Sweden’s contribution to the survey questionnaire from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

The Government of Sweden highly appreciates the system of the Special Procedures as a central element of the United Nations human rights machinery. The independent status of the mandate-holders is vital for their ability to fulfil their functions in all impartiality and to exercise their freedom to assess the human rights issues examined under their mandates.

For the last few years the Government of Sweden’s communication with the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been limited to two individual cases.

The UN human rights treaty body system is currently under review. Sweden finds it imperative to support the functioning and the effectiveness of the treaty body system and the work of the special procedure mandate holders.

Sweden is aware that the scope of a mandate of a Special Rapporteur mandate holder sometimes overlap with other special procedure mandate holders´ mandates and/or with the mandates of the treaty bodies. This could be positive as the findings of the human rights bodies enhances and complement each other.

Sweden notes that the Special Rapporteur does not require the exhaustion of domestic remedies to act, unlike the requirements for the complaints mechanisms of the human rights treaty body system. The procedural framework and jurisprudence for Special Procedures is different to and not always as developed as it is for e.g. the Committee against Torture.

Due to OHCHR’s increasingly limited available resources, Sweden would like to underline the need to be mindful of using effectively the resources of OHCHR and to the extent possible avoid overlapping communications as such overlap impact the effectiveness of the human rights bodies and may strain the support provided by OHCHR to the special procedure mandate holders as well as to the treaty bodies.