

abroad; training and educational programmes for police and the prison service; limitations on the detention of foreign children under the age of 16; the Act on Disciplinary Liability within the Total Defence System 1994; and, cases against police and prison staff arising from complaints of assault.

The Committee's concluding observations and comments (CAT/C/XVIII/CRP.1/Add.4, paras. 90-102) viewed positively revisions to the law relating to refugees as well as the way in which the Swedish government now offers protection to many displaced persons who would not technically be identified as refugees under the Refugee Convention. The Committee also acknowledged Sweden's contribution of both material and political support for the rehabilitation of the victims of torture both within the country and internationally.

The Committee noted that Sweden's dual approach to the incorporation of international treaty norms into its domestic law required enabling legislation before the provisions of the Convention against Torture can become part of Swedish domestic law. This provision was seen by the Committee as an obstacle to the full implementation of the Convention.

The principal areas of concern identified by the Committee included: the continued failure of the government to incorporate the Convention's definition of torture into its domestic law; the use of "restrictions", which in some cases lead to solitary confinement for a prolonged period of time, for persons held in pre-trial detention centres and prisons; isolated cases of ill-treatment by the police; and, certain methods used by police in dealing with detainees or with public demonstrations, such as, in the latter case, crowd control by using dogs.

The Committee recommended that the government:

- ▶ incorporate the provisions of the Convention against Torture into Swedish law, as it has already done with regard to the European Convention of Human Rights;
- ▶ incorporate into its domestic legislation the definition of torture as contained in article 1 of the Convention;
- ▶ abolish the institution of solitary confinement, particularly during the period of pretrial detention, other than in exceptional cases, for example, when the security or the well-being of persons or property are in danger, and the measure is applied, in accordance with the law and under judicial control; and,
- ▶ reconsider the methods used by the police with regard to crowd control.

#### **Rights of the Child**

Signed: 26 January 1990; ratified: 29 June 1990.

Sweden's second periodic report (CRC/C/65/Add.3) has been submitted but is not yet scheduled for consideration by the Committee; the third periodic report is due 1 September 2002.

### **THEMATIC REPORTS**

#### *Mechanisms of the Commission on Human Rights*

**Torture, Special Rapporteur on:** (E/CN.4/1997/7, Section III; E/CN.4/1997/7, para. 473)

The Special Rapporteur transmitted an urgent appeal on behalf of a Turkish national whose application for asylum in

Sweden had been rejected. The Swedish Centre for Torture and Trauma Survivors had confirmed that the man had been tortured in Turkey and was in need of psychiatric care. Concern was expressed that, if deported back to Turkey, he might be subjected to torture again.

#### *Mechanisms and Reports of the Sub-Commission*

**Traditional practices affecting the health of women and girls, Special Rapporteur on:** (E/CN.4/Sub.2/1997/10, paras. 43-49)

The report notes that Sweden declared female genital mutilation illegal in 1982, and refers to a number of activities undertaken in opposition to the practice. These included a pilot project implemented by the Immigration Services to organize preventive work to stop girl refugees from Africa who were living in Sweden from being mutilated, and to provide medical, psychological and sexual assistance to women, during pregnancy and delivery, who had already been mutilated. The project involved training for the professionals concerned, the elaboration of directives for medical staff and social workers, measures to make the mass media more aware of the problem, and the compilation and translation into Swedish of educational material.

#### *Other Reports*

**Children and juveniles in detention, Report of the S-G to the CHR:** (E/CN.4/1997/26, Section I)

The report of the Secretary-General includes information provided by the government noting that: in Sweden, the age of criminal responsibility is 15; there are no offences under Swedish legislation which may be exclusively committed by juveniles or adults; the aim is to make criminalization a last resort in coping with problems; inducing a juvenile to be an accomplice to a crime by means of coercion, deceit or misuse of youth, lack of comprehension or dependent status is considered an aggravating circumstance and taken into account in determining the penalty for an offence; in cases where juveniles have been induced into being accomplices to crimes they are given a milder sentence and, if the offence was petty, no liability is imposed.

The information also notes that special rules for legal proceedings against juveniles suspected of offences are contained in the Care of Young Persons (Special Provisions) Act and are aimed at a more rapid and qualitatively improved processing of cases and matters in which persons under 18 are suspected of offences. The special rules for instituting legal proceedings against juvenile offenders are outlined as: preliminary investigations into an offence are, where possible, led by a prosecutor or policeman specially suited for dealing with juvenile cases; the parents of the juvenile or others who are responsible for the care and upbringing of the young person must be informed of the situation and be summoned to police questioning of the juvenile; the municipal social welfare committee is to be informed when juveniles are suspected of offences and given an opportunity to attend police questioning, unless their presence could be detrimental to the investigation; preliminary investigations into offences for which the sentence is imprisonment for longer than six months shall always be led by a prosecutor if the suspect is under 18; in principle, a statement shall always be obtained, at the preliminary investigation, from social services concerning