison and Probation Service

For several years the Government has provided extra funding for the Swedish Prison and Probation Service to strengthen the work of the Service to reduce isolation in remand prisons. The Swedish Prison and Probation Service has continued to develop this work. Older remand prison premises often present difficulties for the Swedish Prison and Probation Service regarding the conducting of common activities. Action to break isolation is therefore an aspect taken into account in the planning of new and renovation of old remand prisons. As a consequence, new and renovated premises are more fit for purpose and adapted to common activities such as sitting together, work, preparing food and meals, visits and group activities.

Specific examples are given below of how the Swedish Prison and Probation Service has worked to reduce isolation in remand prisons during the reporting period.

- Cooperation with the Swedish Prosecution Authority has been developed in order to, for instance, increase the effectiveness of communication between the agencies so as to facilitate work on breaking isolation (for example, easing restrictions, increasing the possibilities of sitting together or the participation of remand prisoners in special activities).
- The possibilities for prisoners to communicate with their close relatives have been improved through an amendment to the regulations regarding electronic communication.

- New system support has been introduced that makes a decision on measures to break isolation compulsory for every prisoner during their stay in a remand prison.
- The qualitative action taken for the prison officers working closest to remand prisoners has been developed. This action includes a pilot of various forms of talking methods intended to support this staff in their work to break the isolation of prisoners.
- The staffing ratio at remand divisions for young people has been increased so as to give more of them the possibility of spending time together with other prisoners and with service staff.
- In a pilot introduced, young people with restrictions spend time in groups and take part on special activities in the presence of service staff. This is done in close cooperation with the prosecutors concerned.
- Government grants to voluntary organisations offering visit groups, for instance, have been increased.
- In the current year the Swedish Prison and Probation Service has signed a national agreement with the Swedish Red Cross on increased action to reduce isolation for remand prisoners with restrictions.

Inquiry regarding pretrial detention and restrictions

In July 2015 the Government appointed an inquiry chair to present proposals on how the use of pretrial detention and restrictions can be limited and to give special consideration to limiting the use of pretrial detention and restrictions for minors and other young offenders. The inquiry chair reported on their remit in August 2016 (SOU 2016:52). The inquiry report has been circulated for formal consultation and is now being considered by the Government Offices. The intention is to refer a proposal to the Council on Legislation as soon as possible.

Inquiry regarding criminal procedure for large cases

On 7 April 2016 the Government appointed an inquiry on modern criminal procedure for large cases (terms of reference 2016:31). The inquiry has been given the remit of analysing how the processing of large criminal cases with considerable amounts of evidence can be made more efficient and modernised while maintaining standards of legal certainty. Its remit includes analysing whether it is appropriate to expand the possibilities of using documented

interviews as evidence in court and, if so, of presenting the proposals judged to be necessary. One of the purposes of taking a closer look at the issue is that expanded possibilities of using documented interviews might contribute to shorter periods of pretrial detention and less use of restrictions since there may be less need to protect evidence from outside influence through pretrial detention with restrictions if the evidence can be secured at an earlier stage. In large criminal cases involving many individuals and a great deal of evidence, restrictions are almost always necessary with current regulations.

An interim report regarding documented interviews was presented in December 2017 (*Early interviews – new rules of evidence in criminal matters [Tidiga förhör – nya bevisregler i brottmål, SOU 2017:98]*). The proposals are currently being considered by the Government Offices.

Other action taken in the area

To increase knowledge about the use of pretrial detention and restrictions and of measures to break isolation the Swedish National Council for Crime Prevention has conducted a survey of the situation in pretrial detention as a commission from the Government. A report has been presented on the commission and is valuable input to the further work of the Government.

In December 2017 the Government commissioned the Swedish Prison and Probation Service to make an analysis, along with the Swedish Prosecution Authority and the National Board of Institutional Care, of how the situation for children deprived of their liberty can be improved within the activities of the Swedish Prison and Probation Service, and to propose measures on the basis of this analysis. The report presented by the three agencies on 31 August 2018 includes the following proposals:

- Greater possibilities of interpersonal contacts. The starting point is to spend four hours together with someone else every day. In addition to any visits from schools, social services, families and voluntary actors, interpersonal contacts are provided by staff of the Swedish Prison and Probation Service. Homework help, motivating talks, preventive health, study circles, cooking and other staff-led activities are examples of quality interpersonal contacts.
- Increase staff in detainee-centred work in remand prisons by 80 full-time equivalents.

- Update introductory material etc. to bring it more clearly into line with the standards for accessible and adapted information for children. There must also be access to an interpreter if the child does not speak or understand the language used.
- Reinforce the educational organisation to satisfy the children's need for educational support.
- Every child to be offered the possibility to meet a nurse once a week so as to identify any health care needs. A nurse to plan for ongoing contact with the child during their period of pretrial detention.
- Ensure that there are designated functions in every remand prison responsible for planning and following up action with the child.
- Improve cooperation between prosecutors and remand prison staff by producing common governing documents in order to clarify the forms for contacts between prosecutors and remand prison staff.

The report is currently being considered by the Government Offices.

Possibilities for prisoners to file complaints

According to the Swedish Prison and Probation Service, there is no proof of the occurrence of measures of the kind referred to in paragraph 18 regarding Malmö Remand Prison. The regulatory framework in place provides good possibilities for prisoners to present views and complaints; this applies both to the individual prisoner and, where relevant, through a prisoners' council. Prisoners are able to present written complaints at any time whatsoever both to the local commander of each institution and to the central level at headquarters. This is also done to a relatively great extent. Written complaints are registered in the prisoner administration system or in the Service's register. An oral or written reply is given to the prisoner in accordance with the procedural requirements that follow from the Administrative Procedure Act. The regulations and general advice of the Swedish Prison and Probation Service also state that if a prisoner wishes to speak to a representative of the senior management of the remand prison, they have to be given the opportunity to do so as soon as can be conveniently arranged (KVFS 2011:2).

Reply to the issues raised in paragraph 20

Annex 4 to the report contains a table of the cases registered as deaths related to police custody suites in the period from 1 January 2014 until and including 31 December 2017. Information about ethnicity is not registered and is therefore not included in the table. Note

that not all the cases are incidents where the death occurred in the actual custody suite premises. The annex contains all cases of deaths *related* to policy custody suites, for example even cases where a person has fallen ill in a custody suite, been taken to hospital and died there.

As follows from the table in the annex, only one of the investigations conducted on account of deaths related to custody suites showed grounds for bringing a prosecution. If no prosecution is brought, relatives are, for natural reasons, not able to obtain damages as part of criminal proceedings either. There is, however, a possibility for relatives to obtain compensation from the State in other ways, for example through civil proceedings (see paragraph 27). If the prosecutor considers that the investigation at hand shows that no criminal conduct has been committed (through either an act of commission or an act of omission), it is not certain that the record of any forensic post mortem examination is included in the material of the preliminary investigation. Then the cause of death cannot be followed up by the Swedish Police Authority afterwards either, and this means that the cause of death is not given in all instances in Annex 4.

No deaths have been reported in alien detention facilities during the period.

Tables 10 and 11 provide information about the number of deaths in the Swedish Prison and Probation Service’s remand prisons and prisons. The data about deaths outside remand prisons and prisons refer to prisoners who have died during a stay in hospital. In the case of prison inmates they can also be deaths that occurred during a leave. All four deaths that occurred outside remand prisons and prisons in 2017 occurred in hospital.

Table 10: Deaths in remand prisons 2008–2017 (number)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Suicides (in remand prisons)	5	2	2	4	5	3	2	0	0	1
Suicides (outside remand prisons)	0	0	1	0	0	1	2	1	0	0
Other deaths (in remand prisons)	1	0	1	1	3	1	2	0	0	2
Other deaths (outside remand prisons)	0	0	0	1	2	2	2	1	0	1
Total	6	2	4	6	10	7	8	2	0	4

Source: Swedish Prison and Probation Service

Table 11: Deaths in prisons 2008–2017 (number)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Suicides (in prisons)	1	0	1	3	2	2	2	1	1	0
Suicides (outside prisons)	0	1	1	0	0	0	1	1	0	0
Other deaths (in prisons)	0	4	2	2	1	1	1	2	2	1
Other deaths (outside prisons)	9	5	6	3	3	3	4	2	5	3
Total	10	10	10	8	6	6	8	6	8	4

Source: Swedish Prison and Probation Service

Procedures for serious incidents

Since the date of the previous report the Swedish Police Authority has adopted and introduced uniform descriptions of procedures for incident reporting to enable systematic collection of statistics that provide full reporting of incidents. Since 2017 these statistics have been compiled annually, partly in order to identify any patterns and take improvement action when needed. Analyses and incident statistics can be fed back to operations via, for example, the recently formed national network of custody suites (see reply to paragraph 16) or by operations carrying out follow-up work on incidents that have occurred. The analysis information will also be used for the revision of governing documents, in specifications of products and services and to identify needs concerning the design of premises, etc.

The recently produced handbook for custody suite operations points to the importance of assessing the risk of suicide in the security assessment made on admission to a custody suite. The need for more knowledge about suicide prevention has also been highlighted in work to produce a new training course for custody suite officers.

The Swedish Prison and Probation Service's Handbook on staff disciplinary matters 2009:1 sets out the following procedures in the event of serious injury, such as suicide. If there is a suspicion that an officer has caused an injury to a prisoner by the use of excessive force, the incident shall be reported to the police immediately. The same applies if there is a suspicion that the injury had been caused by another prisoner. If a prisoner has died of non-natural causes, the doctor who established that the death has occurred shall, under Chapter 4, Section 4 of the Burial Act (1990:1144), report the death to the police. This has to be done irrespective of whether there is a suspicion of a crime. If a prisoner has died or been seriously injured, either through something done by an employee of the Swedish Prison and Probation Service while serving or during the prisoner's stay in the prison or remand prison, but there is

no suspicion that the injury was caused by violence on the part of another prisoner or excessive force on the part of an officer, the incident shall be reported for an examination of whether the matter should be passed on to the Staff Disciplinary Board. The practice of the Staff Disciplinary Board is to report all suicide incidents for prosecution. If a prisoner suffers a serious injury or even dies, the medical adviser to the Swedish Prison and Probation Service shall under certain circumstances report the matter to the National Board of Health and Welfare under the *Lex Maria* procedure for reporting adverse events.

Both the Swedish Police Authority and the Swedish Prison and Probation Service are members of a national-level collaboration group for government agencies that coordinates suicide prevention work.

Expulsion matter concerning a man from Iraq

The Iraqi citizen who died when his expulsion was going to be enforced on 17 March 2015 fainted and became uncontactable when a tumult arose in the aircraft when the man offered resistance. The man was taken to hospital where he was found to be dead. That same evening a prosecutor decided to open a preliminary investigation against the participating personnel, a police officer and four employees of the Swedish Prison and Probation Service. The preliminary investigation included 45 interviews with passengers on the aircraft, airport staff and staff at the Swedish Migration Agency's detention facility in Märsta and with expert witnesses regarding training for staff of the Swedish Prison and Probation Service. In addition, an expanded investigation was held of the death, as was a reconstruction in an aircraft hull.

Two employees of the Swedish Prison and Probation Service were notified of a suspicion of misuse of office during the preliminary investigation. One of them was subsequently prosecuted for molestation or, alternatively, misuse of office, and in the statement of the act the prosecutor alleged that during enforcement the accused had used a hold around the man's neck/throat that was not permitted by the Swedish Prison and Probation Service. The prosecution was dismissed by the district court.

On 12 December 2016 the Director of Security at the Swedish Prison and Probation Service decided to initiate an investigation on methods of holding in air transport. One purpose of the investigation was to cast light on the risks in the method of holding used in the incident on 17 March 2015.

Reply to the issues raised in paragraph 21

On account of deficiencies in the reporting of incidents regarding inter-prisoner violence the statistics for 2014 and 2015 are incomplete. In 2016, 14 incidents of inter-prisoner violence were reported in remand prisons while 15 such incidents were reported in 2017. The number of incidents of inter-prisoner violence in prisons increased from 67 in 2016 to 113 in 2017. The increase between these two years may be due to higher occupancy in prisons and remand prisons or to better incident reporting as a result of greater awareness. It can also be the case that a few prisoners account for most of the incidents. The assessment of the Swedish Prison and Probation Service is that the increase can be an effect of greater awareness of making reports to staff.

The Service's security work, including work to prevent inter-prisoner violence, is based on a way of working called dynamic security. This term stands for a holistic approach to security in which the following components interact: physical and technical security; approach and treatment; accessibility and training, regulations, instructions and procedures; and the planning process.

Reply to the issues raised in paragraph 22

Guidelines for detention ahead of enforcement of removal orders

The criteria for detention orders are carefully regulated in the Aliens Act. In a legal position paper from 2015 the Swedish Migration Agency clarified the criteria for enforcement detention (SR 25/2015). The Swedish Migration Agency clarifies that a detention order must be proportionate to what the order means for the person to be taken into detention. An alien's freedom of movement must never be restricted more than necessary. Supervision must always be considered as an alternative to detention. Whenever enforcement detention is ordered, there must be actual possibilities of enforcing the removal decision. The criteria for being able to carry out enforcement may consist of several factors, for example the expected period within which enforcement can be carried out; the possibility of obtaining essential travel documents and other practicalities. The work of the Swedish Migration Agency on implementing removal orders must continue all the time and must be conducted in a structured way for an order for enforcement detention to be allowed to remain in place.

Premises for detention and placement of detainees

The Swedish Migration Agency is responsible for the premises normally used for detention. Since detention is not a sanction for an offence, detention facilities have been designed, as far as possible, to offer an environment that is similar to the Swedish Migration Agency's open reception services. Detainees are allowed to move freely in the buildings and are given the opportunity of stays outdoors at certain times during the day. Some detention facilities have special divisions for women and children. Detainees have to be given the possibility of receiving visits and having contacts with people outside the building premises in other ways; the exception is if a visit or contact would impede activities concerning the detention facility in a particular case. An alien may be held in isolation from other persons if the alien constitutes a serious danger to themselves or others or if it is necessary for security in the premises for some other reason.

In certain circumstances the Swedish Migration Agency may decide that a person who is being held in detention shall be placed in prison, a remand prison or a police custody suite instead of a normal detention premises. Such a placement can be made to maintain good order in the detention premises. The Swedish Migration Agency does not have the capacity to handle persons who cause serious disturbances to good order. A placement decision can be appealed to a migration court. A placement in the premises of the Swedish Prison and Probation Service may also be ordered to enable an alien to be transported through the country. The alien may then spend the night there temporarily before being moved on to detention premises or an airport. Persons who are placed in a prison, a remand prison or a police custody suite must be kept separate from the other persons being held there. Children may never be placed in a prison, a remand prison or a police custody suite. Since 2015 there has been a special division in the Swedish Prison and Probation Service for aliens being held in detention. This division has been set up for their special needs and circumstances; for instance, the detainees enjoy more freedom regarding visits, telephones and social life, etc.

Persons who are being expelled on account of a criminal offence and who are being held in detention pending expulsion are, as a rule, held in the premises of the Swedish Prison and Probation Service.

Proposed modernisation of the regulatory framework

On 28 August 2018 the Government presented a bill to the Riksdag containing proposals for legislative amendments concerning detention and supervision of aliens (Govt Bill

2017/18:284). The purpose of the bill is to establish a clearer regulatory framework on detention and supervision and increase legal security in individual matters and cases regarding detention and supervision. Under the proposed rules a court will, for instance, always examine whether an alien may be held in detention for a period exceeding two weeks pursuant to the Aliens Act. In addition, the principle of proportionality will be of decisive importance in assessing for how long an alien may be held in detention. It will be clearer which government agency is responsible for decisions on detention or supervision at each stage of the migration procedure, and the individual will have an extended right to attend an oral hearing before the administrative authorities and migration courts.

Reply to the issues raised in paragraph 23

One of the basic principles in Swedish health care is that patients should, as far as possible, be involved in and exercise influence on the health care they receive. The Constitution provides that every citizen is protected in their relations with the public institutions against any forced physical violation, in addition to the protection in place against the death penalty and corporal punishment. The protection from physical violations may only be limited in an act of law and limitations may only be imposed to satisfy a purpose acceptable in a democratic society.

Compulsory mental care may only be given under certain conditions and then mainly under the Compulsory Mental Care Act (1991:1128), called the CMCA below, and the Forensic Mental Care Act (1991:1129), called the FMCA below. Both these Acts contain substantive and procedural rules that satisfy fundamental requirements of legal certainty such as requirements of predictability and the possibility of legal control. When, in exceptional cases, care is given without consent but pursuant to the law the quality requirements in health care, including the requirements of science and proven experience, are, of course, applicable.

If a person is admitted to a health care facility against their will, a special doctor's certificate, called a health care certificate, is required. The health care certificate must be signed by a licensed doctor in conjunction with a medical examination. For compulsory care to be provided, three conditions must be met, and this must be stated in the health care certificate. First, the person must be suffering from serious mental health problems. Second, the person must have an absolute need of mental care 24 hours a day due to their mental condition and their personal circumstances. This must be provided at a health care facility. The third criterion is that the person opposes care for their mental condition or that they are in such a bad state of health that they cannot assess their need of care. Compulsory care may not be provided if all that is involved is an intellectual disability.

The health care certificate must also describe the mental health problems and why there is need of health care. When the health care certificate is assessed, consideration has to be given to the risk to the physical and mental health of other individuals. After a health care certificate has been issued, the person may be retained by coercion. The final decision on admission under the CMCA must be taken by a specialist doctor. This decision must be taken within 24 hours from when the person came to the health care facility and the health care certificate must not be more than four days old. The same doctor must not both issue the health care certificate and take the admission decision.

A proportionality principle applies to coercive measures in care under both the CMCA and the FMCA; it means that coercive measures may only be used if they are reasonably proportionate to the purpose of the measure, and that less intrusive measures have to be used if they are sufficient. In exceptional cases and in acute situations individuals may also be belted, given compulsory medication or segregated. Decisions on coercive measures that involve restraint using a belt or segregation for longer than a set period have to be reported for examination to the Health and Social Care Inspectorate, which is the supervisory government agency in health care.

On 1 July 2017 certain legislative amendments entered into force that are intended to increase the possibilities for patients to be involved in care provided under the CMCA and FMCA. One of the legislative amendments provides that in out-patient compulsory care a coordinated health care plan has to be drawn up as far as possible in consultation with the patient and, if this is not inappropriate, with the people close to the patient. In addition, the position of the patient on the interventions stated in the coordinated health care plan has to be reported as far as possible in connection with applications for health care. Another new point is that in compulsory mental care and forensic mental care the chief consultant has to ensure that a patient is offered a follow-up interview after the completion of a coercive measure, as soon as the patient's condition permits this.

The Government has commissioned the National Coordinator for the development and coordination of action in the area of mental health to conduct a review of coercive measures under the CMCA aimed at children and young people under the age of 18 years. The inquiry report (SOU 2017:111) has been presented and is currently being considered by the Government Offices. The inquiry report contains proposals to improve the quality of mental

care, including compulsory mental care, for children. They include setting up a special development and control body so that services where children receive compulsory care are subject to regular supervision.

Electroconvulsive therapy

The National Board of Health and Welfare's guidelines for care of depression and anxiety disorder from 2017 are intended to stimulate the use of scientifically evaluated and effective measures in the area and to provide input for open and systematic prioritisation in health care. Adults with depression and anxiety disorder are mainly treated with antidepressive medication and various forms of psychotherapy. In the case of milder forms of depression or anxiety disorder in primary care, the treatment can consist of psychopedagogical talks or physical activity. Other treatment alternatives in the case of more severe conditions are repetitive transcranial magnetic stimulation (rTMS) and electroconvulsive therapy (ECT). The National Board of Health and Welfare has also produced a report about how health care can work to reduce the negative effects of memory disturbances after ECT therapy.

There is a quality register concerning ECT in which all hospitals that perform ECT register data about the therapy. This means that there is a great deal of knowledge about the safety and effect of the therapy. Thanks to this registration it is also easier to monitor that health care is equitable irrespective of where in the country people live. Data in the register also provide important supporting information for the development of services and research about ECT. In 2017, 74 per cent of all individuals treated with ECT therapy had improvements in their symptoms at the end of their treatment.

As described above, health care must not be provided without the consent of the individual, except in special circumstances defined in law.

Reply to the issues raised in paragraph 24

There is no support in law for giving compulsory care to persons with psychosocial difficulties. In general, these persons are given the health and social care they need through interventions as residents in group housing when they have attained the age of 18 years.

Reply to the issues raised in paragraph 25

The Special Investigation Department (SU), which consists of three investigative divisions placed in Stockholm, Gothenburg and Malmö, is an independent department within the

Swedish Police Authority with the task of conducting criminal investigations and intelligence work in cases concerning holders of certain offices, including police officers. The Department was set up in connection with the reorganisation of the Swedish Police Authority on 1 January 2015.

It is of the utmost importance that these investigations are of the highest quality and that they are conducted independently and apart from other police activities. The Department therefore needs to be separated from the police, both organisationally and physically. When the Riksdag approved the establishment of the Department, its independence was guaranteed in the following ways:

- The head of the Department is appointed directly by the Government.
- The Government sets an appropriation item for the Department in the appropriation directions for the Swedish Police Authority.
- All of the Department's premises are separate from the Authority's other premises.
- Only prosecutors at a special public prosecution office, which mainly works with this type of case, can be leaders of preliminary investigations in the Department's cases and decide to take investigate measures or to close a case.

The internal regulations of the Swedish Police Authority contain further provisions that strengthen the Department's powers to independently conduct investigative work and gather information.

Under the Ordinance on the processing of cases concerning offences by police employees and holders of certain other positions (2014:1106) and the Swedish Police Authority's Rules of Procedure, the Department shall also conduct preventive, preemptive and detection activities regarding the actual or potential conduct of criminal activities by a holder of a position in the Department's area of responsibility. The Department therefore conducts both police intelligence work and crime prevention work in relation to the Swedish Police Authority and other government agencies. The Department now has the capacity to act on information received and to independently detect criminal activity without needing to rely on incidents being reported by an outside party or by the Swedish Police Authority itself.

Democratic insight into the work of the Swedish Police Authority is arranged through a national advisory council and seven regional police councils, one in each police region. Their members are appointed by the Government following nominations by the Parties in the Riksdag. They must have party political experience and broad contact networks in the community. The Department is responsible for keeping the Swedish Police Authority's Advisory Council informed about reports and investigations regarding police employees, police contractors and police students. This is done by the Head of the Department taking part in the Council's meetings. The regional police councils are informed in a corresponding way by the heads of the Department's investigative divisions about cases concerning each region. The councils have also formed sub-committees tasked with examining the work of the Department in more detail and receiving in-depth information between council meetings.

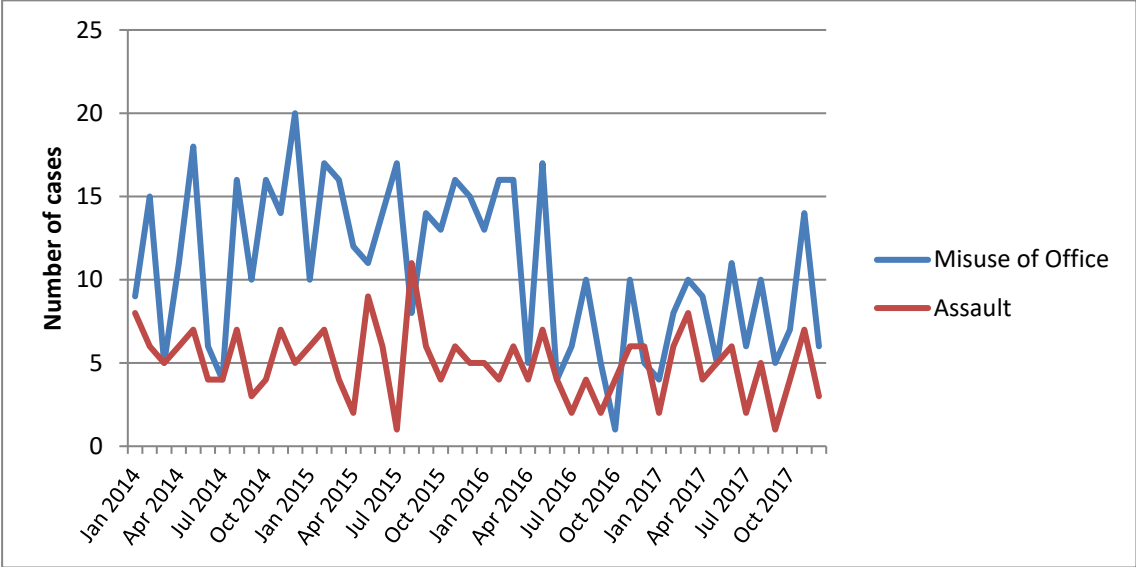
In the initial years after the setting up of the Department, its work has included developing the quality of investigative work and confidence-building measures. This has, for instance, involved contacts with victims of crime to increase their trust, as well as the trust of other citizens, in the Department's activities. The Department receives about 6 000 reports of offences each year. Many concern misuse of office and the use of violence by the police, but other categories such as violent crime, molestation and theft are also represented. The Department's investigative work has led to prosecutions being brought and to crime suspicions against police officers and police students, including assault, molestation and possession of illegal firearms, being examined by the courts

Reply to the issues raised in paragraph 26

Swedish law does not contain a specific provision on torture. Reports regarding this type of offence can be classified as, *inter alia*, assault or misuse of office. The statistics available and examples of individual cases are given below. It is not feasible to report the variables asked for such as sex, age, nationality, place, investigative measures, convictions and sanctions since such statistics are not kept.

Figure 1 shows the reported number of cases of misuse of office and of assault linked to police custody suites received per month in 2014–2017.

Figure 1 Number of cases of misuse of office and of assault linked to police custody suites



Source: Swedish Police Authority’s Special Investigations Department (SU)

Some examples of cases are given below.

- A police officer was reported for having assaulted and molested persons held in custody on two occasions in 2016. The police officer was given a conditional sentence and day fines by the district court. The court of appeal affirmed the district court's judgment. The Staff Disciplinary Board stated that the police officer would probably be dismissed from their post if convicted.
- An officer at a police custody suite threw a mug of urine at a detainee in April 2017. The officer was sentenced by the district court to day fines for molestation.
- During a tumult when an intoxicated detainee was going to be placed in a cell in May 2016 a police officer used punches and pressed the detainee’s face against the floor. The police officer was prosecuted for misuse of office, but the district court considered that the misuse of office was minor and acquitted the police officer. The court of appeal altered the judgment of the district court in June 2018 and sentenced him to day fines for assault.
- A guard at a police custody suite treated a detainee roughly in June 2015; this included pushes and kicks. The district court gave the guard a conditional sentence with

community service for assault. The court of appeal increased the penalty to imprisonment.

Reply to the issues raised in paragraph 27

The following reply provides information about the possibilities of obtaining financial compensation and health care and rehabilitation available to persons who have been subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Financial compensation from the State

Under certain circumstances injured persons can receive financial compensation from the Swedish State. This applies to victims of crime and to individuals who have suffered harm on account of the actions of public authorities. The right to compensation in these two situations is governed by different regulatory frameworks and it is different bodies that examine each type of application for compensation. In these cases it is compensation of a financial nature that may be paid to injured persons. Health care and rehabilitation for a person who has, for example, been subjected to torture or some other treatment not permitted under the Convention are offered within the usual health service. Interventions of this kind are not dependent on assessments or decisions by courts of law of public authorities.

Victims of crime normally have a right to damages under the Tort Liability Act (1972:207) from the perpetrator. If the perpetrator cannot be identified or pay or if there is no insurance that covers the injuries, the victim of crime can apply for compensation from the State under the Criminal Injuries Act (2014:322). A government agency, the Crime Victim Compensation and Support Authority, is responsible for examining applications for this compensation. One decision can be given as an example. In June 2018 it was decided to pay compensation for physical and mental suffering and for loss of income to a Swedish citizen who had been held kidnapped abroad on account of the very serious violation he had been subjected to.

Several other possibilities of obtaining compensation are also available to *a person who has suffered an injury on account of the actions of public authorities*. Compensation can, for example, be paid under the Tort Liability Act, the European Convention on Human Rights and the Act concerning Damages for Deprivation of Liberty and other Coercive Measures (1998:714). The right to compensation can relate to both material and immaterial damage. A demand for compensation can be examined by the Chancellor of Justice (in certain cases by the responsible authority instead) and by a general court. An individual can choose between

turning to the Chancellor of Justice or bringing an action in court. The settlement of claims by the Chancellor of Justice is on a voluntary basis and is free of charge. If an individual is dissatisfied with the decision they have the possibility of bringing an action in court. In recent years there have been a small number of cases that can be mentioned in this context. For instance, two former asylum seekers applied for compensation from the Swedish State and alleged that they had suffered injury after being expelled from and refused entry to Sweden respectively. It was held that the conditions for the payment of compensation were not in place in these cases. In another case a district court recently awarded a man who had been deprived of his liberty for about 3.5 years as part of a criminal investigation greatly elevated compensation for suffering. The justification given for the elevated compensation was the long period of deprivation of his liberty in combination with the fact that the person had been held in isolation for the greater part of that period. The compensation was awarded under the Act concerning Damages for Deprivation of Liberty and other Coercive Measures. The judgment has been appealed.

The possibility of obtaining compensation for breaches of the European Convention on Human Rights has been developed in the case law of the Swedish courts. However, in order to clarify the legal position, and thereby strengthen the protection of rights in Sweden, an express provision regulating the right to damages in the event of breaches of the European Convention was added to the Tort Liability Act on 1 April 2018.

Health care and rehabilitation

It is estimated that between 20 and 30 per cent of asylum seekers who come to Sweden suffer from mental ill health. The Health and Medical Care for Asylum Seekers and Others Act (2008:344) regulates the obligations of county councils to offer asylum seekers and other persons health care and dental care. The starting point is that a health examination is offered when the asylum seeker has arranged accommodation. Part of the interview during the health examination has to be about how the health status of the person being examined may have been affected by their psychosocial situation or by traumatic experiences. Children seeking asylum have to be offered the same health care and dental care as children residing in the country. Children who are in hiding to avoid enforcement of a refusal-of-entry or expulsion order are also offered care on the same conditions. Adult asylum seekers have to be offered health care and dental care that cannot be deferred, maternity care, care when seeking abortion and advice on contraception. Central government compensation is paid under the

Ordinance on Central Government Compensation for Health and Medical Care for Asylum Seekers (1996:1357).

The county councils are responsible for offering psychiatric trauma care to new arrivals when needed. But against the background of the large number of asylum seekers who came in 2015–2016 the county councils have had difficulty offering psychiatric trauma care to the extent needed. The Government has therefore presented measures to increase the accessibility of care and rehabilitation for traumatised asylum seekers and new arrivals. In an ongoing initiative the Government is allocating SEK 40 million per year for this purpose in 2017–2020. In the Budget Bill for 2018 the Government announced a further SEK 50 million for 2018 so as to improve access to health care to counter mental ill health among children and young people in the group of asylum seekers and new arrivals. The Government estimates that the appropriation will be increased by a corresponding amount as of 2019.

Over and above the county councils' trauma care centres, the Swedish Red Cross is an important actor that is running treatment services for war casualties and torture victims in five places around the country with branches in another five places. The purpose of these services is to offer psychotherapy, physiotherapy and psychosocial treatment to refugees and migrants with traumatic experiences from war, torture and flight. The Istanbul Protocol is used in investigations of torture injuries. The services also work actively on spreading knowledge about how war and torture affect people and do active advocacy work against torture. The Government's initiative in the area has resulted in a reinforcement of treatment staff at all Red Cross centres. In addition to the Red Cross services there are also other trauma centres in Sweden for new arrivals and asylum seekers that are run by other actors. The ongoing government initiative has made it possible to set up an additional trauma centre in Sweden.

When it comes to addressing mental ill health among asylum seekers and new arrivals, the skills of the health care professionals who meet people with mental traumas are of great importance. The county councils have therefore also received funding for professional development in the area. Linköping University has also been commissioned to develop a training programme in psychiatric trauma care for staff who meet children and young people in health care. Civil society has also taken action in the area. For example, the Red Cross has produced a training programme, along with the Swedish Association of Local Authorities and Regions, to increase knowledge about traumas and Save the Children Sweden holds training courses in trauma-focused cognitive behavioural therapy.

Reply to the issues raised in paragraph 28

The information previously provided by Sweden about Article 15 is still relevant (CAT/C/SWE/5, paras 47-53). As stated in that report, Swedish criminal procedure, which is based on the principle of free examination of evidence, contains a number of effective provisions and procedural safeguards to ensure that evidence obtained improperly, for instance contrary to the Convention against Torture, is not assigned any probative value. The court's evaluation of evidence is always set out in its judgment, which is public.

One example of how evidence obtained forcibly through threats, violence or other improper conduct is to be handled in the evaluation of evidence is given in a judgment of the Supreme Court of 20 October 2011 (NJA 2011 p. 638). This case concerned an admission that had been made in the context of incitement for the purposes of gathering evidence that was judged to have threatening features. The Supreme Court found that no actual importance could be attached to the admission and that the case therefore had to be decided solely through an examination of the other evidence.

Reply to the issues raised in paragraph 29

Hate crimes mean offences where a motive for the crime was to aggrieve a person, ethnic group or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief, sexual orientation, transsexual identity or expression or other similar circumstance.

Action to combat racism, similar forms of hostility and hate crimes requires broad and long-term efforts by the whole of society. The Government has therefore put in place a national action plan, which was adopted on 24 November 2016. The plan is intended to form a basis and focus for work to combat racism and hate crime in the particularly important strategic areas identified by the Government: more knowledge, education and research; better coordination and monitoring; civil society – greater support and more in-depth dialogue; strengthening preventive measures online; and a more active legal system. The plan announces broad action to be taken against racism as well as action intended to counter specific forms of racism.

Swedish Police Authority

In connection with its reorganisation in 2015 the Swedish Police Authority took a more ambitious approach to combat hate crimes and other offences that threaten fundamental rights and freedoms.

A national contact point has been set up for these issues and there are now ‘democracy and hate crime groups’ in the three metropolitan police regions: Stockholm, West and South. Other police regions shall have an equivalent capacity. In addition to investigating suspected offences, the allocated resources work with victims of crime, internal training, collaboration and other security- and confidence-building measures.

The Swedish Police Authority has set up an internal network in which all police regions are represented. The network is able to discuss issues of both an operational and a strategic nature and to highlight good examples. The police also have a mentoring network where the democracy and hate crime groups in the metropolitan regions provide training and support for the other police regions.

An internal online course available to all police employees provides basic knowledge on what constitutes a hate crime. Staff in the democracy and hate crime groups have to complete this training course, as well as staff at the police contact centre who draw up large numbers of police reports. Other staff are encouraged to follow the course as well. A training course contracted by the police from Uppsala University provides in-depth knowledge about the underlying causes of racism, hate crimes and offences that threaten the free formation of opinion. It is a five-day course that is held once a year. The evaluation carried out after the first round of the course was very positive.

The Police Development Centre in Stockholm has been holding annual democracy and hate crime conferences since 2015. The theme of the 2017 conference was “agitation against a national or ethnic group”.

The Swedish Police Authority’s Internal Audit has recently conducted an audit of how investigative work concerning hate crimes functions. On the basis of its conclusions the National Police Commissioner has decided on further measures to be taken by the Authority to improve its capacity in this area.

As of 2018 the Swedish Police Authority is allocating a further SEK 10 million in special funding to reinforce work already under way for more prosecutions of hate crimes, clearer coordination, strategic work and monitoring and follow up.

The police are also intensifying their action to address IT-related crime, including hate crimes. Further expansion of the national resource is on the way, and decisions have been taken to set up regional IT crime centres in the seven police regions. These operations are now being built up and will be part of investigative work concerning these crimes.

The Government is following work in the area closely and has commissioned the Swedish Police Authority to report by 29 March 2019 on what further measures have been taken to combat hate crimes. The Authority is to analyse what effects the measures will result in and how it intends to continue to develop this work.

Swedish Prosecution Authority

The Swedish Prosecution Authority is continuing to give priority to work to combat hate crimes. Internal guidelines point to the importance of identifying and carefully investigating any hate motives and highlighting them as aggravating circumstances in court proceedings. If a hate motive can be proved, it can lead to a more severe sentence for the perpetrator. Every region has to have at least one prosecutor with a designated responsibility for handling matters with a suspected hate motive.

In January 2016 the Swedish Prosecution Authority conducted an audit of the handling of hate crime investigations. The review covered some 300 cases registered as hate crimes. On the basis of the outcome of this review, the Authority has updated its procedures regarding these investigations.

The Swedish Prosecution Authority has recently produced legal guidance about agitation against a national or ethnic group in social media. It is intended to give prosecutors legal guidance in investigations and prosecutor decisions regarding agitation against a national or ethnic group when the right to freedom of expression under the Instrument of Government and the European Convention in Human Rights is to be balanced against the protection of typically vulnerable groups. The guidance shows what the steps should be in the examination under criminal law and what balances the prosecutor must consider in order to increase the legal quality and uniformity of the application of the law.

In addition, the Swedish Prosecution Authority has been commissioned in its appropriation directions for 2018 to report what measures have been taken to enhance the Authority's capacity to intervene against threats and violations on the internet, and what further measures are planned in the area.

Since 2013 an annual hate crime conference has been held for all hate crime prosecutors in the country, providing possibilities to exchange experience and spread information. This conference is part of efforts to increase the uniformity of the application of the law.

National Council for Crime Prevention

The Government has commissioned the Swedish National Council for Crime Prevention to carry out an in-depth study of antisemitic hate crime. In its study the Council is to shed light on the character of antisemitic hate crime focusing on perpetrators in order to obtain in-depth knowledge so as to strengthen preventive action. The commission is to be reported to the Government Offices on 1 June 2019.

Reply to the issues raised in paragraph 30

The National counter-terrorism strategy, which was adopted on 27 August 2015 (Govt Comm. 2014/15:146), states that respect for human rights and the rule of law are fundamental to all counter-terrorism work. This also applies to the protection of personal integrity. These principles inform all of the Government's counter-terrorism work at both national and international level. Terrorism may only be combated using means that belong in an open and democratic society based on the rule of law. Every measure must be proportionate to the purpose of the measure; this applies both to new general regulations and to the application of regulations in a specific instance. Therefore the fight against terrorist crime sometimes means striking difficult balances between different interests and objectives. Rights and freedoms may only be restricted in order to satisfy purposes that are acceptable in a democratic society and then only by measures that are necessary, appropriate and proportionate. The strategy covers measures and objectives in four main areas: prevent, preempt, protect and managing the consequences. The Government follows counter-terrorism work continuously, especially the implementation of the national strategy. The prevent area is given particular attention below.

A person who is suspected of or prosecuted for a terrorism offence has the same procedural rights as other suspects and accused persons in criminal proceedings. This means, for

instance, that they have to be treated and regarded as innocent until their guilt has been established, that they have no obligation to contribute to the investigation of their own guilt and that the prosecutor has the burden of proof for showing that the alleged act has been committed. A person who is a suspect of or is being prosecuted for a terrorism offence also has the same right to be assisted by defence counsel as other persons suspected of offences.

The Swedish Prosecution Authority has been commissioned by the Government, in its appropriation directions for 2018, to report the number of suspects who have been prosecuted and convicted concerning terrorist crime.

Training

The Swedish Policy Authority's training courses in counter-terrorism are intended to ensure that the police act in a uniform way based on the rule of law, thereby guaranteeing that human rights are protected and respected. The Swedish Security Service has held human rights training both for managers and for other staff in cooperation with Uppsala University during the present reporting period (see paragraph 31).

Legislative measures

Swedish legislation meets all the counter-terrorism requirements that follow from the international conventions to which Sweden has acceded in the area.

The penal regulation has been made more strict on the initiative of the Government and specific criminal liability for *terrorism travel, receiving terrorism training and financing of terrorist organisations* was introduced in April 2016.

On 15 December 2017 an inquiry chair presented a proposal of a specific criminal liability for anyone who *takes part in the activities of a terrorist organisation* (Ds 2017:62). A proposal has also been presented to make it punishable to *have dealings with a terrorist organisation* by, for example, selling firearms, vehicles or other similar equipment to such an organisation. These proposals are currently being considered by the Government Offices.

Sweden has recently acceded to a supplementary protocol to the Council of Europe's Terrorism Convention.⁸ New legislation entered into force on 1 September 2018 in order to

⁸ The Council of Europe Convention on the Prevention of Terrorism CETS no 196).

implement the Convention and the EU's Terrorism Directive⁹. The proposals mean, for instance, extending the penal provision on terrorism travel so as to also make terrorism travel to the country of which a person is a national punishable (the only exception is travel to Sweden by Swedish citizens). The proposal also updates the offence of terrorism by adding gross breach of data security to the offences that can be terrorism offences and making the criminalisation of financing of terrorism more comprehensive.

An inquiry is now working to undertake a systematic review of penal legislation in the area of terrorism (terms of reference 2017:14 and 2018:21). The purpose is to achieve an appropriate, effective and clear regulation that is, at the same time, consistent with well-functioning protection of rights and freedoms. The inquiry is to present its report by 31 January 2019.

Preventive action against violent extremism

Since 2014 the Government has reinforced its preventive work against violent extremism. The ultimate purpose of this action is to strengthen and safeguard our democratic and pluralist society. This work is to be conducted with respect for fundamental democratic principles, such as freedom of expression and opinion and freedom of association and religion.

Individuals who feel that their fundamental rights are being violated or who feel pointed out on account of their political opinions, religious belief or ethnic affiliation may lose their trust in society and its institutions. To be successful, preventive work must both be and be perceived as non-discriminatory and in line with the rule of law. Our Preventive work covers all forms of violent extremism Preventive work covers all forms of violent extremism.

One of the most important preventive measures has been to support the municipalities in their work. This was the main task of the National Coordinator to safeguard democracy against violent extremism (Ju 2014:18) whose remit ran in 2014–2017. On 1 January 2018 the Swedish Center for Preventing Violent Extremism was established under the auspices of National Council for Crime Prevention, as a permanent structure for preventive work. This national center is tasked with strengthening and developing knowledge-based work on preventive action against violent extremism at the national, regional and local level. Its activities are ultimately intended to prevent ideologically motivated crime and terrorism.

⁹ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

A great deal of work has been and is being conducted to prevent people entering violent extremism. For instance, the government grant for activities in civil society that prevent violent extremism has been reinforced and work has been carried out to develop knowledge and methods in questions concerning violent extremism and racism for teachers, recreational staff and social workers. Today there is also better knowledge of the content of violent extremist propaganda in different digital environments. The Swedish Defence Research Agency has an ongoing commission to conduct inventories and analyses in this area. Work is also under way to make it easier for individuals to leave violent extremism by, for example, providing support for the work of the social services with returners and other people involved in violent extremism. Training, methods and ways of working have been developed to prevent violent extremism in various activities, such as the special residential homes for young people in the National Board of Institutional Care and the Swedish Prison and Probation Service.

Reply to the issues raised in paragraph 31 of the list of issues

As mentioned in the reply to paragraph 4, in 2016 the Government presented strategy for national efforts on human rights to the Riksdag (Govt Comm. 2016/17:29). The implication of the strategy is that compliance with Sweden's international commitments on human rights cannot be taken for granted in either the short or long term. Instead, further steps must be taken towards a coherent structure for the promotion and protection of human rights at a general level. Such a structure should consist of strong legal and institutional protection for human rights; coordinated and systematic work on human rights in the public services sector and strong support for work on human rights in civil society and in business. In the second part of the Communication the Government provides a situation report regarding the development of the international instruments on human rights to which Sweden has acceded since 2006. A more detailed account is given below of one of the measures mentioned as part of more coordinated and systematic work on human rights in the public services: professional development of central government employees.

Since 2014 Uppsala University has been commissioned by the Government to develop and implement a professional development programme on human rights for the relevant staff at various levels of central government administration. The purpose of the commission is for government agencies to have sufficient knowledge of human rights and the meaning of human rights to learn to recognise situations that raise rights issues in their own professional practice. The University offers basic training courses that provide a review of human rights in

central government administration and has also developed an online introductory course aimed at everyone working in public services. As of spring 2018 the University also offers practical training courses for staff of government agencies that are tailored to suit their specific needs. Up to now 5 000 people have completed the introductory course and the evaluation shows that 80 per cent of participants consider that the course is relevant to the work they do.

On 13 June 2018 the Riksdag decided to adopt the Government's proposal to give the UN Convention on the Rights of the Child (CRC) the status of Swedish law. By incorporating the Convention the Government wishes to make clear that Sweden's convention commitments under the CRC will be ensured at all levels of public services and that a perspective based on the rights of the child will inform all services that affect children and young people. The Act in question enters into force on 1 January 2020.