



FUNDAMENTAL RIGHTS AND THE RULE OF LAW

Authorities' observations on the report on the visit to Sweden

13-14 October 2022



European Economic
and Social Committee



2 December 2022
A2022/01519

Ministry of Employment

I hereby submit the observations from Sweden on tire draft report on the visit to Sweden 13-14 October 2022.

Sincerely

A handwritten signature in blue ink that reads "Catharina Nordlander".

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Observations on the draft report on the visit to Sweden 13-14 October 2022

We would like to thank the Fundamental Rights and Rule of Law Group delegation for the prolific meeting on October 14 and for the opportunity to comment on the subsequent draft report. Here you can find our comments to what was offered as a response during the meeting.

Freedom of association and freedom of assembly

The government proposal prop. 2021/22:272 concerning state grants to religious communities and democratic conditions for state grants to civil society has been revoked by the government.

Freedom of expression and of the media

Regarding the Media Ombudsman (MO) it should be noted that the MO is an independent self-disciplinary body, handling complaints on the editorial content of newspapers, magazines, broadcast media and their websites and social media. The MO is the investigating authority in the process and handles complaints from individuals who feel unfairly treated by the media.

Non-discrimination

The draft report mentions expectations regarding that the evaluation commissioned to the Swedish National Council for Crime Prevention on ethnic profiling by the Swedish police would be delivered. In that regard it can be noted that at the request of the Police Authority, the Swedish National Council for Crime Prevention is carrying out a study on how the Police Authority works with and handles the issue of ethnic profiling in police operations. The study is expected to last until June 2023, but the reporting period may be adjusted.

Regarding that the participants considered that the Swedish police and the judiciary were not trained well enough to deal with crimes such as rapes it can be noted that all students who attend basic police training receive training in the area of intimate partner violence and sexual crimes (including rape) and based on the content of the training, the students are given the conditions to obtain solid basic knowledge. Continuing and further education is also offered for police employees with a focus on sexual crimes. Since 2019, the number of places for participants in the sexual crime training has increased as part of the investment in particularly vulnerable crime victims. When assessing the number of reports and the proportion of convictions, differences between different countries regarding the reporting propensity (Sweden is considered to have a relatively high reporting propensity) and the legislative design of this type of crime should be taken into account.

Rule of law

With regards to the independence of the judiciary it can be noted that according to the Instrument of Government, one of four laws that together make up the constitution, a person who has been appointed a permanent salaried judge may be removed from office only if:

1. he or she has shown himself or herself through a criminal act or through gross or repeated neglect of his or her official duties to be manifestly unfit to hold the office;
2. or he or she has reached the applicable retirement age or is otherwise obliged by law to resign on grounds of protracted loss of working capacity (Chapter 11 Art. 7).

In response to that some participants highlighted a lack of judges due to recruitment difficulties it can be noted that a wide range of work is being done to secure the recruitment of judges. The Swedish National Courts Administration, together with the courts, continuously work to secure the court's competence supply. For example, the number of training positions for legal clerks has recently increased. The Swedish National Courts Administration has also adopted a specific strategy for competence supply that focuses on how to attract and keep competent staff within the courts.

The Judges Proposals Board also has a designated task to carry out an active and long-term work to promote recruitment of permanent judges.

To cope with a growing caseload, the allocation to the Swedish courts has increased by SEK 170 million for 2025 in the budget bill for 2023.

And lastly, regarding the Council of Legislation. The Council of Legislation decides how much time is needed for its examination but often produces the opinion within a few days. The Council examines several aspects:

1. the manner in which the draft law relates to the fundamental laws and the legal system in

general;

2. the manner in which the various provisions of the draft law relate to one another;
3. the manner in which the draft law relates to the requirements of the rule of law;
4. whether the draft law is so framed that the resulting act of law may be expected to satisfy the stated purposes of the proposed law; and
5. any problems that may arise in applying the act of law.

The government attaches great importance to the opinion of the Council of Legislation and aim to follow it even though it's non-binding.

The reasons why the government in some cases doesn't follow its opinion vary. The government response to the Legislative Council's criticism is always included in the legislative proposal.



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