

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/SWE/CO/5)

SWEDEN

(...)

C. Principal subjects concerns and recommendations

(...)

Fundamental safeguards

11. The Committee notes with appreciation the new legislation on fundamental safeguards that entered into force on 1 April 2008 in respect of access to a lawyer and notification of custody. However, it is concerned that a public defence counsel will only be appointed once the person is considered to be a suspect. The Committee regrets that Swedish legislation does not include a legal provision on access to a doctor and that a request to see a doctor is evaluated by, and therefore left to the discretion of, the police officer in charge. It further regrets reports that notification of custody is not systematically delivered to family members and is frequently delayed with reference to possible interference with the investigation. The Committee notes that an information leaflet on the fundamental rights afforded to persons suspected of a crime and therefore detained and deprived of his or her liberty has been produced by the National Police Board, in cooperation with the Swedish Prosecution Service, and that this leaflet is currently being translated into the most commonly used languages. (arts. 2, 11, 13 and 16)

The State party should take effective measures to ensure that all detainees are afforded fundamental legal safeguards in practice, including the right to have access to a lawyer and a doctor and the right of detained persons to inform a close relative or another third party of their choice of their situation. The Committee emphasizes that persons in custody should benefit from an effective right of access to a lawyer, as from the very outset of their deprivation of liberty and throughout the investigation phase, the whole of the trial and during appeals. Furthermore, the State party should finalize the translation of the information leaflet on fundamental rights as soon as possible and widely disseminate it to all places where a person may be deprived of his or her liberty.

(...)

Non-refoulement

13. The Committee welcomes the inclusion in the Aliens Act of a new ground for issuing a residence permit whereby an alien will normally be granted such a permit when the Committee, or another international complaints body, has found the State party to be in breach of its treaty obligations. The Committee also notes the statement by the delegation that the State party has not participated in any extraordinary renditions and that it has not obtained or tried to make use of diplomatic assurances in any case other than the cases concerning Mr. Agiza and Mr. Alzery. The Committee takes note of the extensive information presented by the State party on measures taken to implement the Committee's decision in *Agiza v. Sweden*, including the issuance of visas to family members and continued visits to the prison. The Committee also notes that the requests for residence permit and compensation are currently awaiting resolution. However, the Committee regrets the lack of full implementation of the key elements in this decision, in particular an in-depth investigation and prosecution of those responsible, as appropriate. It further regrets the lack of full implementation of the Views of the Human Rights Committee in *Alzery v. Sweden*, including the recommended remedies. (arts. 3 and 14)

The State party should take all necessary measures to implement the decision of this Committee and the Views of the Human Rights Committee concerning Mr. Agiza and Mr. Alzery and provide them with fair and adequate compensation. Furthermore, the State party should undertake an in-depth investigation into the reasons for their expulsion and prosecute those responsible, as appropriate. Finally, the State party should take effective measures to ensure that it complies fully with its obligations under article 3 of the Convention in order to prevent similar incidents from occurring in the future.

(...)

Imposition of restrictions on remand prisoners

16. The Committee expresses its concern at information that between 40 to 50 per cent of remand prisoners are subjected to restrictions and that remand prisoners are currently unable to effectively challenge and appeal decisions to impose or maintain specific restrictions. The Committee also regrets the lack of official statistics on the use of such restrictions. However, the Committee notes that a proposal of the special investigator appointed by the Government, which includes regulatory changes aimed at securing a uniform and legally secure use of restrictions, is currently under consideration in the Ministry of Justice. (arts. 2, 11 and 16)

The State party should take appropriate measures to further reduce the imposition of restrictions as well as their length. The Committee is of the view that restrictions should always be based on concrete grounds, individualized and proportionate to the case at hand and lifted immediately when the grounds for their imposition no longer exist. As an exceptional measure, they should be interpreted narrowly, and in case of doubt, in favour of the individuals. Furthermore, the Committee notes that the Government has recently enjoined the Prosecution Authority to account, by the end of the year, for the number of persons in detention in 2008 and the number of cases where restrictions have been imposed and encourages the State party to submit this information to the Committee.

Coercive measures, including physical restraints and isolation

17. The Committee regrets that the State party could not provide aggregated data on the average length of the use of physical restraints or isolation in psychiatric institutions and hospitals. However, it notes that the National Board of Health and Welfare is currently preparing an on-line register for compulsory mental care and forensic mental care with the aim, inter alia, to produce reliable statistical data on the use of coercive measures. (arts. 11 and 16)

The State party should review the use of physical restraints and further limit the use of solitary confinement as a measure of last resort and for as short a time as possible under strict supervision. The State party is encouraged to complete the on-line register as soon as possible.

(...)

30. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 11, 13, 16 and 17 above.

(...)
