

ASSEDEL



Association Européenne
pour la Défense des Droits et des Libertés

ASSEDEL, 11 Rue de Bruxelles 67000 Strasbourg, France, www.assedel.org,

info@assedel.org

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From Rule of Law to Risk of Torture? Sweden Before the UN Committee Against Torture

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1. Introduction

Sweden is widely regarded as a country with a high level of democracy, a strong rule of law and a deep commitment to Human Rights. Despite this, Sweden has emerged as one of the top countries globally when it comes to the number of complaints submitted to the UN Committee Against Torture (CAT). Among these complaints, there are relatively many cases where Sweden has violated the UN Convention Against Torture (UNCAT). The question arises. Why Sweden?

As a preliminary note, it is important to clarify that the complaints submitted to the CAT do not concern allegation of direct acts of torture committed by, and/or in Sweden. Rather, they regard cases in which the State has ordered the deportation of asylum seekers who have argued that there exists a substantial risk of being subjected to torture upon return to their country of origin. In such cases, Sweden may be found in violation of Article 3 of the Convention.

This report aims to explore why Sweden accounted for a striking proportion of all individual complaints submitted globally between the period of July 2021 to November 2024 – not only in terms of numbers but also in terms of what those numbers might represent: Firstly, does a high volume of complaints signal a problem in how Sweden upholds its obligations under the UNCAT? Secondly, does the found violations imply a structural problem? Or rather, could a high number of complaints (followed by violations) reflect a well-functioning legal system where individuals are empowered to seek justice through international mechanisms?

In order to address the main objective, this report begins with a brief overview of the convention itself, as well as the current legislation in Sweden (section 1). This is followed by examination of the data (section 2) and a discussion of violations of Article 3 (section 3). The final section (4) presents the overall conclusions.

1.1 The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)

The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) came into force in 1987 and has been ratified by 113 countries. It was adopted in 1984 as a way to combat the practice of torture by absolute prohibition (which is

regulated in Article 2).¹ The Convention is monitored by the Committee Against torture (CAT), a body of 10 independent experts, which ensures that the Convention is implemented by all State parties. As part of their control mechanisms, CAT concludes reports. Further, if an individual is dissatisfied with a state's ruling, the individual can bring their complaints to the Committee. However, this is only possible if the State, from which the asylum application derives, has explicitly declared that it accepts the Committee's authority under Article 22. Without this declaration, individuals from that country cannot file their appeal to the committee.² As of 2021, 68 countries have recognized the competence of CAT.³

1.1.1 Article 1

Article 1 of the Convention is central to understanding the core principles as it defines torture:

*For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.*⁴

1.1.2 Article 3

Article 3 regulates non-Refoulement and is also central to this report. This principle prohibits states from returning individuals to countries where they face a real risk of torture. The obligation is absolute and applies to everyone regardless of their migration status.⁵ It is articulated in the following:

¹ OHCHR, *Background to the Convention against Torture*, <https://www.ohchr.org/en/treaty-bodies/cat/background-convention> [11/6-2025]

² OHCHR, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading> [11/6-2025]

³ CGLJ (Center for Global Legal Justice), *Committee Against Torture*, <https://cglj.org/human-rights-oversight/united-nations/un-treaty-bodies/committee-against-torture/> [11/6-2025]

⁴ OHCHR, *Convention against Torture*.

⁵ Office of the High Commissioner for Human Rights, *The Principle of Non-Refoulement under International Human Rights Law*, <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf> [11/6-2025]

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.⁶

1.2 Swedish Legislation on Torture

Asylum cases in Sweden are handled by the Swedish Migration Agency (Migrationsverket) as well as relevant courts. Asylum seekers represent only a small portion of the overall caseload. The Migration Agency is also responsible for general issues concerning the residence of foreign nationals in Sweden.

Although Sweden lacks specific legislation that explicitly prohibits torture, national legislation reflects the prohibition in various ways. Relevant legislation penalize various forms of assault, and acts of torture may in some cases be punishable under the Act (2014:406) on Criminal Responsibility for Genocide, Crimes Against Humanity and War Crimes. The minimum sentence has also been increased for several serious offences that may constitute acts of torture, including aggravated assault.⁷ In 2015, a proposal to introduce a special law prohibiting torture, was under investigation. However, the relevant referral bodies expressed critical views, leading to the proposal being withdrawn.

The Swedish Aliens Act (utlänningslagen 2005:716) outlines key elements of international conventions including UNCAT, the European Convention on Human Rights as well as the Geneva Conventions.⁸ These are further reflected in the Migration Agency's internal guidelines, which address issues such as torture and inhuman treatment. Concepts such as the principle of official responsibility (offentligprincipen) and the burden of proof are well

⁶ OHCHR, *Convention against Torture*.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading> [11/6-2025]

⁷ Regeringskansliet, *Sveriges Rapport till Tortyrkommittén*, November 2018, p.2

<https://www.regeringen.se/contentassets/ed31a252dd4f480297841bcc69d56048/sveriges-rapport-till-tortyrkommitten-2018-11-svensk-versi-on/> [11/6-2025]

⁸ Ibid., pp.18-19

incorporated. In addition, established precedent clarifies the Agency's duty to investigate, with particular attention to vulnerable groups such as children and individuals suffering from post-traumatic stress disorder (PTSD).⁹

Furthermore, a framework exists for how certain situations should be handled. If the applicant has certain special needs, the Migration Agency has a responsibility to meet these. For example, if an applicant states during the interview that they have been subjected to torture, more time should be allocated for the asylum investigation.¹⁰ The Migration Agency also offers internal training, such as the "*Evidence Assessment*" program, which aims to increase the understanding of how torture may impact the evaluation of evidence, including medical documentation. Additionally, there are tools available to help identify applicants with special needs, such as the support system developed by the European Asylum Support Office (EASO).¹¹

In contrast – In its concluding observations on Sweden's eight periodic report from November 2021 – the UN Committee expressed concern over several aspects of Sweden's legislation as well as the state's implementation of the UNCAT. Notably, the CAT criticized the State for not having incorporated a specific law prohibiting torture into domestic legislation, nor criminalizing torture as a distinct offence in line with Article 1 of the UNCAT. Concerns were also raised about the risk of refoulement especially for people from so-called "safe countries", emphasizing the need for more robust and individualized assessments in deportation cases.¹²

2. Swedish Data Overview and Analysis

This data has been compiled from the official CAT session documentation available at the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR). Please view Appendix 1-3 for further information.

⁹ *ibid.*, p.21

¹⁰ *ibid.*, p.29

¹¹ *ibid.*, p.22

¹² Regeringskansliet, *Concluding Observations on the Eight Periodic Report of Sweden*, November 2021

www.regeringen.se/contentassets/ed31a252dd4f480297841bcc69d56048/concluding-observations-on-the-eighth-periodic-report-of-sweden-november-2021.pdf [11/6-2025]

2.1 Quantitative Overview of Complaints

2.1.1 Swedish Complaints before CAT

Between July 2021 and November 2024, a total of 60 individual complaints were submitted to the CAT concerning Sweden (Appendix 1). Of these, 17 were found admissible, 4 inadmissible, and 39 were discontinued or not pursued further.

Despite the large number of complaints, 65 percent of them were discontinued before reaching the stage of consideration of admissibility (Appendix 1). These cases were often discontinued due to being time-barred, withdrawn (for instance, following a favorable national decision), or resolved outside the UN mechanism. Only four complaints (approximately six percent) were deemed inadmissible, meaning the complainant was still expected to exhaust national resources. 28 percent of the cases (17 of 60) were admissible.

Among the admissible complaints, five cases resulted in findings of a violation of Article 3 of the UNCAT, indicating that the Committee deemed Sweden to have breached its obligation to not return individuals to countries where they risk torture or inhuman treatment (Appendix 1). This constitutes approximately 29.4 percent of all admissible cases. Overall, this means that eight percent of all submitted complaints have resulted in a finding of a violation.

2.1.2 The number of Swedish Complaints in relation to other countries

In a broader perspective, Swedish complaints accounted for 23.5 percent of all complaints received by CAT during this period – nearly one in four (Appendix 2). This gives Sweden a clear second place in terms of total complaints submitted from session 71 to 81, surpassed only by Switzerland (Appendix 3). In comparison to its Nordic neighbours – such as Finland (10 complaints) and Denmark (4 complaints) – the Swedish numbers stand out even more dramatically. This contrast raises the question as to why Sweden's number of complaints is comparatively higher.

2.2 Interpretation of the Data

There may be several explanations as to why Sweden accounts for such a high number of complaints within the CAT system. A few possible reasons are listed below. These are, of course, not exhaustive, and none of them should be considered definitive.

2.2.1 High number of Asylum seekers, the 2015 Migration Crisis and its Consequences

One correlation to the significantly high number of complaints originating from Sweden could possibly be Sweden's longstanding status as a prominent destination for asylum seekers. According to numbers from the government body Statistics Sweden (Statistiska Centralbyrån, SCB), Sweden received roughly 44 000 asylum applications during the reporting period.¹³ In relation to other European Countries, Sweden has historically been among the countries that have received the highest number of asylum applications relative to its population size.¹⁴

However, since the 2015 migration crisis, Sweden has implemented increasingly restrictive asylum and residency policies, including the shift from granting permanent residence permits by default to issuing temporary permits (typically lasting three years).¹⁵ Regulations have been adjusted and cut to the minimum standards required under EU law, limiting access to permanent residency and family reunification.¹⁶ These policy changes, combined with a large number of individuals applying for protection or residency, have likely contributed to the elevated number of complaints.

Another significant contributing factor is the strain placed on national institutions that followed the crisis in 2015. The high volume of asylum applications has led to a heavy workload for both the Swedish Migration Agency and the administrative courts. This institutional pressure has, at times, exceeded available resources, potentially leading to procedural difficulties and insufficient assessments. This may have led individuals to file complaints to a greater extent.¹⁷

2.2.2 Rule of Law, Awareness of Rights and Accessibility to Legal Support

Further, another factor potentially explaining the high volume of complaints is Sweden's relatively strong dissemination of information regarding legal rights. The country has a well-developed system of legal aid, access to non-governmental organizations (NGO's), and

¹³ Statistics Sweden (SCB), *Asylum Seekers by Month*,

<https://www.scb.se/en/finding-statistics/statistics-by-subject-area/population-and-living-conditions/population-composition-and-development/population-statistics/pong/tables-and-graphs/asylum-seeker/asylum-seekers> [11/6-2025]

¹⁴ Wikipedia, "Immigration to Sweden" https://en.wikipedia.org/wiki/Immigration_to_Sweden? [11/6-2025]

¹⁵ Government Offices of Sweden, *Adjustment of Swedish Asylum Regulations and Procedures to Minimum Level Required under EU Law* (10 October 2023),

<https://www.government.se/press-releases/2023/10/adjustment-of-swedish-asylum-regulations-and-procedures-to-minimum-level-required-under-eu-law> [11/6-2025]

¹⁶ Migrationsverket (Swedish Migration Agency), *Statistics*,

<https://www.migrationsverket.se/English/About-the-Migration-Agency/Facts-and-statistics/Statistics.html> [11/6-2025]

¹⁷ Asylum Information Database, *Sweden Country Report*, 2015,

https://asylumineurope.org/wp-content/uploads/2015/12/report-download_aida_se_update.iii.pdf [11/6-2025]

institutional transparency.¹⁸ This infrastructure may contribute to a higher number of individuals being informed about, and able to access, the individual complaints mechanism under Article 22 of the Convention.

On another note, the low rate of admissibility among complaints originating from Sweden may reflect both a well-organized national asylum system and effective dissemination of information about available international bodies. Individuals in Sweden may have greater access to legal representation or civil society organizations capable of assisting them in navigating complex international complaint procedures, thereby increasing the likelihood that complaints meet admissibility criteria.

Sweden is one of 68 state parties to the UN Convention Against Torture that have made a declaration under Article 22. Thereby, recognizing the right of individuals to lodge complaints with the CAT. It is important to emphasize that in many other countries, such complaints are not even possible due to the absence of this declaration. Moreover, the practical ability of individuals in Sweden to connect with legal representatives, NGOs and international bodies stands in contrast to jurisdictions where asylum seekers may lack access to such resources or awareness of their rights. In contrast, Sweden's openness, transparency and access to legal representation and support organizations contribute to the practical realization of this right.

3. Violations of Article 3: A closer look

Striking is not only the number of complaints; one may also question why so many complaints have resulted in confirmed violations. As earlier mentioned, in approximately 71 percent of admissible cases, Swedish authorities were found to have made a correct assessment under Article 3, indicating a general adherence to international standards by the Swedish Migration Agency and Swedish Courts. Nevertheless, in five out of seventeen cases (29.4%), the CAT concluded that Sweden had violated its obligations by failing to adequately assess the risk of torture or inhuman treatment as a result of its refusal to grant residence.

¹⁸ Asylum Information Database, *Access to NGOs and UNHCR: Sweden*, <https://asylumineurope.org/reports/country/sweden/asylum-procedure/information-asylum-seekers-and-access-ngos-and-unhcr/access-ngos-and-unhcr> [11/6-2025]

While the overall performance suggests a generally robust system that acts in compliance with international standards, the existence of confirmed violations implies that some risk-assessment mechanism may be insufficient in identifying individual protection needs. These findings underscore the importance of ongoing evaluation of asylum procedures to ensure that all decisions are legally sound and sensitive to the circumstances of each applicant.

Further, the high proportion of violations within the admissible complaints raises important questions about the potential systemic vulnerabilities within the Swedish asylum procedure. Could they reflect systemic shortcomings, or are they the result of other, more isolated factors?

It is not necessarily the case that every outcome can be explained through a clear or rational model. Some instances may be due to coincidence or context-specific circumstances. It is also important to recognize that such outcomes could represent temporary trends rather than a persistent pattern, especially in light of the 2015 migration crisis. Often, multiple factors interact in complex ways and it is not always possible to isolate one single explanatory variable. Nevertheless, considering possible explanations offers a means of approaching and understanding the underlying issues.

To explore this further, the following section undertakes a closer examination of the five cases in which the Committee concluded that a violation has been made, in order to assess whether these are isolated errors or indicative of recurring procedural weaknesses.

3.1 Five cases: Summary and Key Issues (According to CAT)

3.1.1 Complaint no. 1109/2021

Sweden failed to recognize the risk that the complainant, if deported to Kosovo, could be illegally transferred to Turkey, where he faced a real risk of torture. The indirect risk (chain refoulement) was not properly assessed and the failure resulted from a narrow focus on Kosovo's safety, disregarding the influence of Turkey as well as the complainant's vulnerability. This resulted in violation of Article 3.¹⁹

¹⁹Committee Against Torture, *Decision adopted by the Committee under Article 22 of the Convention, concerning communication No. 1109/2021 (Safa Turhan v. Sweden)*, CAT/C/81/D/1109/2021 (8 November 2024)

3.1.2 Complaint no. 1076/2021

Sweden did not realize that the complainant, a tunisian national, faced a personal, real and foreseeable risk of torture if returned to Tunisia. The Swedish authorities dismissed credible evidence of past torture by Tunisian authorities by wrongly questioning its authenticity and without proper investigation. This amounted to a violation under Article 3.²⁰

3.1.3 Complaint no. 1016/2020

Sweden was unsuccessful in fulfilling its obligation to assess the risk that the complainant, an afghan convert to christianity, would be at high risk of torture, death or inhuman treatment, if deported to Afghanistan. The Migration Court acknowledged his conversion but the Swedish authorities still denied him a new examination on procedural grounds because he reported his conversion too late. The CAT found Sweden inconsistent with the obligations under Article 3.²¹

3.1.4 Complaint no. 984/2020

Sweden failed to recognize that the complainant, who had previously been detained and tortured, faced a serious risk of torture if returned to Burundi. Authorities minimized the threat based on time passed and his previous minor political role. The Committee found this approach inadequate and concluded a breach of Article 3.²²

3.1.5 Complaint no. 918/2019

Sweden failed to conduct an individualized assessment of the risk that the complainant, an afghan convert to christianity, would face if returned. The focus was too narrow on his ability to explain theological concepts, disregarding his personal background, mental health and threats received after publicizing his faith. This approach resulted in a violation of Article 3.²³

3.2 Emerging Trends and Systematic Implications

It seems as though in all five cases, Sweden has, according to CAT, applied an overly narrow approach to risk assessment by relying on a formalistic model of evaluation where complex risks are reduced by technical judgements. It also seems as though individual claims in

²⁰Committee Against Torture, *Decision adopted by the Committee under Article 22 of the Convention, concerning communication No. 1076/2021 (B.S v. Sweden)*, CAT/C/78/D/1076/2021 (19 January 2024).

²¹Committee Against Torture, *Decision adopted by the Committee under Article 22 of the Convention, concerning communication No. 1016/2020 (O.R. v. Sweden)*, CAT/C/77/D1016/2020 (12 September 2023).

²²Committee Against Torture, *Decision adopted by the Committee under Article 22 of the Convention, concerning communication No. 984/2020 (Robert Nijimbere v. Sweden)*, CAT/C/76/D/984/2020 (24 May 2023).

²³Committee Against Torture, *Decision adopted by the Committee under Article 22 of the Convention, concerning communication No. 918/2019 (A.A. v. Sweden)*, CAT/C/72/D918/2019 (20 January 2022).

Sweden are assessed in isolation, without sometimes fully accounting for broader geopolitical patterns or personal vulnerabilities. This may be a consequence of the inherently complex legal framework governing asylum and non-refoulement cases. The difficulty lies in finding a balance: ensuring consistent and individualized assessments, yet still adhering to the constraints of the existing legal framework.

A recurring issue is the high evidentiary burden placed on applicants. In cases involving religious conversion (918/2019, 1016/2020), applicants were expected to provide in-depth theological justification for their beliefs while not accounting for differences in psychological or educational background. Similarly, in cases involving past torture (1076/2021, 984/2020), submitted medical evidence was not given appropriate weight. This is an issue because credibility is being questioned without clear justification. The approach suggests a broader, systemic tendency to mistrust applicants, particularly when claims rely on subjective experiences, such as trauma, faith or fear. In at least two cases (918/2019, 984/2020), expectations around how such experiences should be described were not adjusted to the applicants' abilities, backgrounds or mental health status. Applicants who cannot "perform" their trauma or belief in expected ways – through clear narratives, theological reasoning or formal proof – appear to be penalized.

Sweden has also shown procedural rigidity when it comes to reassessing claims based on new evidence. In at least three cases (918/2019, 1016/2020, 1076/2021), authorities refused to reconsider cases despite new developments. This reflects a system where human protection isn't the highest priority, potentially undermining the State's obligations under Article 3.

Additionally, in several cases, country-specific risks were not adequately integrated into the assessment. For instance, transnational repression by Turkey (1109/2021), the political violence of Burundi (984/2020), and the well-documented persecution of converts in Afghanistan (918/2019, 1016/2020) were not sufficiently reflected in the final risk evaluations.

4. Conclusions

Several explanations may account for Sweden's disproportionate representation among the complaints filed with CAT. It is largely due to its acceptance of Article 22, its strong legal-aid system, active civil society and transparent institutions. At the same time, the large asylum caseload and institutional strain following the 2015 migration crisis may have contributed to complications. Therefore, Sweden's position as the country with the second highest number of complaints in the CAT system, reflects both a well-functioning system that allows accountability, as well as a problematic structural pressure.

However, while the majority of the asylum decisions made by Sweden have been found compatible with the Convention, the five cases in which the CAT identified violations raise important concern. The cases demonstrate that the Swedish asylum system may risk becoming overly procedural and formalistic in its assessments, where individual claims are narrowly evaluated without sufficient consideration for broader context, personal vulnerabilities, or practical challenges faced by applicants in articulating subjective experiences. Nevertheless, they should be understood in the broader context of Sweden's asylum system. The existence of these rulings does not necessarily point to systemic disregard for international obligations, but rather reflects the inherent difficulty of consistently applying a complex legal framework to individual circumstances.

Ultimately, the presence of these findings over a three-year period should not be read as a reflection of the overall commitment to the UNCAT by Sweden. They should instead serve as a reminder that even well developed democracies such as Sweden must remain open to reflection, as proof of the value of international oversight and their ability to correct outcomes. It also raises the notion that the protection of Human Rights is an ongoing responsibility that depends on legal infrastructure as well as careful judgement in each case.

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Appendix 1

Session No.	Date	Admissible	of tot. complaints	(inadmissible)	Rulings	Breaches/ tot. admissible
					No. 997/2020 - No violation - 1 dissenting No. 1109/2021 - Violation	
81	oct-nov 2024	3	5	0	No. 1099/2021 - no violation	1/3
80	july 2024	1	12	0	No. 1073/2021 - No violation	0/1
79	apr-may 2024	1	7	0	No. 1061/2021 - No violation	0/1
					No. 1076/2021 - breach of art. 3 read in conjunction with art. 1	
78	oct-nov 2023	2	8	0	No. 1074/2021 - no violation	1/2
77	july 2023	1	7	2	No.1016/2020 - "inconsistent with the obligations under art. 3"	1/1
76	apr-may2023	1	4	1	No 984/2020 - Breach of art.3	1/1
75	oct-nov 2022	0	1	0		0/0
74	july 2022	1	3	1	No. 949/2019 - No breach	0/1
73	apr-may 2022	0	1	0		0/0
					No. 918/2019 - Breach of art.3	
72	nov-dec 2021	2	2	0	No. 1000/2020 no violation	1/2
					No. 913/2019 No. 908/2019 No. 904/2018 No. 883/2018 No. 874/2018	
71	july 2021	5	10	0	- No violation	0/5
TOT: (JULY21-NOV24)		17	60	4		5/17, 29.4%

Appendix 2

Session No.	Date	TOT complaints each session	Swe percentage of tot. complaints
81	oct-nov 2024	37	5/37= 13%
80	july 2024	23	12/23= 52%
79	apr-may 2024	20	7/20=35%
78	oct-nov 2023	20	8/20=40%
77	july 2023	18	7/18=38%
76	apr-may2023	20	4/20=20%
75	oct-nov 2022	19	1/19=5%
74	july 2022	17	3/17=17%
73	apr-may 2022	28	1/28=3%
72	nov-dec 2021	31	2/31=6%
71	july 2021	21	10/21=47%
TOT: (JULY21-NOV24)		254	60/254, 23.6%

Appendix 3

	Country	No. of Complaints (81-71)
1	Switzerland	67
2	Sweden	60
3	Australia	43
4	Canada, Morocco	11
5	Finland	10

All data compiled from: Office of the High Commissioner for Human Rights (OHCHR), *Committee Against Torture – Session List*

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CAT

[11/6-2025]