



PERMANENT MISSION OF SWEDEN

Geneva

The Permanent Mission of Sweden to the United Nations Office in Geneva presents its compliments to the Secretary-General of the United Nations and, with reference to the Secretary General's note dated 7 May 2007, concerning information on the Subcommittee on Prevention of Torture and Other Cruel, Inhuman Degrading Treatment or Punishment (SPT), has the honour to submit information on the maintenance, designation and establishment of an independent national preventive mechanism under article 17 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as contact details of a national focal point in the attached memorandum.

As agreed to, further information regarding the nomination of experts to the Subcommittee on Prevention of Torture and other Cruel, Inhuman Degrading Treatment or Punishment (SPT) will be forwarded to you as soon as possible.

The Permanent Representative of Sweden to the United Nations Office in Geneva avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

Geneva, 21 June 2007

The Secretary-General of the United Nations Office

GENEVA



21 June 2007

Ministry for Foreign Affairs
Sweden

Information regarding the Optional Protocol to the
Convention against Torture and Other Cruel, Inhuman or
Degrading Treatment or Punishment

1. National preventive mechanism

In order to fulfil its obligation under article 17 in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CATOP), the government of Sweden has designated the Parliamentary Ombudsmen and the Chancellor of Justice as national preventive mechanisms.

1.1 The Parliamentary Ombudsmen

A Parliamentary Ombudsman is an individual elected by the Riksdag (the Swedish parliament) to ensure that courts of law and other agencies as well as the public officials they employ (and also anyone else whose work involves the exercise of public authority) comply with laws and statutes and fulfill their obligations in all other respects.

An Ombudsman is elected for a four-year period and can be re-elected. Today there are four Ombudsmen, two women and two men. Each Ombudsman has her or his own area of responsibility (supervisory area). One of the Ombudsmen has the title of Chief Parliamentary Ombudsman and is responsible for administration, deciding, for instance, which areas of responsibility are to be allocated to the other Ombudsmen.

Each Ombudsman has a direct individual responsibility to the Riksdag for his or her actions. The Annual Reports - which is one of the official publications of the Swedish Riksdag - is submitted to the Standing Committee on the Constitution, which then draws up its own written report and notifies the Riksdag.

The Ombudsmen's inquiries (supervision) are based on complaints from the general public, cases initiated by the Ombudsmen

themselves and on observations made during the course of inspections.

The most extreme recourse allows an Ombudsman to act as a special prosecutor and bring charges against the official for malfeasance or some other irregularity. This very rarely happens, but the mere awareness of this possibility is important for the Ombudsmen's authority.

The Parliamentary Ombudsmen also have the right to initiate disciplinary procedures against an official for misdemeanors. The most frequent outcome is, however, a critical advisory comment from an Ombudsman or some form of recommendation. An Ombudsman's opinion is never legally binding. The Office of the Parliamentary Ombudsman is politically neutral.

1.2 The Chancellor of Justice

The Chancellor of Justice is a non-political civil servant appointed by the Government. The period of time for which he or she is appointed is not limited. He or she holds office as long as he or she wants, up to the date when he or she retires with pension. Once appointed the Chancellor serves any Government. He or she performs the assigned duties from a strictly legal point of view. As a consequence of the said position of the Chancellor of Justice, it is possible for him or her to carry out the duties in a completely independent way.

A detailed account of the duties of the Chancellor of Justice is set forth in two legal instruments: The Act (1975:1339) concerning the supervision exercised by the Chancellor of Justice and the Ordinance (1975:1345) concerning the duties of the Chancellor of Justice. The duties can be classified in six main groups:

1. to be the State's representative in trials and other legal disputes;
2. to receive complaints and claims for damages directed to the State and decide on financial compensation for such damages;
3. to be the Government's counselor in legal matters;
4. to act as the Government's ombudsman in the supervision of the authorities and the civil servants, and to take action in cases of abuse;
5. to ensure that the limits of the freedom of the press and other media are not transgressed and to act as the only public prosecutor in cases regarding offences against the freedom of the press and other media;
6. to act as the guardian for the protection of privacy in different fields.