



International Federation of Action by Christians for the Abolition of Torture

Action by Christians for the Abolition of Torture in Sweden



**FIACAT and ACAT Sweden's contribution to  
the list of issues prior to reporting for the review  
of the eighth periodic report of Sweden**

**Committee against Torture**

**59th session – November 2016**

**June 2016**

## **Authors of the Report**

### **FIACAT**

The International Federation of Action by Christians for the Abolition of Torture, FIACAT, is an international non-governmental human rights organisation, set up in 1987, which works towards the abolition of torture and the death penalty. The Federation brings together some thirty national associations, the ACATs, present in four continents.

### **FIACAT – representing its members in international and regional organisations**

It enjoys Consultative Status with the United Nations (UN), Participative Status with the Council of Europe and Observer Status with the African Commission on Human and Peoples' Rights (ACHPR). FIACAT is also accredited to the International Organisation of *la Francophonie* (OIF).

*By referring the concerns of its members working on the ground to international bodies, FIACAT's aim is to encourage the adoption of relevant recommendations and their implementation by governments. FIACAT works towards the application of international human rights conventions, the prevention of torture in places of detention, and an end to enforced disappearances and impunity. It also takes part in the campaign against the death penalty by calling on states to abolish capital punishment in their legal systems.*

To give added impact to these efforts, FIACAT is a founding member of several campaigning coalitions, in particular the World Coalition against the Death Penalty (WCADP), the International Coalition against Enforced Disappearances (ICAED) and the Human Rights and Democracy Network (HRDN).

### **FIACAT – building up the capacities of the ACAT network in thirty countries**

FIACAT assists its member associations in organising themselves, supporting them so that they can become important players in civil society, capable of raising public awareness and having an impact on the authorities in their country.

It coordinates the network by promoting exchanges, proposing regional and international training events and joint campaigns, thus supporting the activities of the ACATs and providing them with exposure on the international scene.

### **FIACAT – an independent network of Christians united in fighting torture and the death penalty**

FIACAT's mission is to awaken Churches and Christian organisations to the scandal of torture and the death penalty and convince them to act.

### **ACAT Sweden**

ACAT Sweden is a network of Christians of different denominations, visiting various detention centres and collecting complaints from people in prison, detention centres and other places of deprivation of liberty like hospitals. ACAT Sweden has been working since 2000 and has been registered since 2007. ACAT Sweden works jointly with FIACAT for various actions such as the drafting of reports and works closely with other human rights NGO in Sweden. ACAT Sweden also organises prayer time and campaigns. It aims at improving the conditions of patients and detainees. In this regard, ACAT Sweden also collaborates with other ACATs to share experience and provide assistance when needed.

## **Contacts**

### **FIACAT – FIACAT’s representation to the UN in Geneva**

***Marie SALPHATI***

**Tél** +41 7 87 49 93 28

**E-mail.** [m.salphati@fiacat.org](mailto:m.salphati@fiacat.org)

c/o CCIG

1 rue de Varembeé

Case Postale 43

1211 Genève 20 – Suisse

**E-mail.** [Fiacat.onu@fiacat.org](mailto:Fiacat.onu@fiacat.org)

***Antoine CONTE***

FIACAT

27 rue de Maubeuge

75009 Paris

France

**Tél.** +33 (0)1 42 80 01 60

**Fax+** 33(0)1 42 80 20 89

**Email** [intern@fiacat.org](mailto:intern@fiacat.org)

### **ACAT SWEDEN**

***Jean-Luc MARTIN***

***Marina ROSING***

***Elisabeth SCHEFFER***

Box 64 125 22 Älvsjö

**Email:** [acatsweden@yahoo.fr](mailto:acatsweden@yahoo.fr)

## **I. Article 1 and 4: Definition and criminalization of torture**

1. In its last concluding observations, the Committee recommended to Sweden to define and criminalize torture in domestic law in compliance with article 1 and 4 of the Convention.<sup>1</sup>

2. A law was adopted in July 2014 on crimes against humanity. This law criminalises widespread incidences of torture and removes any statute of limitation. However, torture is still not criminalized as a specific offence in domestic law, therefore any acts of torture that does not fall within the offense of crimes against humanity is still prosecuted as assault and aggravated assault and is therefore still subjected to a statute of limitation. The question of criminalizing torture as an autonomous offense is still pending.

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- ***What are the results of the 2014 inquiry on the need for a specific provision on torture?***
- ***Has the Swedish government taken any step to adopt a bill criminalizing torture as an autonomous offence in conformity with article 1 of the Convention? If yes, what will the sentences and the statute of limitation be?***

## **II. Article 2: Fundamental legal safeguards**

3. During Sweden's last review, the Committee was preoccupied by the lack of access to medical care for people held in custody. In particular, the Committee highlighted the fact that access to medical care was at the discretion of the police. According to the report of the European Committee for the Prevention of Torture (CPT) on its visit to Sweden in May 2015, access to a doctor in custody still remains in practice at the discretion of the police. The Committee explains that it: "*continued to be construed as an obligation for the police to provide health-care to persons in their custody rather than the detainee's right to be seen by a doctor.*"<sup>2</sup>

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- ***How is the access to a doctor in custody guaranteed in practice?***
- ***What steps have been taken to ensure that the police or any other authority involved in custody cannot restrain such right?***

## **III. Article 3: Refoulement**

4. In 2015, Sweden received 162 877 asylum applications of which 35 369 unaccompanied minors. 58 802 decisions were taken on asylum of which 32 631 were granted (around 55% of the decisions

---

<sup>1</sup> CAT, *Concluding observations on the sixth and seventh periodic reports of Sweden*, CAT/C/SWE/CO/6-7, para 6.

<sup>2</sup> CPT, *Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 18 to 28 May 2015*, CPT/Inf (2016) 1, p. 18 para 18 available on <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

taken). Some issues still remain regarding the treatment of asylum applications.<sup>3</sup> Up until now, there is still no control about the risk of ill-treatment of torture when a person is returned to Cameroon, Egypt, Iran and Iraq. According to the authorities, and contrary to what is provided in the Convention against torture, it is no longer Sweden's responsibility after the persons are being expelled.

5. In fact, out of 33 asylum decisions for Cameroonians, 8 were granted asylum (24% of the decisions granted) out of 2797 asylum decisions for Iraqis, 546 were granted asylum (20% of the decisions), out of 661 asylum decisions for Iranians, 182 were granted asylum (28% of the decisions) and out of 284 asylum decisions for Egyptians, 50 were granted asylum (18% of the decisions).<sup>4</sup> In 2015 and 2016, various cases were observed where people were returned to Cameroon and were victims of ill-treatments. These people came to Sweden with a legal working permit. Once their contracts were terminated without compensation, they were sent back to Cameroon and detained on their arrival. Members of their family suffered from violence and there were reports of murders and rapes.

6. Regarding family reunification, the Swedish government has proposed legislative changes which may take effect in the summer of 2016. One of those changes would limit the possibility of family reunification. In fact, according to this legislative change, only refugees that have obtained a three-year residence permit will be able to seek family reunification. Therefore, a person granted a one-year residence permit as a person eligible for subsidiary protection will not have the right to family reunification if he or she sought asylum after the 24 November 2015. This new law has been just adopted the 21 June 2016 and will take effect in July. This law will concern many refugees. Most of asylum seekers receive limited permissions to stay making it almost impossible for their family to join them in Sweden. Also, the law also eliminates a special protection category that could be granted in light of particularly distressing circumstances (such as exceptionally serious health issue).

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- ***What measures have been implemented to ensure that all asylum applications are individually reviewed in detail and taking into account all risks of torture and ill-treatment faced by the applicants?***
- ***Please provide more information on the legislative changes regarding family reunification and the suppression of the protection granted in the light of distressing circumstances that should take effect in the summer 2016.***

#### **IV. Article 10: Training of law enforcement officials**

7. In its last concluding observations, the Committee recommended to the State party to provide training to law enforcement officers on the prohibition of torture and the obligations of the State under the Convention. It is our understanding that priority is given to the processing of asylum applications. Therefore, it appears that the Government is not providing the adequate training. Also, migration board officers change very regularly in detention centres and in decision making

---

<sup>3</sup> Statistics from the Swedish Migration Agency available on <http://www.migrationsverket.se/English/About-the-Migration-Agency/Facts-and-statistics-/Statistics.html>

<sup>4</sup> Swedish Migration Board, Asylum decisions, 2015 available on <http://www.migrationsverket.se/download/18.7c00d8e6143101d166d1aad/1451894587413/Avgiorda+asyl%C3%A4renden+2015+-+Asylum+desicions+2015.pdf>

organs, this has for consequence that the officers in those positions are not always the most experienced and trained.

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- ***What steps has the Swedish government taken to provide training to law enforcement officers on the prohibition of torture and the obligations of the State under the Convention?***
- ***Please provide updated information on the content of the training programmes provided to law enforcement officers.***
- ***Please indicate if Sweden has developed a methodology to assess the effectiveness and impact of training programmes? If yes, please provide the results of such assessment.***

#### **V. Article 11: Conditions of detention**

8. On the 1<sup>st</sup> of January 2016, the prison population in Sweden was of 5245 detainees for a total capacity of 6228 which makes a rate of prison occupancy of 84.2%.<sup>5</sup>

##### **A. Restrictions and solitary confinement**

9. Regarding the use of restrictions against pre-trial detainees the Act on Detention from 2011 provides that a prisoner who is in detention, arrest or apprehension on suspicion of a crime may be subjected to restrictions regarding his or her contact with the outside world if there is a risk that he or she will remove evidence or impede the investigation. A wide range of restrictions can be used on that basis related to the right to be placed with other prisoners, the right of association, the right to follow events in the outside world and to possess periodicals and newspapers or the right to receive visits or being in contact with someone through electronic means for example. The court decides of the possibility to use restrictions against a prisoner and then the prosecutor has the task to decide which specific restrictions are used.

10. According to the CPT's report from its last visit in May 2015, many pre-trial detainees were subjected to restrictions.<sup>6</sup>

Remand Prisons	Total number of pre-trial detainees	Number of pre-trial detainees under restrictions
Kronoberg Remand Prison	119	38
Sollentuna Remand Prison	180	72
Växjö Remand Prison	20	11
Saltvik Prison	56	18

11. The report also highlights that in the Malmö and Falun Remand Prisons almost all adult detainees were under restrictions.

<sup>5</sup> Council of Europe Annual Penal Statistics, 2015 & 2016, available on <http://wp.unil.ch/space/space-i/prison-stock-on-1st-january/prison-stock-on-01-jan-2015-2016/>

<sup>6</sup> CPT, *Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 18 to 28 May 2015*, CPT/Inf (2016) 1, p. 27 para 43 available on <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

12. This issue also concerns minors. In fact, the Ombudsman for Children (the Barnombudsmannen) denounces the fact that many minors placed in homes for minors have been isolated after a depression or an act of violence or a suicide attempt. The situation of those minors is now being monitored by the Ombudsman for children and the NGO Save the Children.

13. According to the Ministry of Justice's information provided during the CPT visit, in 2014, 68% of pre-trial detainees had been subjected to restrictions (6504 prisoners) among which 798 juveniles or young prisoners (103 between 15 and 17 and 695 between 18 and 20).<sup>7</sup>

14. This important use of restrictions against pre-trial detainees has for consequence to isolate the detainees concerned who can spend up to 23 hours per day alone in their cell and have very little access to indoor or outdoor activities which can increase the risk of suicide.

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- ***Under which conditions and for how long can solitary confinement and other forms of restrictions be used?***
- ***Can solitary confinement be used against children and if so under which conditions and for how long?***
- ***Have the national authorities carried out a study on the impact such restrictions can have on the person deprived of liberty?***
- ***Please provide statistics on the number of pre-trial detainees subjected to restrictions and solitary confinement and the length of such restrictions?***

#### B. Pre-trial detention

15. On 1<sup>st</sup> October 2014, the number of pre-trial prisoners was of 1542 representing therefore 26.3% of the prison population (which was of 5861 detainees at the time).<sup>8</sup> Alternatives to the placement in pre-trial detention exist such as the electronic bracelet or a duty to report to the police regularly for registration and control.

16. Many minors, more than 1000, are in so called "anstalt", detention, to prevent all form of criminalisation. An "anstalt" is a closed centre with more open conditions than prison.

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- ***What are the legal time limits for pre-trial detention?***
- ***What steps have been taken to ensure that pre-trial detention is used only as a measure of last resort? In particular, have measures been taken to give priority to alternatives to pre-trial detention.***

---

<sup>7</sup> CPT, *Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 18 to 28 May 2015*, CPT/Inf (2016) 1, p. 30 para 51 available on <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

<sup>8</sup> Council of Europe, *Annual Penal Statistics, Space I – prison populations Survey 2014* see table 3.A: female inmates on 1<sup>st</sup> September 2014, p. 64 and table 3B: male inmates on 1<sup>st</sup> September 2014, p. 67 available on [http://wp.unil.ch/space/files/2016/05/SPACE-I-2014-Report\\_final.1.pdf](http://wp.unil.ch/space/files/2016/05/SPACE-I-2014-Report_final.1.pdf)

- ***Could you provide information on the use of pre-trial detention against minors? Under which conditions can a minor be placed in pre-trial detention and have guidelines been established for the treatment of minors in pre-trial detention?***

### C. Detention of asylum seekers

17. In its last concluding observations, the Committee was concerned about the detention of asylum seekers.<sup>9</sup> According to the applicable law, an adult alien may be detained for a maximum of 48 hours for investigation or for a maximum of 2 weeks for other reasons. However, an adult alien can be detained for a longer time if there are exceptional grounds. The maximum detention time is of two months if the alien does not leave Sweden voluntarily after a refusal of entry or an expulsion order. Again, this period can be extended if there are exceptional grounds to detain the alien for a longer period. However, this time cannot exceed 3 months or 12 months if it is likely that the execution of the order will take longer because of lack of co-operation by the alien or because of the time needed to obtain the necessary documents. Nonetheless, these limits of 3 and 12 months are not applied if the alien is expelled by a court decision because of a crime.<sup>10</sup> Regarding children, they cannot be detained for more than 72h.

18. According to the law on foreign nationals, people have the right to call in a defence counsel after two days of detention. However, in practice, there are not many lawyers visiting their clients, and we observe a misbalance at the expense of the defence. There are several authorities involved on the matter such as the Migration Board and Foreign Police.

19. There are 5 closed migration detention centres in Sweden, with an overall capacity of 255. There is no problem of overcrowding in those centres. However, there are some issues regarding access to medical care. In fact, in the Märsta detention centre there is no on site health staff but there is an agreement with the local health centre. Access to healthcare is therefore filtered by custodial staff. Furthermore, there is no systematic medical screening upon arrival.<sup>11</sup>

20. We observed that a high number of special detainees in Märsta migration agency detention centre near Arlanda Airport suffer from many diseases and have a reduced access to doctors. A nurse visits the centre three times a week. She takes the decision to recommend or not the consultation with a doctor. However, the local hospital is in charge of providing medical care and only intervenes in case of emergency because of insufficient budget. The medicine is given to detainees by an assigned migration officer, and it is often too scarce and inadequate. Regarding dental care, an agreement was made with the Swedish Health Care. However, due to a lack financial resources, dental care is only provided in case of emergencies. It is important to note that the situation is different in custody and prison because a different law is applicable.

21. Regarding condition in migration detention centres, many isolated communities are being persecuted or ill-treated (especially isolated Christians in camps with a majority of Muslims).

---

<sup>9</sup> CAT, *Concluding observations on the sixth and seventh periodic reports of Sweden*, CAT/C/SWE/CO/6-7, para 10.

<sup>10</sup> CPT, *Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 18 to 28 May 2015*, CPT/Inf (2016) 1, p. 23 para 30 available on <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

<sup>11</sup> CPT, *Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 18 to 28 May 2015*, CPT/Inf (2016) 1, p. 6 available on <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

Indeed, ACAT Sweden received several testimonies of persecution from Örebro, Farsta, Märsta, Sundsvall, Boden, Malmö, Göteborg, Stockholm, Gävle and Uppsala.

22. It is important to note that there has been no consultation between the Migration Board and NGOs on the issue of the detention and administrative detention of migrants for 3 years.

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- ***What measures are being implemented to allow asylum seekers visit from their lawyers while in detention?***
- ***What measures are being taken to guarantee healthcare to people in migration agency detention centres such as Märsta in practice?***

D. Access to medical care

23. It appears that some detainees don't benefit from adequate medical care. In particular, people with mental health problem and some cancer patients, who are isolated in prison, don't receive the adequate medicines. For example, in a detoxification centre, a Swedish and a Syrian asylum seeker who suffered from cancer were not offered sufficient and adequate medical care. People with mental troubles are also often insufficiently treated as it is a general problem in Sweden

24. Moreover, NGOs have witnessed for a long time that people with stomach pain sometimes only receive paracetamol according to the information provided by the family of the detainees. Regarding dental care, only urgent care is given to detainees. Also, visits by a doctor are not always taking place.

25. At the moment, several NGOs including Civil Rights Defenders have launched a project to follow prison conditions in relation to health. From this online project, we observed insufficient and inadequate conditions of detention, especially towards people with mental health problems, along with a lack of communication between interned patients, their family and involved NGOs.

26. If detainees generally benefit from a medical screening by a nurse on the first days of their admission, including a screening for transmissible diseases and for depression and suicide risk, the CPT learned during its visit that this was not the case in some prisons. For example, in Malmö and Falun Remand prisons, the detainees had sometimes to wait for 7 days for their initial screening. Moreover, the CPT noted that at Kronoberg Prison some prisoners did not receive any medical screening upon their admission. Also, at Saltvik Prison, it was noted that prisoners who were transferred from another penitentiary establishment were not medically screened if they didn't request it.<sup>12</sup> This situation was confirmed by the civil society which is asking for the respect of international standards on that subject.

---

<sup>12</sup> CPT, *Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 18 to 28 May 2015*, CPT/Inf (2016) 1, p. 41 para 81 available on <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

27. Regarding death in prisons, the Council of Europe states that in 2013 there had been 13 deaths in penal institutions in Sweden among which 6 suicides.<sup>13</sup>

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- ***What measures are being implemented to ensure effective, sufficient and adequate medical care to all detainees, especially to inmates suffering from mental health problems or cancer?***
- ***What steps have been taken to guarantee in practice that every detainee receive a medical screening upon admission without delay?***
- ***Please provide statistical data on the number of death in prison, disaggregated by sex, age and cause of death.***
- ***What steps are being taken to reduce the suicide rate in prison? In particular, is training provided regarding suicide prevention?***

#### E. Use of force

28. It appears from the CPT visit that there is no register of the use of force or special means in prisons. This does not allow for statistics on the frequency of the use of such means to be established. The prison directors has the obligation to report to the Prison and Probation service when using certain special means (pepper spray or handcuffs for example) but not for every means. Moreover, information on the use of such means can only be found in the file of the detainees against whom those means were used. There is therefore no database reporting every use of such means against all detainees. Furthermore, there was no systematic recording of injuries and when there is a reporting the description is often very little detailed and insufficient.

29. For two years now, the Migration Board has not been communicating with NGOs as much as it used to. NGOs are requiring the establishment and communication of a list of incidents by public officials in order to improve the situation of the detainees through a cooperation between NGOs and authorities. According to statistics, measures of restrain or punishment (such as isolation) are more frequent than they used to be.

30. Regarding the reporting of cases of ill-treatment, it is important to note that medical staff generally doesn't report such cases. Therefore, the detainees have to report it themselves, or with their lawyers. However, prisons seem to lack a formalized internal complaints procedure. In fact, the detainees were not informed on the ways to complain and there were no complaints boxes. Furthermore, internal complaints are not systematically recorded and followed up. However, it is possible to note that the situation has improved over the last 5 years since the visits of the NPM.

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- ***Please provided statistical data on the frequency of the use of force or special means.***

---

<sup>13</sup> Council of Europe, Annual Penal Statistics, SPACE I – Prison populations, survey 2014 p. 118 (Table: Deaths in penal institutions in 2013) available on [http://wp.unil.ch/space/files/2016/05/SPACE-I-2014-Report\\_final.1.pdf](http://wp.unil.ch/space/files/2016/05/SPACE-I-2014-Report_final.1.pdf),

- *What measures are being implemented to guarantee a formalized internal complaints procedure in prisons?*

#### F. National preventive mechanism

31. After its ratification of the Optional Protocol to the Convention Against Torture (OPCAT) in 2005, Sweden designated in its ratification Bill two existing institutions as the national preventive mechanism: the Parliamentary Ombudsmen and the Chancellor of justice. However, only the former has been effective since the 1<sup>st</sup> of July 2011. The OPCAT unit is within the Parliamentary Ombudsman, and directly under the responsibility of the Ombudsman. The unit is made of different rapporteurs acting on different levels. However, the CPT highlighted that the OPCAT unit of Parliamentary Ombudsmen needed additional financial and human resources in order to be able to carry out its tasks effectively.

*FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:*

- *What human and financial resources are allocated to the Parliamentary Ombudsmen and more specifically to the OPCAT Unit?*
- *How is the independence of these mechanisms guaranteed?*

#### VI. Article 12 and 13: Investigation and right to complain

32. On 1 January 2015, the Department of Special Investigations was created by the Ordonnance 2014:1106. This body is empowered to investigate crimes committed by the police and certain other executives. The Head of the Department is appointed by Parliament, as well as his or her two deputies and reports directly to the Government and not to the National Police Commissioner. The staff of this Department is made of 60 investigators, mostly police officers who are placed in the Department on a fulltime basis.

33. During the investigation by the Department, the police officer concerned by the investigation is not systematically suspended but usually placed in an administrative position following the decision of the Head of the regional police unit. When a police officer has been found guilty of a crime, the Department of Special Investigations informs the relevant regional police unit of it that decides of the disciplinary sanctions to impose.

34. If the independence of the mechanism has been strengthened, in particular its budget is fixed by the Government and is separate from the budget of other police units, some critics can still be formulated on that point. In fact, the Department may still rely on police officers working in other units (“ordinary units”) for its investigations if this is necessary due to the complexity of the matter and it is still formally part of the Swedish Police Authority.

*FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:*

- *Please provide statistics on the number of complaints received by the Department of Special Investigations since its creation in 2015, the number of investigations*

*carried out and the types of sanctions imposed to police officers found guilty of a crime*

- *What measures have been implemented to guarantee the independence of the Department of Special Investigations when it relies on police officers from other units to carry out investigations?*

## **VII. Article 16: cruel, inhuman or degrading treatment or punishment**

### **A. Vulnerable unaccompanied asylum seeking minors**

35. Based on “the law for young people”, many minors are taken away from their family and sent to juvenile detention establishments, before they can be placed in a special home or family home (40 000 in 2015 according to the Social Administration). These institutions are controlled by outside observers however this control is defecting. These observers are often religious men and lawyers. Because they often have suffered from various offences such as rape and other forms of ill-treatment, the children are isolated and depend on the care provided by the observers as it was reported in the press in June.

36. Moreover, many children (hundreds of them) have disappeared under various circumstances in 2015 in refugees’ camps. Some of them tried to flee to another country, or to join friends or family elsewhere, others were victims of human trafficking according to police reports. Many of them just disappeared without any indication on their whereabouts.

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- *What measures are being implemented to guarantee that unaccompanied minors placed in juvenile detention establishments are being given the appropriate care? Please provide information on the monitoring carried on such places?*
- *Please provide statistical data on the disappearance of minors from refugee camps or special home and on the investigations carried out on such disappearances. What steps have the Swedish government taken to address this issue?*

### **B. Use of coercive and intrusive measures in psychiatric hospitals**

37. In its report, the CPT was concerned by the practice in psychiatric hospitals of doctors authorising recourse to means of restraint by telephone without examining the patient in particular after working hours. This is in particular due to budget and staff restrictions.<sup>14</sup>

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- *What are the legal standards regarding the use of means of restraint in psychiatric hospitals, in particular how is the presence of a doctor ensured?*

---

<sup>14</sup> CPT, Report to the Swedish Government on the visit to Sweden carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 18 to 28 May 2015, CPT/Inf (2016) 1, p. 56 para 117 available on <http://www.cpt.coe.int/documents/swe/2016-01-inf-eng.pdf>

- *Please provide information on the decision making process and the control of the use of means of restraint by force or with violence.*
- *Please provide statistics on the use of means of restrain in psychiatric hospitals.*

#### C. Hate crimes

38. The organisation Civil Rights Defenders reports that the incidence of hate crimes in Sweden has been increasing and that there is an important impunity on that topic. In fact, very rarely are the authors of such acts prosecuted and adequately sanctioned and the victims given redress. For example, the organisation reports that only 3% of all hate crimes committed in 2012 had led to legal action by April 2014.<sup>15</sup>

39. It is important for the Swedish authorities to continue to implement an in-service training program on hate crimes for police officers in the whole country and to implement programmes to raise awareness on that issue in school.

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- *Please provide statistical data on the number of reported hate crimes and on the number of complaints, investigations and punishments on such crimes, for individual and group cases*
- *What steps are being taken to provide in-service training program to police officers about hate crimes?*
- *What measures have been implemented to raise awareness on the issue of hate crimes among the population?*

#### D. Human trafficking

40. In its last concluding observations, the Committee was preoccupied by the increasing number of victims of human trafficking and the lack of prosecutions and convictions in this area. This is still an issue in Sweden. Many refugees who are minors are being forcedly married and it is very difficult to prevent it and to protect the children. The question is still being examined by the Children Ombudsman.

41. A seminar was held on 19<sup>th</sup> April, by the Christian Democrats, with pastor Merzek Botros and the reporter Nuri Kino. The seminar included testimonies from witnesses.

***FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:***

- *Please provide statistics on the number of complaints on human trafficking in Sweden and on the number of investigations, prosecutions and punishments, since 2012. Please provide specific information on the number of women and minors that have been trafficked to, from and through Sweden during this period of time including from detention centre in the country.*

---

<sup>15</sup> Civil Rights Defenders, *Human Rights in Sweden*, 2015 available on <http://www.civilrightsdefenders.org/country-reports/human-rights-in-sweden/>

- *How many victims of human trafficking recognised as such have been expelled and send back to their country of origin/or third country while facing a risk of being victimised again?*
- *What measures are being implemented to improve the protection of minors in refugee camps from human trafficking?*
- *What steps have been taken to raise awareness on the issue of human trafficking in Sweden?*

### VIII. Other issues

42. Sweden has still not ratified the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

*FIACAT and ACAT Sweden invite the Committee Against Torture to ask the Swedish government:*

- *What steps have been taken to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.*