JO
RIKSDAGENS OMBUDSMÄN
1809

The Swedish Parliamentary Ombudsmen

# Annual Report 2024

**Summary in English**


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# Background

## Parliamentary control

Parliamentary control is a collective term for the Riksdag's (parliament) special powers to review and monitor the work of the Government and the public administration. The three pillars comprise:

1. **Parliamentary review**
   The right of Members of the Riksdag to pose questions to the Government, the Parliamentary Committee on the Constitution (KU) reviews the actions of ministers and the handling of government matters, the Riksdag has the power to initiate a vote of no confidence in a minister or the Government.

2. **Judicial review**
   The Parliamentary Ombudsmen (JO) ensures that governmental authorities treat citizens in accordance with the law.

3. **Efficiency audits**
   The Swedish National Audit Office reviews what government funds are used for and how efficiently they are used.

## The Parliamentary Ombudsmen

The Parliamentary Ombudsmen form one pillar of parliamentary control in Sweden. The task of the ombudsmen is to review the implementation of laws and other regulations in the public sector on behalf of the Riksdag and independent of the executive power. This review includes courts of law and other public authorities, as well as their employees.

The four Parliamentary Ombudsmen are appointed directly by the Riksdag (parliament). The ombudsmen are independent in their decisions and answer directly to the Riksdag. Each autumn they submit an annual report to the Riksdag which contains an account of the work carried out during the previous working year with statistics and a selection of decisions.

### The task of the Parliamentary Ombudsmen

The main task of the Parliamentary Ombudsmen (JO) is to ensure compliance with the law. The ombudsmen are specifically tasked with ensuring that public authorities and courts abide by the provisions of the Instrument of Government concerning impartiality and objectivity and that the public sector does not infringe on the basic freedoms and rights of the citizens. The ombudsmen's supervision includes ensuring that public authorities deal with their cases and in general carry out their tasks in accordance with existing legislation.

The ombudsmen's enquiries are prompted both by complaints filed by the public or initiated by the ombudsmen themselves. Regularly inspections are made of various public authorities and courts in the country.

## Powers and sanctions

- The Parliamentary Ombudsmen have the authority to issue statements if the measures taken by a public authority or a public official are in conflict with an existing law or other statute or are incorrect or inappropriate in some other way.
- The ombudsmen have the right to issue advisory opinions intended to promote uniform and appropriate application of the law.
- In the role of extra-ordinary prosecutor, the ombudsmen may initiate legal proceedings against an official who, disregarding the obligations of his office or his mandate, has committed a criminal offence other than an offence against the Freedom of the Press Act and the right to freedom of expression.
- The ombudsmen may report a civil servant for dereliction of duty.
- The ombudsmen may recommend changes to statutes to either the Riksdag or the Government.
- The ombudsmen may refer cases to a regular supervisory authority for action.

## History in short

1809 The Office of the Parliamentary Ombudsmen was established in connection with the adoption of the Instrument of Government in 1809.

1810 The first Parliamentary Ombudsman (JO), Lars Augustin Mannerheim, were elected.

1915 A Military Ombudsman (MO) were established to supervise the military authorities.

1941 The election period for the Ombudsmen (JO & MO) were extended from one year to four years.
The rule that only men could be elected as ombudsmen were removed.

1957 The Parliamentary Ombudsmen was given the power to supervise local government authorities.

1967 The office of The Military Ombudsman (MO) were abolished and the number of Parliamentary
Ombudsmen (JO) were increased to three.

1975 The number of Parliamentary Ombudsmen (JO) were increased to four.

2011 The Parliamentary Ombudsmen is designated National Preventive Mechanism (NPM) under the OPCAT.

# The Chief Parliamentary Ombudsman's reflection on the 214th year of operations

In the annual report presented in November 2022 I particularly emphasised the fact that, for the first time in the authority's history, the number of complaints had exceeded 10,000. Now, just over two years later, the number of complaints received is close to 12,000. In 2024 the number of complaints increased by 11 per cent, or about 1,200 complaints. Never in the history of the authority has the increase in the number of complaints been that big. This considerable influx of complaints has, as laid out below, affected our work, including balances, processing times and the number of decisions with criticism – despite our continuous streamlining measures.

In the 1970s, when it was decided that the Parliamentary Ombudsmen would have four ombudsmen, about 3,000 complaints were received in a year. Today that number has quadrupled. If the rate of increase remains the same during the current decade as it has been over the past ten years, we can expect almost 15,000 complaints in 2030. That would mean almost 4,000 complaints per ombudsman – the same number that four ombudsmen shared as recently as at the turn of the millennium. It is worth noting that the increase alone in the number of complaints during 2024 corresponds to the number that one ombudsman had to shoulder at that time.

The number of complaints is increasing across the board. Still, it seems appropriate here to highlight certain major areas. In Migration we have seen an increase of 31 per cent, and in Care of Children and Young People the increase is 14 per cent. Most important, however, is to highlight the Prison and Probation Service. In terms of numbers about 400 more complaints than last year were received. That corresponds to an increase of about 20 per cent, which is the same high rate of increase as in 2023. The number of complaints in this area was approximately 2,500 over the year. That is about a fifth of the total number of complaints.

Last year I was able to report that we decided more cases in 2023 than ever before. This year we decided an additional 800 cases. A year ago I also reported that balances were lower than they had been for many years. This year, however, they increased again, from about 1,000 to about 1,200 cases. It should nonetheless be pointed out that balances remain lower than they were in the years immediately preceding 2022.

Keeping processing times short is important for public trust in the Parliamentary Ombudsmen. Reasonable processing times are something that people

rightly expect of government authorities; if anyone knows this well, it is we who work at the Parliamentary Ombudsmen, as it is one of the most common complaints made against government authorities. We, of all public servants, have to live up to expectations of prompt processing, and cannot credibly criticise other authorities for slow processing if we ourselves suffer from the same problem.

In recent years, therefore, we have prioritised a reduction of processing times for investigated cases. At the end of 2021 there were 166 cases with a processing time that exceeded one year. The corresponding figures for 2022 and 2023 were 64 and 46, respectively. Despite the considerable growth in the number of complaints, processing times have been further improved. At the end of 2024 the number of cases that were more than a year old was 32.

Another issue that can be significant for public trust is the number of investigated cases. Clearly it is not possible to investigate every complaint – far from it – , nor is that the task of the Parliamentary Ombudsmen. The total number of decisions in investigated cases decreased from about 430 to about 400.

So while not all curves point in the right direction, we nevertheless achieved most of our internal operational goals. The one goal we did not achieve was that 80 per cent of investigated cases be decided within one year.

The supervision undertaken by the Parliamentary Ombudsmen is usually described as extraordinary in nature, i.e. supervision that goes beyond and supplements ordinary supervision. That, however, is not the whole truth. Sweden has no ordinary supervision in important areas such as prison and probation, policing, foreigners' cases and social security; instead the Parliamentary Ombudsmen have to shoulder that role to the extent they can. I emphasise "to the extent they can", as extraordinary supervision can never substitute for the ordinary kind. The share of complaints concerning areas without ordinary supervision has grown in recent years, and 2024 is no exception in this respect. With the rate of increase that we have seen in prison and probation above all, it is likely that areas without ordinary supervision will very soon represent the majority of complaints. The question we must ask ourselves – already today but above all when that point is reached – is whether the description of the Parliamentary Ombudsmen's supervision as extraordinary can be regarded as correct. I note with satisfaction that Parliament, at the initiative of the Committee on the Constitution, has adopted a notice to the Government regarding these issues.

In this connection it may be appropriate to mention that we regularly forecast the expected number of complaints within different areas in order to adapt, as needed, the ombudsmen's areas of responsibility and the drafting responsibilities of the heads of division and other legal staff. The growing number of complaints concerning the Prison and Probation Service was a contributing

factor to our decision, on 1 January 2024, to make certain changes to the areas of responsibility, with accompanying changes to the drafting organisation. Another reason behind these organisational changes was a desire to return to the earlier procedure whereby each ombudsman had their own department. Naturally, these changes initially brought some negative effects, e.g. on our balances, processing times and the number of decisions with criticism, but in the longer term they can be expected to have a positive impact in these respects.

Just as in all public services, the Parliamentary Ombudsmen must continuously improve its operations to ensure that we make the best possible use of our resources. This has become particularly important in managing the increase in complaints described above. One element of this is that we ombudsmen have, over the past two years, increasingly delegated decision-making powers to the heads of division with regard to dismissing cases, i.e. decisions to dismiss cases without having obtained a written statement or information in writing from the authority or official in question. The share of such delegated decisions increased from 10 per cent in 2021 to 45 per cent in 2023. In 2024 we made permanent an earlier pilot scheme delegating dismissal decisions to legal experts. Such delegation of decisions to legal experts increased gradually over the year; overall they made decisions in about 22 per cent of all dismissed cases. The total share of dismissal decisions made by heads of division and legal experts is currently about 57 per cent. This increased delegation can allow the ombudsmen more time for cases that are investigated. The same should apply for heads of division now that legal experts have begun making decisions on dismissing cases – and in fact for legal experts as well, who may often refrain from presenting a case to another decision maker before it can be concluded.

The delegation to legal experts serves other purposes as well. We recruit associate judges from courts of appeal and administrative courts of appeal to positions as legal experts. They are on fixed-term employment contracts, and many of them then return to a career in the judiciary as permanent judges. It is important for many reasons that their time with us provides them with good development opportunities. Over the years we have worked extensively on development issues, and we note that our legal experts choose to remain with us for quite long. Average employment periods are increasing. We have e.g. updated our promotion guidelines and established an examining committee to ensure that the merit rating of having worked for the Parliamentary Ombudsmen is high as well as true and fair. A new skills development policy and a manager and leadership policy have been formulated to ensure further improvement in this area. It is also worth mentioning that an individual development plan is drawn up for every legal expert as well as for every other employee, and that we have increased our flexibility with respect to remote working. Additionally, 2024 featured an ambitious programme of internal knowledge seminars. One

reason for increasing the attractiveness of a position as legal expert at the Parliamentary Ombudsmen is that this matters for our ability to recruit at a time when competition for prospective legal experts has become fiercer. It is our assessment that the skills development we have undertaken will increase the attractiveness of a position as legal expert with us.

Finally, regarding skills supply, I would like to mention that we began efforts this year to enable legal experts to work for the Parliamentary Ombudsmen but to be based in Gothenburg. The Court of Appeal for Western Sweden and Administrative Court of Appeal in Gothenburg train just over 20 associate judges every year. We have good reason to believe that many of them would be interested in continuing to live in the Gothenburg area while they acquire further qualifications through a position as legal expert with us. In this way we can improve our skills supply while at the same time contributing to the supply of judges in Western Sweden.

Communication is important for all government authorities, but for various reasons particularly so for the Parliamentary Ombudsmen. If our decisions are going to have an impact, authorities and individuals need to learn about them. It could be said that we make advisory decisions in a similar way to the highest courts. Those courts are well served by judges throughout the country actively seeking information about new decisions and ensuring that precedents are implemented in the application of the law. Things are not that simple for us. We have to be more active in our communication. Indeed, clear and accessible communication is one of three priority areas highlighted in our operational plan for 2025, along with issues concerning efficiency and skills supply.

Regarding matters of communication, allow me also to mention that we drew up a communication policy, with associated guidelines, during the year. Our media policy was moreover updated, and we continued a review of the service we provide to the media, including further accommodation to the tight deadlines that journalists face. These efforts began already last year. The media exposure of our decisions increased by just over 20 per cent in 2023, and continued to grow over the past year by an additional 8 per cent. I would like to emphasise that our efforts to provide the media with the best possible material are not only in the interest of expanding the reach our advisory decisions. How well democracy functions is determined to a great extent by citizens' knowledge and their access to facts, and it is therefore essential that we communicate our decisions in a satisfactory way.

The number of inspections almost reached the levels we saw before the pandemic, and this also applied for the inspections carried out within the framework of our OPCAT activities. We were also able to carry out international cooperation to the planned extent.

In conclusion I would like to mention that we began a review, together with Riksdagsförvaltningen (the Parliamentary Administration), of the possibilities of renovating the building on Västra Trädgårdsgatan that we rent from Parliament.

Erik Nymansson
Chief Parliamentary Ombudsman

# Observations made by the Ombudsmen during the year

- **Chief Parliamentary Ombudsman Erik Nymansson**
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- **Parliamentary Ombudsman Katarina Påhlsson**
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# Chief Parliamentary Ombudsman Erik Nymansson

My area of responsibility includes the general courts, the general administrative courts, the armed forces, health and medical care, education and research, and tax and population registration. The area also includes public procurement and a number of key government authorities such as the Financial Supervisory Authority, the Swedish Companies Registration Office and the Swedish Agency for Economic and Regional Growth. Measured by the number of complaints – or just over 2,000 cases – the Chief Parliamentary Ombudsman's area of responsibility in supervision is slightly smaller than those of the other ombudsmen.

In the annual report I included three decisions that contain criticism of judges. In my view, these decisions show that the Parliamentary Ombudsmen's supervision of the courts, with the special restraint called for in respecting the independence of the courts, serves an important function in society.

My general impression is that the activities of the courts function well in the main, but that many courts have problems with long processing times. The latter is something I noted following complaints against Svea Court of Appeal (reg. no. 6332-2023) in a criminal case. In its statement, Svea Court of Appeal described the troublesome situation in the court of appeal with respect to criminal cases. Copies of my decision were forwarded to Parliament, the Government and the Swedish National Court Administration for their information. Another example is my decision in reg. no. 2485-2024, where Uddevalla District Court was criticised for slow processing of a criminal case. An example of slow processing of a civil case is reg. no. 4254-2023, in which a judge was criticised for waiting almost a year before issuing a default judgment.

Work pressures are considerable at many of our courts. It is important that courts allow for an open and free discussion about working conditions, in which critical viewpoints can also be expressed. In this connection it is worth mentioning my decision in reg. no. 1286-2024. It contained criticism of a court of appeal president because she had expressed herself, in conversation with a younger judge who had signed a petition regarding – among other things – the difficult working situation of judges, in a manner that is inconsistent with the prohibition against reprisals which protects those who have exercised their freedom of expression under the Constitution.

The supervision of judges and courts also includes inspections and other investigations. During the autumn I inspected Värmland District Court and the Administrative Court in Karlstad. Many cases, it turned out, had

become unacceptably old. At the district court I noted that this held for both criminal and civil cases, while at the administrative court it mainly concerned tax and social insurance cases. For the parties it is very unfortunate when such cases are not decided within a reasonable time. Moreover, unreasonably long processing times risk damaging trust in the judiciary.

With regard to my area of responsibility in health and medical care, I note that the number of complaints remains at considerably higher levels than before the pandemic. To a very large extent, however, the complaints concern dissatisfaction with the actual medical treatment or assessment, something I very rarely have reason to investigate. Still, I did have reason during the year to investigate issues in compulsory psychiatric care (reg. no. 4763-2023, 7911-2023 and 10090-2023). Complaints in the area of education and research increased somewhat, and I have included a decision from that area in this annual report. The Armed Forces remains an area with few complaints.

The principle of public access to official documents is central to the Swedish legal system and a foundational element of our democracy. It is important that government authorities make sure this principle applies in practice. Traditionally, therefore, the Parliamentary Ombudsmen has felt a special responsibility for monitoring compliance with that principle, and this has been a priority issue for me. Complaints regarding issues of public access to official documents are very common. I issued a number of decisions that relate to government authorities' lack of a complete understanding of certain fundamental rules in this area, such as the ban on requesting contact details, as that risks overriding the individual's right to remain anonymous, or requiring that applications for access to official documents be made according to a specific procedure, despite this not being consistent with the regulation. In many cases the authorities noted, in light of the complaints, that there is a need to review the procedures they apply.

The most common complaints, however, concern delays in the disclosure of official documents. The Parliamentary Ombudsmen has placed high demands on the promptness of such disclosure. A number of decisions stated that a decision regarding a disclosure request should normally be provided on the same day that the request was made, but that one or a few days' delay may be acceptable if that time is necessary in order to determine whether the documents may be disclosed.

We usually receive fairly clear signals if an authority has problems living up to these requirements in general terms. I can mention as an example that we began receiving a lot of complaints against the Health and Social Care Inspectorate (IVO) already in 2023. I chose to investigate one of the complaints, which led to me to criticise IVO for not having processed the requests with the requisite promptness. Since that decision was issued, complaints against IVO have continued to arrive. In the spring I issued a

further decision, and on the basis of the two cases I had examined I was able to establish that IVO was nowhere near complying with the promptness requirement (reg. no. 9993-2023). Processing times in those cases were approximately two and six weeks, respectively.

In September I carried out an inspection of IVO (reg. no. 7576-2024). The purpose of the inspection was to follow up on what measures IVO had undertaken as a result of the criticism I had made earlier. I noted that IVO still did not meet the Constitution's requirement for promptness. The fact that the authority handles a very large number of requests – approximately 12,000 per year – does not mean that the demands made on it can be reduced. I also noted that the major problems are at the structural level. To resolve these problems will require improved control and management. I emphasised that IVO must ensure that the promptness requirement is considered in matters regarding e.g. staffing and organisational structure, but also in the choice of technical solutions.

This inspection is also an example of how we work at the Parliamentary Ombudsmen. If we notice, through a continuing inflow of complaints, that an authority has not got to grips with its problems despite a decision with criticism from us, we are very likely to carry out an inspection.

To illustrate this approach I have chosen to include yet another example in the annual report. After having issued, within the space of six months, two decisions with criticism against the Swedish Tax Agency and its registration of estate inventories (reg. no. 120-2023 and 998-2023), I carried out an inspection of the biggest of the Swedish Tax Agency's three units for such registrations (reg. no. 4070-2024). The Swedish Tax Agency has an obligation both to ensure that an estate inventory is conducted and submitted, and to register it. I noted that the Swedish Tax Agency in practice appeared to have limited its obligation to merely registering estate inventories. This is demonstrated by the observation, inter alia, that the Swedish Tax Agency rarely takes any effective measures if an estate inventory is not submitted on time, instead choosing to de-prioritise the matter. There were just over 17,300 such de-prioritised matters in the country as a whole. The handling of these matters is deeply unsatisfactory and in contravention of Section 9 of the Administrative Procedure Act. I was also able to note that waiting times, i.e. the time between the arrival of an estate inventory and an official being appointed to process it, had been shortened, but were still too long. The report was forwarded to the Government for its information.

I conclude by mentioning that advisory decisions in the area of administrative law have always been an important task for the Parliamentary Ombudsmen. For my own part I can mention a decision concerning Sections 11 and 12 of the Administrative Procedure Act (reg. no. 8914-2022) and a decision in which I expand on my view of when authorities' decisions should be made in writing (reg. no. 10090-2023).

# Parliamentary Ombudsman Katarina Påhlsson

My supervision has comprehended the Prison and Probation Service and the parole boards, the Swedish Enforcement Authority, the chief guardian authorities as well as bodies within the culture sector such as museums and libraries, the National Archives, the Swedish National Heritage Board and the Swedish Press and Broadcasting Authority.

Earlier my area of responsibility also included the general courts, inter alia, and I kept a couple of such cases in connection with a reorganisation at the turn of 2023/2024. One of those cases concerned my initiative to examine the Swedish National Courts Administration's introduction of a new operational support system for district courts, Digitalt brottmålsavgörande [Digital Criminal Case Adjudication] (DiBa). The investigation was particularly focused on how the system safeguarded the independence of the courts under the Instrument of Government and in the interest of legal certainty. It is of course crucial that any digital solution adopted by an authority is consistent with relevant regulations, and that tools provided to the courts specifically are designed with due consideration for fundamental principles of the rule of law. Unfortunately it became apparent that DiBa suffered from several faults and deficiencies, some of them very serious, when the Swedish National Courts Administration launched the system in October 2022 – and some of these remained when I carried out my examination. One of these was that there were instances in which the operational support system had made it difficult for the individual judge to formulate judgments in a legally correct manner and in comprehensible language. Nor was the system properly fit to handle major criminal cases. My assessment was that there were situations in which DiBa had created evident difficulties for the responsible judge in formulating the judicial decision that the court had reached, and in my view the system had not afforded the judge satisfactory conditions for performing the duties of their office. I further opined, inter alia, that it was highly dubious whether the Swedish National Courts Administration had provided the courts with the administrative support and service that are part of the Administration's task. The decision is included in its entirety in the annual report.

During the year I concluded what had for some time been a central element of my supervision of the Swedish Prison and Probation Service, which was the contacts that inmates have with the outside world. I presented some decisions in this area already last year. While I still receive quite a few complaints regarding, above all, the handling of inmates' items of mail at individual remand prisons and prisons, and there are a few outstanding cases where I have taken the initiative to deal with the issues

concerned. In other words there is reason to return to this matter, but the annual report now includes e.g. a survey of how well the Swedish Prison and Probation Service manages to uphold the right of inmates to receive visits. Not entirely surprisingly, the very strained occupancy situation has had a negative effect in this area as well. The Swedish Prison and Probation Service has used visiting rooms to accommodate increasing numbers of inmates. It even emerged that one prison had for a few years been arranging some visits in its sports centre, for a number of inmates and their family members at the same time. These developments give cause for concern.

Due to the severe shortage of prison places within the Swedish Prison and Probation Service, the authority has decided that inmates are to share cells to a considerably greater degree than earlier, and this will apply in existing as well as recently built facilities. This led me to decide to undertake a special series of inspections in order to examine what consequences and risks double cells in remand prisons and prisons might have for these individuals deprived of their liberty. Eleven inspections were carried out during the year. None of the facilities knew about the visit in advance. The investigation was carried out within the framework of the Parliamentary Ombudsmen's special OPCAT mandate, which is based on Sweden's commitment under the UN's Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. The purpose of this activity is to work preventively and analyse circumstances that may imply risks of torture and other cruel, inhuman or degrading treatment or punishment. Two reports with presentations of the information obtained, not least in interviews with inmates, and other observations as well as my recommendations, will be published early in 2025 – one of the reports concerns conditions in remand facilities and the other those in prison facilities.

Over the past year my handling of complaints against the Swedish Prison and Probation Service also had a certain focus on the use of double cells. Those cases were concerned more with legal issues. Several of the decisions are available on the Parliamentary Ombudsmen's website, and some are also included in the annual report.

Supervision by the Parliamentary Ombudsmen presupposes that authorities and individual officials participate in the investigation of a case. I therefore expect the authority that is subject to an examination to do everything possible to elucidate the factual circumstances, e.g. by going through all relevant documentation and obtaining information from all officials who can contribute to the authority's own review. The fundamental obligation for a party subject to the Parliamentary Ombudsmen's supervision, under Ch.13, Section 6 of the Instrument of Government, to provide information and statements means that an individual official cannot decline to provide information which may be significant, and he or she must

furthermore truthfully describe their official measures and actions. It goes without saying, moreover, that I or Parliamentary Ombudsmen employees must be allowed to speak in private with individuals deprived of their liberty. This is something I had reason to raise on a few occasions over the past year; decisions that include such statements on my part are presented in subsequent sections.

In their operations, courts as well as administrative authorities and other entities carrying out public administration tasks must heed the equality of all before the law as well as observe objectivity and impartiality. My duties as Parliamentary Ombudsman include keeping a particular watch over compliance with this principle of objectivity. The principle is raised in a variety of issues and legal contexts, including when an authority provides information or communicates via social media. In one case I examined a post made by a library on such a platform. According to the post, books that had been weeded out could be picked up free of charge, and this was illustrated with an image of books by a single author. In my view, this information could be perceived as a reaction to opinions that the author had expressed in the media. I reached the conclusion that publication of the post was inconsistent with the objectivity principle, and that it furthermore was intended to damage public trust in library services. The decision is available to read in this year's annual report. The objectivity principle, then, is a linchpin of our legal system, and over the coming year I will maintain particular focus on compliance with it in the various public activities comprehended by my supervision.

# Parliamentary Ombudsman Thomas Norling

The issues within my area of responsibility relate to social insurance and social services, including compulsory care for substance abusers and young people. My supervision also includes cases concerning the application of the Act concerning Support and Service for Persons with Certain Functional Impairments (LSS) and labour market cases.

In our supervisory activities, we ombudsmen gain a good knowledge of the government authorities and their operations, as well as of the problems and challenges that they have in living up, every day, to the demands made on them. This is a knowledge we gain not just through processing of complaints, but also in the course of our inspections.

Over this last year of operations I observed, more frequently than in previous years, that several authorities within my area of responsibility referred to their difficulties in running an operation that fulfils the requirements for good administration. Shortcomings and errors are explained by insufficient resources and work backlogs. They also assert that they have difficulties acquiring the requisite competences in order for the operation to be both efficient and legally certain. This raises questions about what it is that builds trust among the general public in the government authorities that I examine. It also makes me think about how my statements on application issues might have an impact and better contribute to a quality improvement in the exercise of public authority. While individual members of the public may have justifiably high expectations on the authorities' processing of matters, those same authorities' measures towards individuals can be very intrusive as well as privacy-sensitive. In the processing of complaints there were numerous examples of how authorities had not always managed to act as correctly and trustworthily as may be expected of them.

A common feature of many of the large government authorities subject to my supervision is that they disburse benefits from the welfare systems. This applies e.g. to the Swedish Social Insurance Agency and the Swedish Pensions Agency. The unemployment insurance funds also have an important function in this context. In material terms, unemployment insurance fulfils the same purpose as other traditional forms of social insurance, which is to compensate for loss of income. Decisions in matters involving such compensation have a very considerable significance for the lives and finances of individuals. It is therefore important that unemployment insurance funds do not fall short in terms of accessibility and service, and that they process their matters as expediently as possible without neglecting legal certainty (reg. no. 6693-2023 and 6944-2023).

During the past year of operations as well, I have had reason to reiterate my earlier criticism that authorities in many cases process their matters too slowly or that they consciously deviate from fundamental administrative-law regulations, or apply them incorrectly (reg. no. 10065-2023). On occasion I have also expressed criticism because a government authority has taken measures that lack any legal support whatsoever. In such instances I can understand that public trust in government authorities' ability to act with legal certainty falters. This is particularly serious when the matters involve children and young people and there are clear and present protection concerns.

A large part of the criticism I had to direct at the authorities during the year referred to the country's social welfare boards (see e.g. reg. no. 4795-2023 and 4879-2023). I also criticised the Swedish National Board of Institutional Care (SiS) for its involvement in a case where an eleven-year-old child had been deprived of their liberty for 13 days in a special residential home for young people, without legal grounds (reg. no. 3348-2023). In another case I addressed the legality of the SiS measure of allowing inmates who are subject to a decision on separate care to spend time with other inmates without a prior reversal of the decision (reg. no. 1469-2023).

During the year I also drew attention to certain administrative occurrences that have not previously been as apparent in my supervision. This concerns cases in which the government authority in question has had difficulties in correctly providing for the rights that persons with a functional impairment are guaranteed in legislation (see e.g. reg. no. 5149-2023, 6938-2023 and 7354-2023). In other cases, authorities have shown an occasional inability to take the privacy protection of individuals into account. These are issues that I will be monitoring in my continued supervisory activities.

My supervision has on repeated occasions led me to criticise e.g. social welfare boards for making home visits without the legal conditions for this having been present (reg. no. 9539-2023). Here the privacy protection aspects are apparent. In the past year I also had difficulties understanding that social welfare boards, in the situations in question, did not have greater knowledge of how actions by the social services must be based on respect for people's right of co-determination and for their privacy, and how these requirements in the Social Services Act are to be implemented in practice.

In two decisions concerning the Swedish Social Insurance Agency's investigations I noted how that agency had also fallen short in various ways in its consideration of individuals' right to privacy. The Swedish Social Insurance Agency is tasked with checking and investigating, within the bounds of the authority it has under its obligation to investigate, matters in which it suspects, for various reasons, that an individual has received or tried to get a benefit without being entitled to it. In order for the individual's

privacy not to be infringed by investigative measures, the Swedish Social Insurance Agency is required, inter alia, to take into account the general principle of proportionality referred to in Section 5 of the Administrative Procedure Act. This implies that the Swedish Social Insurance Agency, before weighing different interests against each other, must decide whether the measure that it regards as necessary in the investigation fulfils the principle's requirements for appropriateness and necessity.

In one of the cases (reg. no. 8143-2023) it emerged that the Swedish Social Insurance Agency had begun an investigation after receiving information that an individual who received a sickness benefit was simultaneously involved in sales, inter alia, to an extent that meant that their right to sickness benefit could be questioned. I criticised the Swedish Social Insurance Agency because it had unnecessarily asked several private individuals questions in connection with the investigation, and because this measure therefore constituted an unjustified invasion of privacy. In the other case (reg. no. 4013-2023), an unannounced home visit had been carried out as part of an investigation about assistance allowance. I stated that the Swedish Social Insurance Agency should have pre-announced the visit in order to avoid making the individual feel obliged to let the agency's staff into their home. It could not be inferred from the documentation in the matter that consent had been obtained from the individual. On the contrary, the documentation suggested that the officials conducted themselves in a way that gave the individual the impression that she had no choice but to accept that they entered her home.

In previous years I have also criticised the Swedish Social Insurance Agency for not carrying out its investigations with sufficient care or with the consideration of individuals' privacy that is required. This is also something that I will be monitoring in my continued supervisory activities.

# Parliamentary Ombudsman Per Lennerbrant

My supervision continues to include public prosecutors, the police and customs services, foreigners' cases at the Migration Agency, and municipal administration that is not specially regulated. My area of responsibility was expanded on 1 January 2024 to include the planning and building sector and matters related to environmental and health protection. Supervision has involved examining complaints, reviews at my own initiative and on-site inspections at government authorities. Several of the reviews mentioned below are included in the annual report.

As I have mentioned before, issues that arise are often of a topical nature and therefore reflect our times. Events beyond Sweden's borders also have an impact on supervisory activities.

As a supervisory body and guardian of fundamental rights, the Parliamentary Ombudsmen is an important part of defending the rule of law and safeguarding the principles of a state governed by law. This role is enshrined in the Constitution and has a long tradition in Sweden. The significance of supervision by the Parliamentary Ombudsmen in defending the rule of law has been highlighted at the European level as well, see e.g. the Communication from the Commission on the 2024 Rule of Law Report – The rule of law situation in the European Union (COM/2024/800).

In order for the Parliamentary Ombudsmen to be able to fulfil its supervisory duties under the Constitution, complete and accurate documentation to guide decision-making is a prerequisite. The entities under the supervision of the Parliamentary Ombudsmen are therefore obliged to provide such information and statements as the Parliamentary Ombudsmen request (Ch. 13, Section 6 of the Instrument of Government). This provision amounts to an obligation for government authorities and individual officials to assist the Parliamentary Ombudsmen in an investigation. The Committee on the Constitution has stated that it is of considerable importance that this obligation under the Constitution be fulfilled throughout (Report 2023/24:KU11 p. 18).

I have occasionally had reason to doubt that government authorities and officials have fully complied with the obligation to assist the Parliamentary Ombudsmen in an investigation. During the year I have therefore been moved to present my view of what the provision above entails, and in a couple of decisions to call attention to this (reg. no. 5614-2023 and 2478-2023 et al.).

A problem area for the rule of law is the risk of infiltration of government authorities and of public administration in general. This arises in various

ways in my supervisory activities. I have had reason to examine the capacity to resist external pressure and manage internal shortcomings with respect to the objectivity requirement and conflict-of-interest risks. The Swedish Agency for Administrative Development has indicated municipal licensing activities as a risk area (Statskontoret [2023], Nya utmaningar och gamla problem – Om korruption i kommuner och regioner, 2023:13). In view of this, as well as of other factors, I inspected the licensing unit for licences to serve alcohol in the City of Stockholm (reg. no. 2198-2024). Issues of this kind are also something I have raised with local government management in connection with inspections, including of Dalarna County Administrative Board (reg. no. 8378-2024 et al.) I have previously also had reason to bring up the legal possibilities of making so-called background checks (JO 2023 p. 512, reg. no. 7143-2022). Following my decision, the issue of background checks was the subject of a report that was subsequently presented to the responsible minister.

It is natural in this connection to affirm the Instrument of Government's objectivity and impartiality requirement (Ch. 1, Section 9). It is part of my core mission to ensure that those under the supervision of the Parliamentary Ombudsmen comply with these regulations. Objectivity in exercising the role as an official within public administration is fundamental to the rule of law and must permeate all activities in public administration. The importance of drawing attention to the risks of an improper application of the law, and of being able to speak up about shortcomings within one's own activities – even in the media – without the risk of reprisals, was elucidated in a decision (reg. no. 1180-2023).

The principle of legality means that the exercise of power must always be based on laws or other regulations. It follows that a government authority may only undertake measures with support in the legal system. I frequently have reason to bring up issues regarding the principle of legality, particularly in cases concerning the use of coercive measures of different kinds, e.g. in decisions by prosecutors or at the Police Authority or the Customs Service. During the year I carried out two major reviews, at my own initiative, that set out from the principle of legality. One concerned the Armed Forces' (military police's) legal basis for carrying out criminal investigations (reg. no. 7917-2023). The other concerned the Customs Service's use of certain coercive measures in connection with checks at the internal border (reg. no. 1666-2024). My conclusion in both cases was that measures had been taken which lacked the requisite statutory support.

The Parliamentary Ombudsmen continues to receive many complaints against the Migration Agency regarding long processing times. I have examined the agency's processing times on repeated occasions, and did so again this year (reg. no. 8819-2023 et al.). In last year's annual report I described an inspection of one of the Migration Agency's detention centres.

The inspection revealed serious shortcomings in staff competence and treatment of detainees. I therefore carried out a follow-up inspection of the detention centre this year (reg. no. O 2-2024). I noted that the situation had improved but that more needed to be done. I also noted that the detention centre faced significant challenges in that the number of places was set to increase while the centre had difficulties recruiting and training staff.

The Police Authority has no independent regular supervisory authority for e.g. its law enforcement operations. A consequence of this is that many individual members of the public turn to the Parliamentary Ombudsmen with complaints against the authority, despite the fact that the Parliamentary Ombudsmen's supervision is extraordinary. These complaints cover a broad spectrum. As my mission is particularly focused on ensuring that the fundamental rights of individuals are not infringed, many of my reviews concern the special powers of the police to use violence and coercion. The Police Authority's ability to live up to justified demands regarding availability as well as to deal quickly with reported offences were examined this year. Questions around these abilities are of considerable significance for public trust not just in the Police Authority but in the rule of law more generally (reg. no. 2683-2023 and 2690-2023).

During the year I also carried out a series of inspections of the Police Authority's detention operations. This was against the background of the capacity problems in detention centres which have been the subject of media attention as well as of complaints received by the Parliamentary Ombudsmen. The review is primarily focused on the physical environment, staffing of the centres and the treatment of detainees. The situation for children deprived of their liberty was an issue that I continued to devote particular attention to (see also my report in Parliamentary Ombudsmen 2023 p. 328, reg. no. O 12-2023). I may have reason to return to this with a report of the inspections in next year's annual report.

# Summaries of individual cases

# Summaries of individual cases

The following is a selection of summmaries of cases dealt with by the Ombudsmen during the period 1 January 2024 to 31 December 2024.

## Armed forces

**Statements on whether the military police have the power to investigate criminal offences**

The Parliamentary Ombudsmen carried out a review on its own initiative into whether there is a legal basis for the military police to conduct or otherwise take part in criminal investigations. The principle of legality, according to which all exercise of public power must be based on a law or other regulation, requires there to be statutory grounds for this.

The Parliamentary Ombudsman's conclusion is that there is no statutory basis for the military police to investigate criminal offences. Neither is there a basis for a military police officer to be considered to be a police officer for the purposes of criminal investigation provisions, for example, in the Code of Judicial Procedure. This means that a military police officer does not have the power to take investigative measures in a preliminary investigation.

The Parliamentary Ombudsman further notes that the Government regulates who is authorised to act as a police officer in an ordinance. In the Parliamentary Ombudsman's view, provisions on who is authorised to be a police officer are of a nature that only the Parliament should be able to decide upon them. It should therefore be regulated directly by law. The Parliamentary Ombudsman is therefore raising the issue of such statutory regulation with the Government. [Reg. no. 7917-2023]

## Communications

**Criticism of the Swedish Transport Agency for referring visitors to its website to an application form only available in English in breach of the Language Act**

The Swedish Transport Agency referred visitors to its website to an application form in English, stating that the form was compulsory when applying for type-approval.

The Parliamentary Ombudsman notes that, pursuant to the Language Act (SFS 2009:600), the language of administrative authorities is Swedish and that the individual should always be able to communicate with public authorities in Swedish. According to the Parliamentary Ombudsman, an individual has a right to submit an application to a public authority in Swedish. The fact that the form referred to was not only solely available in English but that its use was also described as compulsory when submitting an application was therefore incompatible with the Language Act. For this, the Parliamentary Ombudsman criticises the Swedish Transport Agency. [Reg. no. 9988-2023]

## Courts

**Statements on the time limit for entering a default judgment. Also criticism of a district court judge for delaying entering a default judgment**

The defendant in a simplified civil case was served with a summons application with an order to submit a defence within a certain time limit or risk a default judgment. When the deadline expired, no defence had been lodged and the prerequisites for entering a default judgment were met. The District Court took almost a year to enter a default judgment and did not take any other procedural measures in that time. The Chief Parliamentary Ombudsman states that such delay in entering a default judgment is not acceptable under any circumstances and that the judge responsible therefore deserves to be criticised.

In the decision, the Chief Parliamentary Ombudsman makes further general statements about the timing of a default judgment. The Chief Parliamentary Ombudsman notes that the law does not lay down when a default judgement on documentary evidence is to be entered, but that there are several reasons why such a judgment should be issued as soon

as possible. In addition to the fact that, inter alia, by law a trial must be conducted within a reasonable time, it is clear from the Supreme Court's case law on the restoration of time lost that a default judgment order loses its effect as a notification of the time of notification of the judgment if the judgment is not entered relatively soon after the expiry of the time limit. Against that background, and having regard to applicable rules in other cases, the Chief Parliamentary Ombudsman considers that a judgment by default on documentary evidence should normally be entered within about a week of the date on which the case is ready for judgment. [Reg. no. 4254-2023]

**Review by the Parliamentary Ombudsman of the Swedish National Courts Administration's introduction the operational support system Digital Criminal Decisions ('DiBa')**

In this case, the Parliamentary Ombudsman investigated the Swedish National Courts Administration's introduction of the new operational support system for the management of criminal cases in the district courts, 'DiBa'. The Parliamentary Ombudsman makes several criticisms.

According to the Parliamentary Ombudsman, DiBa suffered from several errors and deficiencies when it was launched. Some are significant and some have still not been resolved. The Parliamentary Ombudsman finds that there are situations in which DiBa has resulted in manifest difficulties for the responsible judge in formulating the verdict decided by the court and, according to the Ombudsman, the system has not provided the judge with adequate conditions to fulfil their duties.

The review has shown that there have been particular challenges for district courts in major criminal cases, i.e. cases with many suspected offences and a longer hearing. The Parliamentary Ombudsman considers that an operational support system should allow for the fact that, inter alia, a judgment may have to be written under time pressure and that it is very unsatisfactory that the Swedish National Courts Administration launched a system with such major shortcomings for managing such criminal cases.

In the decision, the Parliamentary Ombudsman also makes statements on the readability and comprehensibility of DiBa judgments. She states that the wording of a judgment is essential in order for everyone to understand the what the court has ruled on and how it has come to its conclusions. It is a matter of legal certainty. Several courts expressed dissatisfaction with how DiBa judgments looked when the operational support system was launched. The Parliamentary Ombudsman understands that and considers that it is surprising that the Swedish National Courts Administration did not make better use of the plain language work that the courts have been doing for a long time.

A DiBa judgment takes the form, inter alia, of an XML file, which, according to the Swedish Courts Administration, constitutes the original of the judgment. This file initially contained information which the responsible judge was unaware of and which could be problematic in terms of confidentiality. The Parliamentary Ombudsman is highly critical of this.

In view of the issues covered by the Ombudsman's initiative and the statements she made, the Parliamentary Ombudsman considers it appropriate to send a copy of the decision to the Government for information purposes. [Reg. no. 4379-2023]

**A person in remand detention should have been released on licence the day before a district court judgment was delivered. After the Parliamentary Ombudsman filed a report with the Government Disciplinary Board for Higher Officials, the responsible judge was issued a warning**

A defendant was sentenced in the district court to a short prison term. The judgment did not make an order on remand detention, but it was clear from the court's reasoning that the sentenced person should remain in remand detention until the sentence was executed or he should have been released on licence. However, applying the rules on conditional release and credit for time spent in custody, he should have been released on licence the day before the District Court's judgment was delivered. It was only noticed by the Prison and Probation Service two days after the remand prison had received the judgment. The convicted person was thus detained for three days without there being a legal basis for this.

The Parliamentary Ombudsman reported the responsible judge to the Government Disciplinary Board for Higher Officials for consideration of disciplinary sanctions. The Government Disciplinary Board for Higher Officials issued a warning to the judge under sections 14 and 15 of the Public Employment Act. Since that decision has become final, the Parliamentary Ombudsman is now closing the supervisory case. [Reg. no. 4977-2023]

**The matter of whether an adjournment to a main hearing exceeding one week was necessary due to special circumstances. Also whether the court should have adjudicated the matter of remand in conjunction with the adjournment**

In a criminal case at Gävle District Court involving three remanded youths, the district court adjourned the main hearing for 10 days. As a general rule, if the defendant is in detention the hearing must be resumed within one week. According to the Chief Parliamentary Ombudsman, the conditions did not exist to plan the main hearing in the manner that has occurred.

In their decision, the Chief Parliamentary Ombudsman notes that a court must consider whether the circumstances that exist or that are presented to support an adjournment of proceedings are of such gravity that it is necessary to adjourn for more than one week. Furthermore, the Chief Parliamentary Ombudsman underlines that it is ultimately the responsibility of the court to ensure that a hearing is held in accordance with the provisions of the Code of Judicial Procedure (SFS 1942:740) on adjournments to a hearing. The responsible judge is criticised for allowing this to happen.

Prior to the adjournment, two of the detained suspects petitioned to be released and the district court adjudicated whether they should remain on remand. According to the Chief Parliamentary Ombudsman, the district court should have adjudicated this matter with regard to the person who did not petition for release. In the absence of explicit rules on this issue, the Chief Parliamentary Ombudsman does not express any criticism concerning the failure to do so. There was, however, a deficiency in as much as the deliberation of the district court on the matter of remand was not documented. [Reg. no. 5376-2023]

**In conversation with colleagues, the president of a court of appeal has expressed themselves in a manner that is inconsistent with the constitutional ban on reprisals**

The Chief Parliamentary Ombudsman has, on his own initiative, reviewed the statements of a president of a court of appeal in private conversations with three trainee judges who signed an open letter to the Government concerning, among other matters, the stress under which judges are working. The review has addressed whether, in these conversations, the president expressed herself in a manner that is inconsistent with the prohibition on reprisals against anyone exercising their constitutional right to freedom of expression.

The Chief Parliamentary Ombudsman's conclusion is that, in all three cases, the people in question had reason to perceive the statements as a reprimand for signing the letter. The president thereby acted in contravention of the constitutional ban on reprisals. She is criticised for doing so.

The Chief Parliamentary Ombudsman takes this incident very seriously, particularly given that the conversations took place between a president of a court of appeal and judges at the beginning of their career paths. [Reg. no. 1286-2024]

## Education and research

**Criticism of the Municipal Executive Board in Nyköping municipality for failing to ensure that the municipality's school units comply with the Education Act**

In a complaint to the Parliamentary Ombudsman, complaints were made against Nyköping municipality on the grounds that the way schools are organised allows head teachers to make decisions on unlawful grounds, which cannot be appealed, to move pupils between schools within the same school unit.

It follows from Chapter 1, paragraph 3 of the Education Act that a school unit is a unit comprising activities in one or more school buildings located close to each other. Under Chapter 2, paragraph 10 of the Education Act, a head teacher may decide on the internal organisation of their unit and is responsible for allocating resources within the unit. A decision taken by the head teacher of this kind cannot be appealed.

The Chief Parliamentary Ombudsman states that within Nyköping municipality, there are school units with school buildings that are not located close to each other and which therefore should not be school units under Chapter 1, paragraph 3 of the Education Act. A serious consequence of this is that legal guardians do not have the right to appeal decisions involving pupils moving between schools within the same unit. The Municipal Executive Board is criticised for not ensuring that the organisation of schools complies with the rules on school units in the Education Act. [Reg. no. 3971-2023]

## Health and medical care

**The provisions in sections 11 and 12 of the Administrative Procedure Act apply to the Health and Social Care Inspectorate's handling of complaints under the Patient Safety Act; also the issue of slow processing**

The Health and Social Care Inspectorate has thus far deemed complainants in complaint cases under the Patient Safety Act not to have party status, and that the provisions of sections 11 and 12 of the Administrative Procedure Act on measures in the event of delayed processing therefore do not apply to the processing of such cases. However, given, inter alia, that the Patient Safety Act refers to a provision that regulates confidentiality in relation to parties, that the circle of people authorised to make a complaint is limited to the patient or the patient's family members, and that those persons must be considered to have a close connection to the case, the Chief Parliamentary Ombudsman takes the view that a complainant does have party status.

The provision in section 11 of the Administrative Procedure Act on the obligation to inform a party who has initiated a case that the decision will be substantially delayed is thus applicable to the Health and Social Care Inspectorate's processing of complaint cases under the Patient Safety Act. According to the Chief Parliamentary Ombudsman, the decisions in three complaint cases were significantly delayed and the Health and Social Care Inspectorate should therefore have informed the complainants. However, given the unclear legal situation, the authority is not criticised for not doing so. The Health and Social Care Inspectorate, on the other hand, is criticised for the slow processing of the cases.

The Chief Parliamentary Ombudsman also finds that the provisions in sections 12(1) and 12(3) of the Administrative Procedure Act concerning a party's right to request the authority's review of whether a case is to be decided apply even if the party may not appeal a refusal decision. This means that this legislation also applies to the Health and Social Care Inspectorate's processing of complaint cases under the Patient Safety Act. [Reg. no. 8914-2022]

**Renewed criticism of the Health and Social Care Inspectorate for the slow processing of requests for access to official documents**

In September 2023, the Health and Social Care Inspectorate was criticised by the Chief Parliamentary Ombudsman for the slow processing of requests for access to official documents.

In this decision, the Chief Parliamentary Ombudsman directs renewed criticism at the Health and Social Care Inspectorate for not processing such requests with the promptness that is required under the Freedom of the Press Act. The processing times have been approximately two to six weeks. The Chief Parliamentary Ombudsman states that the Health and Social Care Inspectorate has not come close to meeting the promptness requirement and emphasises that an authority must ensure that the principle of public access to official documents is implemented. He stresses the importance of the continuation of the authority's work to reduce processing times and intends to monitor developments in this area. [Reg. no. 9993-2023]

**Statement on when a decision should be made in writing. Also criticism of a regional forensic psychiatric clinic for unlawfully limiting patients' opportunities to make telephone calls**

Restrictions have routinely been imposed on the number and duration of telephone calls that patients on a ward of a regional forensic psychiatric clinic in Vadstena are permitted to make. The Chief Parliamentary Ombudsman affirms that any such procedure constitutes a restriction on fundamental freedoms and rights, and that measures of this kind must have a legal basis. The clinic is criticised for implementing the procedure without any legal basis.

The clinic has reached an individual decision to restrict the right of patients to use electronic communication services. The Chief Parliamentary Ombudsman states that, in cases when there is no regulation stating whether or not a decision must be in writing, a public authority must assess what is appropriate. The Chief Parliamentary Ombudsman notes that, in most situations, such an assessment should result in the authority reaching a decision in writing. According to the Chief Parliamentary Ombudsman, one point of departure must be that, generally speaking, a written decision is clearer to the affected individuals. Such a decision is easier to understand and one can return to it later when, for example, deciding whether to appeal against it. A written decision also reduces the risk of misunderstandings between public authorities and the individual. According to the Chief Parliamentary Ombudsman, when assessing whether it is appropriate to make a decision in writing, a public authority must con-

sider what the decision relates to and its effects on the individual. There are strong reasons for making any appealable decisions in writing.

The Chief Parliamentary Ombudsman notes that, by nature, a decision to restrict the right of patients to use electronic communication services intrudes on their fundamental freedoms and rights. Such a decision may also be appealed to the courts and should therefore be in writing. [Reg. no. 10090-2023]

## Labour market authorities/ institutions

### Complaint brought against the Swedish Public Employment Service for requiring an individual to provide their personal identity number in order to be sent public documents

After an individual requested copies of public documents to be sent to him, the Swedish Public Employment Service informed the individual that he needed to provide his personal identity number for the authority to be able to charge him for the copies and then send them to him.

The Parliamentary Ombudsman notes that an authority that is to charge for copies of public documents normally needs particular information, for example a personal identity number, in order to be able to administer the charge and send the copies to the individual. This means that an individual who would like copies of the public documents to be sent to them must understand that this usually means they will need to provide information which will lead to a waiver of anonymity. However, there must be no ambiguity that could make the individual think, wrongly, that providing the requested information is a condition for them having access to the documents. It must be made clear that the requirement is solely as a result of the individual's request to have the documents sent to them and to enable the authority to invoice the fee. If the individual chooses not to waive their anonymity, he or she needs to visit the authority to pay for the requested copies there. The Parliamentary Ombudsman emphasises that the authority must inform the individual of the situation and why the information is needed and requested, and that there are alternatives in the event that he or she does not wish to provide the information. The authority must provide the information about alternative ways of paying at the same time as informing the individual that they will be charged a fee for copies. [Reg. no. 2541-2023]

### The Swedish Public Employment Service is criticised for having requested an individual to identify themselves in order to get access to public documents and for not having provided the documents quickly enough

An individual made a request to the Swedish Public Employment Service for access to certain public documents. While the disclosure request was being processed, the Swedish Public Employment Service informed the individual that, on the grounds of confidentiality, they needed to visit the agency's office and identify themselves in order to then receive the documents there. No visit took place and the individual was informed instead that the documents would undergo a confidentiality assessment and be sent to her. However, they did not do so and the individual was advised that this was because the authority needed to ensure, among other things, that confidentiality rules had been followed. The Swedish Public Employment Service subsequently assessed that the documents were not subject to confidentiality and then sent them to the individual. By then, around three months had passed since the authority had received the individual's request for disclosure.

The Parliamentary Ombudsman is critical of the Swedish Public Employment Service for providing different information about how and when the documents would be disclosed. According to the Parliamentary Ombudsman, the way the authority expressed itself meant the individual could get the impression she needed to go to the head office and identify herself in order to obtain the documents. How the matter was subsequently handled shows that there was no legal basis for such a requirement. The Swedish Public Employment Service is criticised for this and for not having disclosed the documents quickly enough.

In conclusion, the Parliamentary Ombudsman recalls that there is no legal basis for an authority to instruct an individual to make their request for the disclosure of a public document in a particular way, for example, that they must send it to a particular e-mail address or fill in a particular form. [Reg. no. 3055-2023]

### Union Unemployment Insurance Fund and Municipal Workers' Unemployment Insurance Fund criticised for lack of accessibility and service

In 2023, the Parliamentary Ombudsman received several complaints about accessibility and service at unemployment insurance

funds. The Parliamentary Ombudsman chose to investigate two of them and primarily make general statements.

Both the Union and Municipal workers' Unemployment Insurance Funds have had problems with high workloads and long processing times over a long period, which has led to, among other things, limited accessibility by telephone in order to free up resources for case handling.

The Parliamentary Ombudsman states that it is the duty of the unemployment insurance funds to ensure there is capacity both for answering phone calls and written messages and for processing cases within a reasonable amount of time. The Parliamentary Ombudsman is of the view there were no special circumstances during the period under review which would have justified setting aside the normal requirements on an unemployment insurance fund in terms of availability and services. Therefore, adequate accessibility and services should have been made available by the unemployment insurance funds during that period.

The Parliamentary Ombudsman also states that it is importance for an unemployment insurance fund to be both reachable by phone and available, which means that waiting times must be reasonable, a high proportion of the calls must be answered and phone hours must be sufficient. The Parliamentary Ombudsman states that the unemployment insurance funds fell short of this during the period under review. In addition, the unemployment insurance funds provide limited opportunities to talk to ordinary case workers and receive answers to questions about specific cases by phone. In view of this, the Parliamentary Ombudsman states that those who contact an unemployment insurance fund must be able to expect someone to answer questions about an individual case and not only general questions. It is also unacceptable to refer individuals who have particular questions to contact the fund in a different way than by phone. [Reg. no. 6693-2023]

**The Swedish Public Employment Service is criticised for failing to consider necessary measures to fulfil its service and investigation obligations in a case involving a person with a disability**

A woman registered as a jobseeker with the Swedish Public Employment Service in March 2022. On registration, she noted that she had a visual impairment that meant she needed considerable support to be able to find, get and hold down a job. Furthermore, it was noted that she had registered medical grounds. Despite the woman contacting the authority on several occasions to explain her need for help and support, no concrete measures were taken with regard to the matter. It was not until November 2022 that she was invited to a meeting and a disability code was registered. In January 2023, the code was removed, despite the fact that there was probably sufficient medial grounds. There was then a delay until November 2023 before the woman was given an appointment with an eye specialist and an assessment was made that there were grounds for a new registration. The Parliamentary Ombudsman notes that the woman was left without help and support for far too long and states that the Swedish Public Employment Service should have considered which measures the authority needed to take in order to meet its service and investigation obligations when the women first registered as a jobseeker.

The Swedish Public Employment Service also reached a number of sanction decisions as the woman had not submitted her activity reports to the authority. The Parliamentary Ombudsman states that, given its knowledge of the disability, the Swedish Public Employment Service should have informed her of the possibility of reporting activity orally when she first registered. According to the Parliamentary Ombudsman, as a rule the Swedish Public Employment Service should consider contacting jobseekers who fail to report on time, which it did not do in this case.

The Parliamentary Ombudsman criticises the Swedish Public Employment Service for administrative shortcomings. [Reg. no. 6938-2023]

## Migration

**Criticism of the Swedish Migration Agency for the design of a moratorium on decisions concerning asylum applications from citizens of Ukraine, and for failing to comply with a court injunction to decide a matter without delay**

As a result of Russia's full-scale invasion of Ukraine in 2022, the Swedish Migration Agency imposed an indefinite moratorium on examining grounds for protection for citizens of Ukraine, as it was not possible to make an adequately safe prognosis of the need for protection. The Parliamentary Ombudsman states

that, while it may well be objectively justified for the Swedish Migration Agency to postpone the examination of the need for protection in relation to a given country, special reasons are required. This may be the case when the situation in the country changes suddenly and there is uncertainty as to how long circumstances of significance to the need for protection will persist. It should be stated from the beginning when the moratorium on decisions will cease and it is not acceptable to postpone processing for an indefinite period of time. The Swedish Migration Agency is criticised for failing to place a time limit on the moratorium and because the legal grounds were not sufficiently clearly formulated. The Swedish Migration Agency is also criticised for failing to comply with an injunction from a court to determine an asylum case as quickly as possible. [Reg. no. 7382-2023]

**New review of the Swedish Migration Agency's processing times**

The Parliamentary Ombudsman has reviewed the Swedish Migration Agency's processing times. The review looked at processing times in general for four types of case (citizenship and residence permits based on connections to someone in Sweden, higher education or work), as well as five individual complaints.

The cases that have previously caused the Swedish Migration Agency major problems are those related to citizenship and residence permits based on connections to someone in Sweden. The Parliamentary Ombudsman notes that the backlog of cases remains very high. In the Parliamentary Ombudsman's opinion, the situation is completely unacceptable.

Previous reviews by the Parliamentary Ombudsmen have not included residence permits for higher education and labour-market cases. The Swedish Migration Agency has clearly prioritised cases related to higher education and highly qualified labour, and there is no need for the Parliamentary Ombudsman to comment on processing times for these types of cases. In terms of other labour-market cases, there remains a large backlog of cases.

The Parliamentary Ombudsman notes that there remains an obvious need for greater effort so that the Swedish Migration Agency can get to grips with its long processing times. Withe regard to the individual complaints, the Swedish Migration Agency is criticised for slow and passive administration.

JO intends to continue to monitor the Swedish Migration Agency's processing times. A copy of the decision is therefore sent to the Government Offices of Sweden for information. [Reg. no. 8819-2023]

## Cases involving police, prosecutors and custom officers

**In a murder investigation, the police did not include the identification of the perpetrator in the preliminary investigation**

One evening in summer 2021, a murder was committed in Luleå and a preliminary investigation was opened. During the night, the police were contacted by a person who told them he had witnessed the murder. When the police were picking the person up to interview him, he told them who the perpetrator was, but said he was afraid to confirm this in an interview. For this reason, the identification was not documented in the preliminary investigation but was included in an intelligence report. Instead, the preliminary investigation indicated that the identification only took place during an interview almost a month later. As a result, neither the man identified, who was later convicted of murder, nor the prosecutor who took over as lead investigator, found out how the original identification had taken place.

In terms of what should be documented in a preliminary investigation, according to the Parliamentary Ombudsman, there may be limitation issues, for example, when concerning information that originates in intelligence gathering, and, based on current regulations, how certain information is to be documented may be decided on a case-by-case basis. The decision should be guided by the requirement of objectivity and the requirement that the preliminary investigation report must give a true a picture of findings that are of significance for the case.

In this case, a preliminary investigation had been opened when the perpetrator was identified and the person who provided the information had been picked up by police to be interviewed about his observations in connection with the crime. Identification of a person could be of key significance for the criminal investigation. Against this background, the Parliamentary Ombudsman is of the view there are no grounds for failing to document the identification in the preliminary investigation merely because the person said he would not confirm it in an interview. The Parliamentary Ombudsman states therefore that details of the identification should have been document-

ed in the preliminary investigation. This would also have ensured that the prosecutor became aware it. The Police Authority is criticised for what happened.

The Parliamentary Ombudsman regards the investigation as insufficient to be able to comment on the responsible prosecutor's actions. [Reg. no. 7035-2022]

**Without a legal basis, the Police Authority disclosed information on persons deemed to have connections to criminal gangs with the aim of preventing them from visiting certain pubs ('the pub list')**

In the Medelpad local police area, a list was produced of persons deemed to be involved in criminal activities connected to criminal networks within the police area. At a meeting, the list and information about the persons was given to representatives of a number of pubs with the aim of preventing those persons from visiting the pubs.

The information that was disclosed came from the Police Authority's intelligence gathering activities and was subject to confidentiality. The Parliamentary Ombudsman states that there was no legal basis in the confidentiality legislation for the disclosure. According to the Parliamentary Ombudsman, nor was it compatible with the right to move freely under (inter alia) the Instrument of Government or the right to respect for private life under the European Convention.

The Parliamentary Ombudsman takes the findings seriously and criticises the Police Authority for what happened. [Reg. no. 768-2023]

**Criticism of a prosecutor for allowing information from a preliminary investigation to be published on the television programme Efterlyst. Also a statement on the Swedish Prosecution Authority's assistance with JO's investigation**

A prosecutor decided to release the names and photographs of two people suspected of attempted murder for publication on the television programme Efterlyst. The measure was intended to illicit the help of the public in localising the suspects. The information that was disclosed was subject to a secrecy provision.

The Parliamentary Ombudsman expresses an opinion on the prerequisites for a disclosure of this kind and on the careful and exhaustive consideration that must precede any such measure. Furthermore, the Parliamentary Ombudsman emphasises that, from the viewpoint of legal certainty, documentation of what has been taken into consideration is a legitimate demand.

The prosecutor is criticised for allowing the disclosure of confidential information without legal grounds for doing so. She is also criticised for not giving sufficiently careful and exhaustive consideration before reaching the decision, as well as for deficiencies in documentation.

The Parliamentary Ombudsman also discusses the constitutional duty of public authorities and civil servants to assist JO in an investigation, and is critical of the Swedish Prosecution Authority's failure to live up to this demand. [Reg. no. 2478-2023]

**Statements on the grounds that a crime could not be reported at a police station at a certain time of day**

A person who visited a police station to report a crime was asked to come back a few hours later, as the reporting desk was closed at the time. The Parliamentary Ombudsman states that the criminal activity the person wanted to report was of such a nature that it should have been reported immediately in accordance with the applicable procedure at the police station.

The Parliamentary Ombudsman further states that it appears unsatisfactory for it only to be possible to report a crime at an open police station at a particular time of day. Even if an exception is made for urgent cases, it may give the impression that the Policy Authority is not sufficiently prioritising its task of investigating and combatting crimes subject to public prosecution.

The Parliamentary Ombudsman notes that it is of urgent public interest for an individual to be able to quickly and simply contact the police to report a crime. Insufficient accessibility risks harming public trust in the Police Authority and may reduce people's willingness to report a crime. [Reg. no. 2683-2023]

**Severe criticism of the Policy Authority for not drawing up a police report until almost ten months after the report was initially made**

A person visited the local police station in Gävle to report an offence and handed in a written report. However, it took almost ten months for the police to draw up a report. During that time, a detective inspector had contacted the person who made the report and questioned the criminal nature of the what they reported and discussed individual aspects of the description of the offence. The Parliamentary Ombudsman states that the inspector instead should have promptly ensured that the complaint was processed and allowed an

investigator to consider any questions during a subsequent review.

The Police Authority is severely criticised for not initially dealing with the report with sufficient urgency and for taking an unacceptably long time to draw up a police report. The detective inspector is also criticised for their actions.

The investigation also revealed that the possibilities for reporting an offence at the police station in question were very limited. The Parliamentary Ombudsman emphasises what he has said in other contexts, that is, that a lack of accessibility can damage public trust in the police and reduce the willingness to report crime.

The Parliamentary Ombudsman also makes statements on an authority's obligation to assist the Parliamentary Ombudsman when it is conducting a review. [Reg. no. 2690-2023]

**The Parliamentary Ombudsman's review of the prosecutor's handling of the "Swish list" in Sundsvall**

In the preliminary investigation report in a case regarding drug offences, the prosecutor had included a list of Swish payments made to the suspect. The list – which has been called the "Swish list" – contained both the first and last names of those sending the payments and those people could be perceived as possible buyers of drugs. The list received wide publicity and attention, and questions were raised in the media and among the general public as to whether the prosecutor's handling of the case was acceptable. The Parliamentary Ombudsman therefore undertook an own-initiative case to examine the prosecutor's handling of the data.

In the decision, the Parliamentary Ombudsman emphasises that the decisive factor for whether information should be included in a preliminary investigation report is whether it is of significance to the investigation. This is a matter of judgement, with scope for different conclusions. During the Parliamentary Ombudsman's investigation, the prosecutor explained that his judgement was that the names on the list could not be left out, as that would have made it impossible for the suspect to defend himself.

The investigation is not sufficient for the Parliamentary Ombudsman to be able to make any statements on whether the suspect's right of defence justified the inclusion of both the first and last names of those sending the payments or whether the latter could have appeared in a way that made it more difficult to identify them. The Parliamentary Ombudsman states that no other obstacles have been raised to the inclusion of the names data. In summary, the Parliamentary Ombudsman's review does not provide a basis for the conclusion that the prosecutor's handling of the Swish list was not acceptable and there are therefore no grounds for criticism.

However, the Parliamentary Ombudsman emphasises the importance of a prosecutor always carefully considering whether personal sensitive data relating to third parties really need to be included in a preliminary investigation report and, if so, how to minimise the invasion of privacy. [Reg. no. 8057-2023]

**Statement on the legality of certain coercive measures taken by Swedish Customs at internal border checkpoints**

The Lernacken customs checkpoint beside the Øresund Bridge was visited during an inspection of Swedish Customs. This is an internal border checkpoint, i.e., on the border between EU Member States. It emerged that the driver and any passengers in vehicles subject to a routine search were also subject to a pat-down search, and held in a room comparable with a cell while the vehicle was searched, and that possessions such as mobile phones were temporally seized.

In this enquiry, the Parliamentary Ombudsman has investigated whether Swedish Customs has the necessary legal authority to take such coercive measures when conducting checks at the internal border. The Parliamentary Ombudsman's conclusion is that this is not the case.

The Parliamentary Ombudsman underlines that Swedish Customs must review how these checks are carried out and ensure that the measures taken are legal. According to the Parliamentary Ombudsman, there is reason to send a copy of the decision to the Government for information. [Reg. no. 1666-2024]

## Prison and probation service

**Severe criticism of the Prison and Probation Service, Borås Remand Prison, for not respecting inmates' right of association, etc.**

Over a period totalling around two months, a remand prisoner who was neither subject to restrictions nor placed in segregation was only allowed to spend time with other inmates in

a common area on average once a week and had the opportunity to walk for one hour a day with a group of other inmates. The Parliamentary Ombudsman states that those measures do not satisfy the inmate's right of association in accordance with the Remand Prison Act. The remand prison receives severe criticism for this.

The Parliamentary Ombudsman also makes certain statements setting the requirement of see page double occupancy as a condition for spending time with others and stresses that it is worrying if an inmate refrains from a measure designed to break isolation such as this on the grounds that it may lead to him or her having to share a cell with another inmate.

In the decision, the Parliamentary Ombudsman sets out the basic rules on inmates' right of association and the applicable rules for those who are subject to restrictions or placed in segregation. [Reg. no. 7437-2022]

**Severe criticism of the Prison and Probation Service, Kumla Prison, for its reaction when the Parliamentary Ombudsman wanted to contact an inmate; also questions regarding the examination of post**

A case officer at the Parliamentary Ombudsmen's office tried to contact an inmate at Kumla Prison by telephone in relation to certain information in his complaint to the Parliamentary Ombudsmen. At the prison's request, the case officer sent an e-mail about this. After the inmate requested to call back the Parliamentary Ombudsmen's office, the prison refused the phone call, but later changed its mind and allowed it. A telephone conversation between the Parliamentary Ombudsman and the inmate was subsequently listened to by Prison and Probation Service staff.

The Parliamentary Ombudsman states that the Parliamentary Ombudsmen office is part of the constitutional protection of individuals' fundamental rights and freedoms and that it is self-evident that the Parliamentary Ombudsmen should be allowed to conduct individual interviews with persons deprived of their liberty as part of their supervisory duties. She is very critical of the prison's management of the situation which meant the Parliamentary Ombudsman's ability to interview a detainee was initially restricted.

In the decision, it is further stressed that the scope for the Prison and Probation Service to listen in to telephone conversations between the Parliamentary Ombudsmen and the detainee is basically non-existent. According to the Parliamentary Ombudsman, it is unthinkable that the authority being reviewed itself has the freedom to monitor conversations about potential shortcomings at that authority. The Parliamentary Ombudsman considers it wholly unacceptable that such a phone call is listened to and Kumla Prison receives serious criticism for what occurred.

In the decision, the Parliamentary Ombudsman also makes a statement on the prison's management of outgoing post. [Reg. no. 7834-2022]

**Criticism of the Prison and Probation Service, Asptuna prison, because inmates have to receive visitors in a sports hall**

Asptuna prison does not have a dedicated visitors' section. Instead, six inmates at a time must receive unsupervised visits in the prison's sports hall. Before the visits, a number of tables, chairs and screens are put out. To maintain order and security, staff make rounds during the visits.

The Parliamentary Ombudsman questions whether, for reasons of privacy in respect of both inmates and visitors, it is appropriate for visits to take place under these conditions. She maintains, among other things, that it may limit the opportunities for private conversations and closer contact between inmates and their family members, and may result in inmates and their fellow inmates' visitors being exposed to each other. The latter is problematic from a confidentiality point of view. In addition, she questions whether, by doing the rounds, the prison really respects the right to unsupervised visits. In her view, it is clear that the prison needs more visiting rooms to enable such visits to be carried out in an appropriate and dignified manner. The Parliamentary Ombudsman also makes statements about visiting hours at the prison. [Reg. no. 9212-2022]

**Severe criticism of the Prison and Probation Service, Kumla Prison, for unauthorised eavesdropping on a telephone conversation between an inmate and his lawyer; also statements on inmates' participation in hearings via video link**

An inmate participated in a trial via video link from Kumla Prison, while his lawyer was on court premises. During a break in the hearing, the inmate had a telephone call with the lawyer, which was listened in on by prison staff who were also present in the video link room. The Parliamentary Ombudsman states that

the eavesdropping was unauthorised and the prison therefore receives severe criticism. The investigation shows that previously there was no possibility for prisoners to have confidential telephone conversations with their lawyers during short breaks in the trial in such cases. The Parliamentary Ombudsman emphasises that the prison has a responsibility to ensure that the ban on eavesdropping in prison is always upheld.

It has come to the Parliamentary Ombudsman's attention that the Prison and Probation Service recently informed the Courts of Sweden that it would free up significant resources for the authority if hearings via video link could be carried out on a larger scale. In the light of the findings of the case, the Parliamentary Ombudsman emphasises, among other things, the importance of the Prison and Probation Service arranging for inmates to participate in such a way that they are not deprived of their access to effective defence when the defence counsel is elsewhere. [Reg. no. 11-2023]

**Criticism of several Prison and Probation Service sites for giving prisoners' mail and documents to the wrong person**

A common complaint the Parliamentary Ombudsman now receives is of prisoners' mail and documents containing confidential or otherwise sensitive information being given to the wrong person. This decision comprises eight such complaints, seven of which result in criticism. Some of the cases concerned information of an extremely sensitive nature, such as protected personal information. The Parliamentary Ombudsman takes the incidents very seriously.

The Parliamentary Ombudsman concludes that inadequate handling of prisoners' mail and documents is a widespread and recurrent problem within the Prison and Probation Service. In her view, this is very worrying, as these shortcomings can have serious consequences for prisoners and their families. Through this decision, the Parliamentary Ombudsman wants to draw the Prison and Probation Service's attention to the scale of the problem and calls on the authority to take immediate action to remedy the matter. [Reg. number: 1005-2023]

**Occupancy levels within the Prison and Probation Service are resulting in reduced opportunities for inmates to receive visits**

As occupancy levels become increasingly strained, the Prison and Probation Service is increasingly using visiting rooms as cells for inmates. The Parliamentary Ombudsman stresses that visits are of vital importance for inmates and believes that there is an imminent risk of the authorities going too far and applying the rules in a way that erodes the right to visits and it will eventually become meaningless. She recognises that in the current circumstances, it may be necessary to temporarily place inmates in areas other than normal cells, but believes that, in principle, inmates should not be accommodated in visiting rooms. When this does happen, it is very important in her view that it does not become a permanent solution. She considers that the Prison and Probation Service must strive to return to using visiting rooms for their intended purpose as soon as possible and should consider compensation measures that could be taken in the meantime to reduce the negative impact on inmates.

The Parliamentary Ombudsman states that developments in this area give cause for concern, and she considers that it is a matter of urgency for the Prison and Probation Service to plan for and ensure that existing and new premises have sufficient room for visitor activities. She intends to monitor developments in this area. [Reg. no. 1037-2023]

**Serious criticism of the Prison and Probation Service after a sentenced person remained in a remand prison for nearly a year while waiting to be placed in a prison. Also criticism for not allowing the inmate to spend time with other prisoners**

An inmate of Sollentuna remand prison began serving their prison sentence but despite this was not placed in a unit where he could associate with others. There had been no decision on segregation which could have explained this. According to the Parliamentary Ombudsman, the information in the case must be understood to mean that the remand prison did not act in conformity with the Detention Act. The Parliamentary Ombudsman is critical of this.

The inmate was then transferred to Norrköping remand prison. He was placed there for almost eight months. He was not allowed to regularly spend time with others there either. The Parliamentary Ombudsman notes that the remand prison took several measures to facilitate AA's time with others and that attempts were made both to have him transferred to an association remand prison (where detainees can freely associate with one another

during the day) and to speed up the process of his continued execution. The Parliamentary Ombudsman considers the conditions were nevertheless completely unacceptable and, against this background, directs criticism against the Prison and Probation Service.

Only after almost a year from the start of his prison sentence was AA placed in a prison. This was a flagrant breach of the absolute time limits in the Terms of Punishment Act and the Parliamentary Ombudsman therefore directs severe criticism against the authority. [Reg. no. 2834-2023]

**Inmates are having to wait an unreasonably long time for the Prison and Probation Service's in-depth conditions investigations**

In this case, the Parliamentary Ombudsman reviewed the processing times for in-depth conditions investigations and related matters. An inmate must normally undergo such an investigation if the execution of his or her prison sentence is to be subject to special conditions which, for security reasons, are necessary for, inter alia, placement in a prison and leave.

The survey commissioned by the Prison and Probation Service following the Parliamentary Ombudsman's initiative shows that proceedings often take a long time and that a large portion of the investigation time consists of simply waiting. This means, among other things, that the assessment of the conditions does not take place as soon as execution of the sentence begins, which is contrary to the Imprisonment Act. Furthermore, it is not uncommon for the inmates concerned to remain in a remand prison while awaiting the correct prison place, and the Parliamentary Ombudsman notes that this is also contrary to mandatory legal rules. She addresses some of the negative consequences of these circumstances for the inmates.

Despite the efforts of the Prison and Probation Service, it is clear, according to the Parliamentary Ombudsman, that the problem of lengthy processing times is far from being solved. She considers the findings of the review to be extremely serious and that there is good reason for continuing to monitor the issues. [Reg. no. 4837-2023]

**Criticism of the Swedish Prison and Probation Service, Sollentuna Remand Prison, for losing a preliminary investigation report and, in another case, erasing a report from a device**

In their decision, the Parliamentary Ombudsman goes into detail on the legal points of departure for inmates' access to preliminary investigation reports. The suspect's right to material gathered while investigating a criminal case is part of the fundamental right to a fair trial under the Swedish Constitution and the European Convention on Human Rights.

According to the Parliamentary Ombudsman, inmates' access to preliminary investigation reports and other documents in an ongoing legal matter is a very important issue of legal certainty. An inmate who is not permitted to have the report on their case in their possession is entirely dependent on the Swedish Prison and Probation Service to store and otherwise handle documents in a secure manner. According to the Parliamentary Ombudsman, the authority also has a responsibility to ensure that an inmate is given access to the material to the necessary extent and in an appropriate manner to allow them to prepare their defence. In practice, the Swedish Prison and Probation Service and its staff have an essential function in this regard.

In one of the cases in question, Sollentuna Remand Prison lost parts of a preliminary investigation report and it took some time before the centre took action to ensure that the inmate received new copies of the documents. In the other case, another inmate's preliminary investigation report and their notes were erased from a device in conjunction with a move. The Parliamentary Ombudsman holds that this is especially serious as, in both cases, it occurred during a critical period in the preparation of their respective defences. According to the Parliamentary Ombudsman, the prison's handling of the preliminary investigation reports is deserving of criticism. [Reg. no. 5689-2023]

**Severe criticism of the Swedish Prison and Probation Service, Helsingborg Remand Prison, for failing to comply with a court of appeal order setting aside certain restrictions on an inmate**

On appeal, Scania and Blekinge Court of Appeal revoked the prosecutor's permission to impose restrictions on an inmate, including restricting the right to associate with other inmates. Helsingborg Remand Prison failed to comply with this decision. Instead, the remand prison followed a procedure that prevented inmates with restrictions on the right to receive visits, communicate with others through electronic communication or send and receive post from joining the general population.

The Parliamentary Ombudsman notes that, in practice, the inmate has been separated and,

furthermore, that there are no legal grounds for restricting an inmate's opportunities to associate in this manner. She finds it remarkable that an individual facility would take it on itself to ignore a court order. Moreover, as no formal decision was made to apply the restrictions, the inmate has not been able to challenge the situation through an appeal; a state of affairs that the Parliamentary Ombudsman considers completely unacceptable.

The Parliamentary Ombudsman finds that the remand prison is deserving of severe criticism. [Reg. no. 5711-2023]

**Complaints and investigations into alleged misconduct at Skänninge prison. Also statements about the Parliamentary Ombudsmen's duties**

In summer 2023, three inmates raised serious complaints against certain employees of Skänninge prison. The complaints concerned staff subjecting inmates to excessive violence and threats and making racist and other derogatory statements. The complaints have been dealt with in the cases covered by this decision.

Even after the Prison and Probation Service had responded to the complaints, the Parliamentary Ombudsman received further information about similar alleged misconduct in parts of Skänninge Prison's operations. This led to the Parliamentary Ombudsman Katarina Påhlsson deciding on 18 January 2024 in a particular case to open a preliminary investigation into misconduct and abuse at the prison. The examination of the above-mentioned complaints was therefore postponed. On 16 September 2024, the Parliamentary Ombudsman decided to close the investigation on the basis that no criminal offence could be proven.

With regard to the complaints dealt with in this decision, the Parliamentary Ombudsman emphasises that it would be fully unacceptable if the Prison and Probation Service acted in the way the complainants described. She notes, however, that the Prison and Probation Service rejected the information and the authorities have carried out different investigative measures and that the relevant officials will have had the opportunity to give their perspective. As it is one person's word against another's, she concludes that what has been presented cannot serve as the basis for criticism.

The Parliamentary Ombudsman stresses that she has made advanced plans to carry out an inspection of the prison, but in light of the measures taken, among other things, this is not relevant at the present time. As the Parliamentary Ombudsman is investigating several other cases concerning the prison, she does have, however, reason to return to the different conditions there in the near future.

In the decision, the duties of the Parliamentary Ombudsman are described as constituting an extraordinary oversight body. The Parliamentary Ombudsman describes, among other things, how her supervision is primarily exercised and notes that it is extremely unusual for the Parliamentary Ombudsmen to open a preliminary investigation. [Reg. no. 6048-2023]

**Severe criticism of the Swedish Prison and Probation Service, Umeå Remand Prison, for failing to ensure that an inmate received the preliminary investigation report on their case, as well as for supplying incorrect information on the matter to public defence counsel and the police**

On noticing that his remanded client had not received a preliminary investigation report, a public defence counsel contacted the remand prison and explained that the client needed the material immediately. The police also contacted the remand prison to ensure that the inmate could access it. Staff at the remand prison confirmed that the documents were there and stated that the inmate could access the documents on request.

It was not until shortly before the inmate was transferred from the remand prison that any attempt was made to locate the preliminary investigation report in question, but it could not be found. Only after the Parliamentary Ombudsman commenced their review that the documents were found in a box in the post room. The investigation suggests that the preliminary investigation report had been there the entire time.

The Parliamentary Ombudsman is unable to draw any conclusion other than that, on at least two occasions, staff at the remand prison gave a positive response regarding the inmate's possibility to access the preliminary investigation report without following up on which preliminary investigation report the inquiry related to and whether it was available at the detention centre. Irrespective of the cause, the Parliamentary Ombudsman finds it completely unacceptable that the remand prison supplied information that under the circumstances was plainly incorrect to the public defence counsel and the police.

The Parliamentary Ombudsman considers the deficiencies revealed in the case to be

remarkable to say the least. It is unacceptable for a matter as important as an inmate's access to the preliminary investigation report on their case to be handled in such a nonchalant and substandard manner. The remand prison is severely criticised. [Reg. no. 6346-2023]

**Criticism of the Prison and Probation Service, Skogome prison, for management, after sleeping pills were found in a double-occupancy cell**

After two sleeping pills were found on the floor of a double-occupancy cell, at least one of the two inmates placed there was reported for suspected misconduct in breach of regulations. The prison found that the misconduct was proven, but that it should not lead to a warning. The decision stated that the inmate is personally responsible for anything found inside their cell.

The Parliamentary Ombudsman considers that the description in the report is on the brief side, inter alia, because it fails to give details of the circumstances of the discovery. According to her, the grounds for the decision itself do not fulfil the requirements of the Administrative Procedure Act and she is critical of the prison's handling of the case. In this context, the Parliamentary Ombudsman states that a starting point which in practice means that inmates who share a cell are considered responsible for everything that is there cannot be considered compatible with the requirement of objectivity and that an individual assessment of circumstances must be made in each case. The Parliamentary Ombudsmen believes that a suspicious object must actually be able to be linked to an inmate in order for misconduct to be investigated and that it is important that the Prison and Probation Service does not compromise the legal certainty of inmates sharing a cell now that double occupancy is becoming increasingly common.

As the Parliamentary Ombudsman is currently carrying out a series of inspections to examine in particular the consequences and risks that double occupancy of remand centres and prisons can have for persons deprived of their liberty, she assumes that there will be reason for her to return to questions relating to this. [Reg. no. 9478-2023]

**On the processing of warning cases in the Prison and Probation Service**

The Parliamentary Ombudsman has conducted a series of inspections to take a closer look at the processing of warning cases in three security category 1 and 2 prisons. Before every visit, several such decisions were reviewed and, when on site, the Parliamentary Ombudsman's team took note of, inter alia, written procedures and held interviews with both prisoners and staff. In this decision, the Parliamentary Ombudsman makes her statements on the basis of the findings of the inspections.

The Parliamentary Ombudsman notes that it is common for only one prison officer to write a report on suspected misconduct, even if several staff members were present at the time of the incident. According to the Parliamentary Ombudsman, it is worrying that reporting in this way can lead to the combining of different observations without that being indicated. Ultimately, this may make it more difficult for the prisoner concerned to exercise their rights.

In some cases, the staff member who wrote the report was also present at the subsequent interview. According to the Parliamentary Ombudsman, this is likely to affect the prisoner's confidence in the process and in the Prison and Probation Service. The decisions reviewed generally contained correct provisions and instructions on how to appeal the decision. However, the investigation gives the Parliamentary Ombudsman reason to recall the obligation to state reasons, meaning the decision to issue a warning must make clear which information resulted in the misconduct being considered to have been investigated and the inmate's objections must be addressed.

The Parliamentary Ombudsman notes that the prisons essentially process the cases at issue in accordance with the requirement to act promptly laid down in the Imprisonment Act, which she emphasises in particular. In the decision, she also highlights good practice examples in the individual prisons. [Reg. no. 4400-2024]

## Public access to documents and secrecy as well as freedom of expression

**Complaint brought against the Municipal Executive Board in Piteå municipality because one of its members was informed about a request for the disclosure of a document**

A journalist requested access to a member's travel expenses to and from Municipal Executive Board meetings and Municipal Council meetings. An official working for the Municipal Executive Board informed the member about the document's disclosure and forwarded an

email to the member which contained the journalist's name.

Provided that it is done for objective reasons, and that the requirements for disclosing documents are not disregarded, the Ombudsman sees no obstacle to, for example, a member of a municipal assembly being informed of circumstances that may attract media attention because a public document has been requested.

The Parliamentary Ombudsman states that it has not been found that any irrelevant considerations were taken into account or that the disclosure of documents was held up due to the member being notified. Therefore, neither the fact that the member was informed that the request had been received nor how it was handled give rise to grounds for criticism.

However, the Parliamentary Ombudsman considers that the forwarding of the journalist's name to the member was not in compliance with the principle of the protection of anonymity laid down in the Freedom of the Press Act and criticises the Municipal Executive Board for this. [Reg. no. 10048-2022]

**By criticising an employee who wrote an opinion piece in the police newspaper, a police chief infringed that employee's freedom of expression**

An employee of the Police Authority was called to an awareness-raising meeting. According to the Police Authority, the purpose of such a meeting is to find out the causes of misconduct and clarify what requirements are to be imposed on the employee's future behaviour. One of the points raised at the meeting was an opinion piece in the police newspaper that the employee had written.

According to the Parliamentary Ombudsman, based on the Police Authority's description of an awareness-raising meeting, what is raised during such a dialogue can typically be seen as a reprimand. The scope for raising issues in the interview in relation to an employee's exercising of their freedom of expression is extremely limited.

At the meeting, the Local Police Area Commander made various negative statements about the fact the employee had written the article. According to the Parliamentary Ombudsman, these statements went beyond what is permitted and may be seen as an infringement of the prohibition of reprisals in the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The Local Police Area Commander is criticised for this. [Reg. no. 1180-2023]

**Criticism of a region for the deficient and slow processing of a request to access a public document; also statements on the importance of ensuring that the principle of public access to official records is reflected in the authorities' choice of technical solutions and organisational structure**

Region Dalarna has set up a special joint disclosure service tasked with processing requests to access public documents. In the case of medical records, the disclosure service does not accept orders by e-mail. Persons wishing to request medical records are asked either to use 1177 Healthcare guide's e-services or to phone via Tele-Q, a telephone system with a queue and callback service. In Regiona Dalarna, for a certain period, it could take around two weeks for a case officer to call back a person who had called via Tele-Q to request a public document.

The Chief Parliamentary Ombudsman states that there is no formal requirement in terms of how a request for access to a public document is to be made. Persons wishing to submit their request by e-mail, for example, can do so. The Region is criticised for not processing and replying to a request sent to the authority by e-mail. The Region is furthermore criticised for only disclosing the document in question two months after it had been requested. The Chief Parliamentary Ombudsman states that it is evident that the management of requests is contrary to the requirement to act promptly in the Freedom of the Press Act.

In conclusion, the Chief Parliamentary Ombudsman emphasises that the principle of public access to official records, which includes the right to access public documents, is central to the Swedish legal system and a foundation of our democracy. It is therefore very important for an authority to ensure that the principle is reflected in the choice of, for example, technical solutions, staffing and organisational structure. Digital contact routes often suit the vast majority of people, but not everyone can or wants to use them. The Chief Parliamentary Ombudsman assumes that Region Dalarna is taking the necessary appropriate measures so as to ensure that the requirement for prompt handling can be met in the future, regardless of the contact routes individuals choose to use to request access to a public document. {Reg. no. 1274-2023]

**Statement on a public authority blocking a user from the authority's account on X (formerly Twitter)**

A user was blocked from a public authority's

account on X (formerly Twitter). The investigation does not make it possible for the Parliamentary Ombudsman to make an assessment of the case in question. Instead, the Parliamentary Ombudsman discusses the issue of a public authority blocking a user from its account in general terms. [Reg. no. 8164-2023]

**Criticism of the municipal executive board in Gagnef municipality for publishing information from a whistle-blower investigation without assessing with sufficient care how the identities of the persons concerned would be protected**

In a whistle-blowing case, the municipality published what is referred to as a preliminary investigation on its website. The persons' names in the case had been replaced with their job titles, but nevertheless could be easily linked to them.

The Parliamentary Ombudsman states that the assessment of how the identity of the persons concerned should be protected upon publication was not carried out with sufficient care and criticises the municipal executive board for this. [Reg. no. 9145-2023]

## Social insurance

**The Social Insurance Agency is criticised for having documented verification investigations in relation to assistance payments in a way that hampered the exercising of the right to party insight and that was contrary to the requirements of objectivity and impartiality**

When the Social Insurance Agency received an anonymous complaint against a personal assistant to AA, it initiated, among other things, five different verification investigations, one investigation for each assistant interviewed for the purposes of the investigation. It eventually also began an investigation into AA's need for a personal assistance. The documentation from one of the interviews was transferred to AA's case file and shared with her. However, AA's representative was denied access to the documentation from the other verification investigations.

The interviews had thus been documented but had been inserted into different case files. In the decision, the Parliamentary Ombudsman states that the purpose of the documentation requirement in the Administrative Procedure Act (2017:900) is that the documentation which forms the basis for a decision in a case must be complete, identifiable and easily accessible. In order for these aims not to be lost, there are solid reasons for not splitting up an investigation into a person's right to certain benefits or the revocation of such benefits. When the documents relating to the same investigation are allocated to several different case files, there is an imminent risk that a party will not be aware of their content, and it may appear as though the authority is withholding the documents.

In the current case, all documentation that could be relevant to the question of AA's need for assistance should have been included in her case file. As the Social Insurance Agency did not do this immediately, nor when the error was discovered at the time the documentation was requested, it failed to fulfil the documentation requirements laid down in the Administrative Procedure Act, for which the Social Insurance Agency is criticised. [Reg. no. 4056-2022]

**The Swedish Pensions Agency receives severe criticism for not taking decisions in certain cases regarding the income pension complement and because a request for review was treated as a general enquiry**

On 15 December 2020, the Swedish Parliament decided to introduce an income pension complement as a benefit for those with a low pension. The Pensions Agency was to start paying the complement in September 2021. Before then, the authority needed to decide who fulfilled the requirements for receiving the complement without the individuals having to apply for the benefit. To examine the matter, the Pensions Agency sent an information letter to people who received a Swedish pension and had worked in another country. The letter asked the individuals to provide information on any pensions from other countries. The letter was sent, inter alia, to those persons who fulfilled these requirements and who lived in the United Kingdom. Later in the spring of 2021, the Pensions Agency assessed that UK residents could not receive the income pension complement due to the UK leaving the EU. However, the Pensions Agency did not inform affected persons in the UK of this position. According to the Parliamentary Ombudsman, failing to make a decision in this way on the entitlement of certain persons to an income pension complement is contrary to both the rules on decisions in the Administrative Procedure Act and the principle of equality.

AA, who lived in the UK, had provided information about his pension in accordance with the Pensions Agency's request in the in-

formation letter. When he asked the Pensions Agency about the status of his case, he was told by email that he did not fulfil the requirements for receiving the benefit. He then requested a review of the email message. The Pensions Agency treated the request as a general enquiry which was answered by letter two months later. The Parliamentary Ombudsman emphasises that when someone requests a review of a decision that does not exist, the authority should consider the request as an application for the benefit in question. [Reg. no. 4681-2022]

**The Social Insurance Agency is criticised for, among other things, informally withholding previously granted sickness allowance and for changing a favourable decision to the disadvantage of the individual without assessing whether the prerequisites for doing so were met**

The Social Insurance Agency granted AA sickness allowance for a period of eight months in accordance with her application. However, she was not informed of the decision other than through payment notices on the Agency's "My pages" website and the fact that some payments were made. When the sickness allowance was withheld part way through the period, no formal decision was taken on the matter and AA was not informed. Subsequently, a new decision on sickness allowance was taken at a lower level, without making it clear that the new decision was an amendment of the previous decision on sickness allowance.

The Parliamentary Ombudsman criticises the handling of AA's case in several respects. The Parliamentary Ombudsman states, inter alia, that when a decision is made to grant a benefit for a longer period of time or for several periods of time, it is often appropriate for the individual to be informed of the decision – this is to clarify what actually applies and what rights and potential obligations the individual has. The Parliamentary Ombudsman further points out that when the Social Insurance Agency intends to change a previous decision in a way that is disadvantageous to the individual, it must examine whether the prerequisites for doing so are met. If this is found to be the case, the decision must be documented and the individual must be informed that the previous decision has been replaced by a revised decision. The Social Insurance Agency is criticised, because this did not happen in AA's case. The Parliamentary Ombudsman is also critical of the fact the Social Insurance Agency withheld the granted benefit during the investigation period without making any formal interim decision on the matter.

The Social Insurance Agency is also criticised for a lack of telephone accessibility and for delays in handling a request from a party seeking access to information in their case. [Reg. no. 9883-2022]

**The Swedish Social Insurance Agency is severely criticised for visiting an individual in their home unannounced and without consent during a verification investigation**

Within the scope of an investigation to verify a claim for assistance allowance, the Swedish Social Insurance Agency (Försäkringskassan) made an unannounced visit to an individual in their home. Försäkringskassan's staff were admitted to the individual's home by an assistant.

Pursuant to Section 6 of Chapter 2 of the Instrument of Government, everyone shall be protected against house searches and other such invasions of privacy by public institutions. The Parliamentary Ombudsman affirms that there are no provisions that restrict this protection with regard to Försäkringskassan. Protection is however limited to coercive measures. Hence the individual may consent to Försäkringskassan's staff entering their home.

The Parliamentary Ombudsman states that, as a general rule, when intending to visit a client's home, Försäkringskassan must give notice so that the individual has the opportunity to decide in advance whether she or he wishes to consent to the measure. When a home visit is unannounced, and the individual may feel compelled to admit Försäkringskassan's staff, the case officers must make sure that the individual actually consents to them entering the home.

According to the Parliamentary Ombudsman, in the case in question Försäkringskassan should have contacted the individual before visiting her home. The Parliamentary Ombudsman also finds that there is no documentation showing that Försäkringskassan's staff obtained the individual's consent before entering her home. Rather, the documentation suggests that the case officers behaved in a manner that gave the impression that she had no other choice than to accept them entering her home. In the Parliamentary Ombudsman's assessment, Försäkringskassan failed to respect the provisions of Section 6 of Chapter 2 of the Instrument of Government when conducting the home visit. The agency is severely criticised given the facts that have emerged during the review. [Reg. no. 4013-2023]

**The Social Insurance Agency is strongly criticised for unnecessarily making inquiries with several private individuals during a verification investigation**

The Social Insurance Agency started a verification investigation after receiving information that an individual who was receiving sickness benefit was also engaged in, among other things, sales. In connection with the investigation, the authority obtained a Swish report with information on payments made between the individual and various private individuals. The Social Insurance Agency then contacted a number of those people by phone to obtain further information about the sales.

In his decision, the Parliamentary Ombudsman states that, based on the individual's own information, it seems to have been undisputed that he had sold various things, and information in the Swish report allowed the agency to evaluate the extent of this. The Parliamentary Ombudsman therefore finds no support for the view that the Social Insurance Agency needed information from the private individuals in the Swish report for its assessment in the case. Furthermore, the Parliamentary Ombudsman states that the authority failed to carefully consider what investigative measures were necessary and notes that there is no documentation of what considerations were actually made. In addition, the Parliamentary Ombudsman considers that contacting the private individuals in the Swish report was not proportionate and constituted an unjustified breach of privacy.

The Parliamentary Ombudsmen takes a serious view of the fact that there are still errors that indicate that the Social Insurance Agency does not carry out its verification investigations with sufficient accuracy and with sufficient consideration for the privacy of individuals. The Social Insurance Agency is strongly criticised for its shortcomings in the case. [Reg. no. 8143-2023]

**The Social Insurance Agency is strongly criticised for persistent long processing times in cases concerning the reimbursement of healthcare costs abroad and for, among other things, inadequate handling of a delay action in such a case**

The time taken by the Social Insurance Agency to process a case regarding the reimbursement of the costs of medical treatment abroad was almost 13 months, despite the fact decisions in such cases must normally be taken within 90 days. The agency is severely criticised for its slow processing and for failing to fulfil its service, notification and documentation obligations during the processing.

Five weeks after the individual had requested the Social Insurance Agency to take a decision in the case, the agency rejected the request. Although the Parliamentary Ombudsman states that the Social Insurance Agency should have rejected the request instead for being submitted too early, he does not find sufficient grounds to criticise the agency for examining the substance of the request. He believes, however, that the decision should have been taken earlier. If a request is examined on its merits, such a decision must be taken within four weeks. According to the Parliamentary Ombudsman, a decision to reject a request that has been received too early should be taken much more quickly than this, and normally as soon as possible after it has been received. The Social Insurance Agency is criticised for inadequate handling of the action for delay.

The Parliamentary Ombudsman also notes that the Social Insurance Agency continues to have significant problems with long processing times in cases of reimbursement of medical and dental costs abroad, which is very worrying. The Parliamentary Ombudsman intends to follow developments in processing times in its continued supervision. [Reg. no. 9375–2023]

**The Swedish Pensions Agency is severely criticised for its slow processing and incorrect handling of a case concerning housing supplement**

An individual complained about the time taken by the Swedish Pensions Agency to process his case concerning housing supplement, adding that the agency had also failed to deal with his request to determine the matter without further delay pursuant to Section 12 of the Swedish Administrative Procedure Act (SFS 2017:900). The processing time in the housing supplement case was just over one year. The Parliamentary Ombudsman holds that such a slow processing time is unacceptable, even if the case required a certain amount of investigation.

Regarding the request under Section 12 of the Administrative Procedure Act, it emerged that, rather than determining the matter or refusing the request in a separate decision, the Swedish Pensions Agency sent notification of a substantial delay pursuant to Section 11 of the same act. By this time, the processing of his case concerning housing supplement had been ongoing for 10 months. After two further requests from the individual to determine the matter, the Swedish Pensions Agency finally

responded to his request, by which time the deadline of four weeks prescribed in Section 12 of the Administrative Procedure Act had long since passed. The Parliamentary Ombudsman is critical of the deficiencies in processing the individual's request for the matter to be determined without further delay and also states that the Swedish Pensions Agency should have notified him of a substantial delay considerably earlier than was actually the case.

The decision also states that the Swedish Pensions Agency limited the number of notifications of substantial delays sent to individuals in order to evaluate whether this would result in an increased number of letters and calls to the agency. The Parliamentary Ombudsman is critical of the agency's deliberate failure to apply Section 11 of the Administrative Procedure Act concerning notification of substantial delays, stating that there is no reason to investigate whether compliance with a legal obligation would lead to an increased workload.

In conclusion, the Parliamentary Ombudsman makes certain remarks concerning the agency's duty to assist with JO's review. [Reg. no. 10065-2023]

## Social services

### Social Services Act

**The Labour Market and Social Welfare Board in Tyresö municipality is criticised in a case on income support for making a home visit to an apartment where, in addition to the person who had applied for assistance, the landlord (and others) also lived, without first obtaining the consent of the landlord**

As part of an investigation into a woman's right to income support, the Board carried out a home visit to an apartment where the woman rented a room. The woman's landlord and the landlord's children also lived in the apartment, which the Board knew. The woman consented to the home visit. During the home visit, staff from social services went around the apartment and some of the areas which were only at the disposal of the landlord and her children. The home visit was carried out without the Board having checked in advance with the landlord what her position was on this.

According the Chapter 2, section 6, of the Instrument of Government, everyone is protected against public intrusion into their home. The Parliamentary Ombudsman has stated in several previous decisions that the Board, in certain cases, may have a legitimate interest, in the context of an income support investigation, in carrying out a home visit to an individual's home to gain an understanding of the individual's assistance needs. In order for such a home visit to take place, however, it is necessary for the individual to give their consent to the measure. The Board must also ensure that it does not infringe the right of a third party to protection against public intrusion into their home when a home visit is carried out.

According to the Parliamentary Ombudsman, the Board should have checked with the landlord whether she consented to the home visit in so far as it concerned the areas that were not available to the woman applying for assistance. The Parliamentary Ombudsman also stressed that it is the Board's responsibility to ensure consent is obtained and that it is not a task that can be imposed on the person applying for assistance. Nor can he or she give consent on someone else's behalf. [Reg. no. 9539-2022]

**The Social Welfare Board in Säffle municipality is criticised for infringing an individual's freedom of expression in connection with the processing of a case under the Social Services Act**

A Social Welfare Board stated in a letter to an individual that an authorised intervention in the form of drug testing would be terminated, because the individual had, among other things, disseminated negative information about social services' activities on social media, which she was also asked to cease immediately. After the individual requested that the testing be resumed, the board sent another letter requiring the individual, as a condition for the continuation of the testing, not to write negative comments about social services staff on social media.

The Parliamentary Ombudsman states that an individual who applies for and is granted an intervention by an authority may be considered to be in a dependent relationship with the authority. In this case, the board had granted assistance in the form of testing, and the Parliamentary Ombudsman considers that the individual thus found themselves in a dependent relationship such that the prohibition of reprisals applies.

According to the Parliamentary Ombudsman, the contents of the first letter cannot be understood in any other way than that it was sent to the individual because she used her freedom of expression to criticise the social

services on social media. It is also clear that the testing was ceased because of this. The measure constituted an unauthorised reprisal by the board, according to the Parliamentary Ombudsman. In terms of the second letter, it is clear, in the Parliamentary Ombudsman's view, that the purpose was to prevent the individual from continuing to criticise the board on social media. The contents of the letter therefore constituted an infringement of the individual's freedom of expression. The Parliamentary Ombudsman takes the incident seriously and the authority is criticised for its actions.

According to the Parliamentary Ombudsman, by cancelling the testing, the board changed a favourable administrative decision to the detriment of the individual without a legal basis for doing so. The authority is also criticised for this. [Reg. no. 4795-2023]

**The Social Welfare Board in Filipstad municipality is criticised for not implementing another municipality's decision concerning home help etc. for a person who intended to temporarily stay in his holiday home in Filipstad municipality**

In summer 2023, an individual was granted, among other things, home help in his holiday home. The municipality where he was permanently resident, which had taken the decision, requested the Social Welfare Board in Filipstad municipality to implement it. The Social Welfare Board decided, however, that was not possible, partly because it was difficult to recruit enough staff. The individual was instead offered to live in sheltered housing with assistance at home.

The Parliamentary Ombudsman states that, according to law, the municipality of temporary residence is obliged to implement the decision taken by the municipality of permanent residence, and it is not for the municipality of temporary residence to make its own assessment of whether it is reasonable or not. Neither is it the intention that a decision that will enable the individual to stay in their holiday home should be implemented by allowing him to stay in other staffed accommodation in the municipality where his holiday home is located. The Parliamentary Ombudsman criticises the board for not implementing the decision.

The Social Welfare Board also drew up a written agreement with the individual which meant that the interventions decided on would only be carried out for part of the period in question. In the view of the Parliamentary Ombudsman, the board's intention seems to have been to amend and limit the period of validity of the decision. The Parliamentary Ombudsman states that the municipality of temporary residence must implement the decision of the municipality of permanent residence and is not entitled to change an authorised intervention. If the duration of the interventions needed to be changed, that would have been a matter for the municipality of permanent residence. The Parliamentary Ombudsman is also critical of the agreement. [Reg. no. 4879-2023]

**The Social Welfare Committee in Skellefteå Municipality is criticised because two people were only permitted written contact with social services in cases related to financial assistance**

A unit of social services in Skellefteå Municipality sent letters to two people who had applied for financial assistance notifying then that they were only permitted to have contact with the unit in writing while their applications were being processed. The reason given was that relatives of the people in question had threatened and harassed staff at social services.

In their decision, the Parliamentary Ombudsman concludes that imposing such a categorical restriction on contact is incompatible with the provisions of the Administrative Procedure Act (2017:900) concerning service and access, and the right of a private party to give information orally in a matter. The Social Welfare Committee is therefore criticised for its decision to permit only written contact during the processing of the applications. [Reg. no. 5245-2023]

## Care of Young Persons (Special Provisions) Act (LVU)

**Statement on whether the Swedish National Board of Institutional Care has legal grounds for allowing inmates in separate care to associate with other inmates**

JO has for many years drawn attention to the fact that the Swedish National Board of Institutional Care (SiS) employs a method that allows inmates subject to a decision on separate care to mix with other inmates without the decision first being revoked. The method, which in this decision is referred to as transition, may, for example, involve an inmate mixing with other inmates on the wing on a daily basis or between certain hours, or joining an excursion with others who are in care at the home. The scope and means of transition differs from one home to the next but is applied

at SiS homes for both youths and adults with substance abuse problems.

In the decision, the Parliamentary Ombudsman gives an opinion on whether it is lawful for SiS to transition inmates from separate care without a decision first being revoked. The Parliamentary Ombudsman notes that a decision to place someone in separate care is made because the inmate needs to be prevented from meeting others being cared for in the home. The Parliamentary Ombudsman's conclusion is that a measure that involves returning the inmate to care alongside other inmates is not permitted unless the decision on separate care is first revoked. In the Parliamentary Ombudsman's assessment, SiS also lacks legal grounds for the method created by the board, designated in the decision as transition from separate care.

JO sends a copy of the decision to the Government and the Health and Social Care Inspectorate (IVO) for information. [Reg. no. 1469-2023]

**Statement on the new rules in the Care of Young Persons Act on decisions on taking samples prior to contact**

Since 1 July 2022, there have been provisions in law, and in particular in the Care of Young Persons Act (LVU), which oblige a Social Welfare Board to check prior to contact, if there is reason to do so, whether a guardian or parent is or has been under the influence of, for example, drugs or alcoholic drinks. The Social Welfare Board may then decide that the guardian or parent must be asked to provide a blood, urine, breath, saliva, sweat or hair sample (decision on taking a sample).

In this decision, the Parliamentary Ombudsman gives his views on certain issues that have arisen as a result of the new provisions. According to the Parliamentary Ombudsman, in this case, the Social Welfare Board failed in several ways in its handling of the issue of taking samples and deserves to be criticised for this. [Reg. no. 1908-2023]

**The Social Welfare Committee in Svedala Municipality and the SiS special residential home for young people in Eknäs are severely criticised for unlawfully providing care under the Care of Young Persons (Special Provisions) Act in a secure unit. The Administrative Court in Malmö is also sharply criticised**

The Social Welfare Committee in Svedala Municipality applied for a child who had been taken into care on an emergency basis under Sections 3 and 6 of the Care of Young Persons (Special Provisions) Act (SFS 1990:52) to be cared for in a secure unit at the Swedish National Board of Institutional Care (SiS) special residential home for young people in Eknäs under Sections 2 and 3 of the same act. In its verdict, the Administrative Court in Malmö decided that the child should be taken into care based solely on Section 2 of the Care of Young Persons (Special Provisions) Act. This means that the child is no longer receiving care pursuant to Section 3 of the Care of Young Persons (Special Provisions) Act, and can therefore not be confined to a secure unit. However, neither the Social Welfare Committee nor the residential home noticed the omission when they were notified of the decision and the child was confined to the secure unit for a further 13 days without legal grounds.

In their decision, the Parliamentary Ombudsman states that there are obviously serious gaps in the knowledge of the committee regarding the application of the Care of Young Persons (Special Provisions) Act, and that the committee has not shouldered its responsibility for the care of the child. The committee is therefore severely criticised by the parliamentary Ombudsman.

According to the Parliamentary Ombudsman, the special residential home in Eknäs should have checked whether, in light of the verdict, there were still legal grounds for caring for the child in a secure unit. As there were not, the residential home should have taken immediate measures. This did not occur until several days later, for which the residential home in Eknäs is also severely criticised by the Parliamentary Ombudsman.

The Administrative Court in Malmö does not escape criticism in the Parliamentary Ombudsman's decision, as the court's verdict stated where the child was to be placed. [Reg. no. 3348-2023]

**The Social Welfare Committee in Örebro Municipality is criticised for a delay in notifying the parties of a decision on transfer pursuant to the Care of Young Persons (Special Provisions) Act (SFS 1990:52)**

A social welfare committee decided to transfer a youth to a special residential home run by the Swedish National Board of Institutional Care (SiS), and that neither the youth nor their parents were to be notified before the decision was executed. They were therefore not informed of the decision for four days.

In their decision, the Parliamentary Ombudsman notes that there were no legal grounds for the social services' deliberate choice to delay notification. According to the Parliamentary Ombudsman, immediately on reaching the decision, the board should have notified them of the full content of the decision. The board thus failed in its processing of the decision and as such is deserving of criticism. [Reg. no. 9213-2023]

**Statements on aspects an authority needs to consider when choosing the means of communication in an individual case**

A representative and public counsel for a legal guardian in a case under the Care of Young Persons Act requested to have the board's written report sent to him by the authority concerned. The representative and the public counsel was informed that he could pick up the report at the social services' reception instead.

In his decision, the Parliamentary Ombudsman comments on what an authority needs to observe when making an assessment of how material in a case should be communicated. As the Parliamentary Ombudsman understands that the individual officials did make an assessment of how the report should be communicated, the Ombudsman does not have criticisms in this case. [Reg. no. 9295-2023]

## Support and Service for Persons with Certain Functional Impairments Act (LSS)

**Munkfors Municipal Executive Board criticised for the slow processing of a case on the increase of personal assistance according to the law on support and services for disabled people and for failure to apply sections 11 and 12 of the Administrative Procedure Act**

An individual applied to the municipality for an increase in personal assistance in accordance with the Act (1993:387) on support and services for disabled people. A decision in the case was issued only after around nine months.

The Parliamentary Ombudsman states in the decision that the processing time in the case was too long and that the current Municipal Executive Board deserves to be criticised for its slow processing. The Parliamentary Ombudsman further states that during the processing of the case the Municipal Executive Board failed to apply both sections 11 and 12 of the Administrative Procedure Act (2017:900). This is because it did not carry out a detailed assessment of whether the decision in the case would be significantly delayed or whether there were grounds for informing the individual of the possibility of bringing an action for delay. The Municipal Executive Board was also criticised for this. [Reg. no. 8537-2022]

**The Individuals' Board in Pajala municipality is strongly criticised for, among other things, the slow processing and inadequate documentation of a case concerning personal assistance under the Functional Impairments Act**

In June 2023, an individual applied for personal assistance under the Act concerning Support and Service for Persons with Certain Functional Impairments (LSS, 1993:387). A decision in the case was only issued 14 months later.

In his decision, the Parliamentary Ombudsman states that the processing time in the case was too long and considerably exceeded the guidelines for cases concerning personal assistance under the LSS, as the Parliamentary Ombudsman has previously stated. Even if circumstances such as the complexity of a case can lead to it taking longer to process, the Parliamentary Ombudsman underscores that the board always has a responsibility to make progress in the case and to take a decision within a reasonable amount of time. This requirement applies even if the individual, for example, is granted other assistance during the processing period. The Parliamentary Ombudsman is critical of the board's slow processing and of the fact the individual had to wait far too long for the decision.

The Parliamentary Ombudsman is also critical of the fact the case was not documented in the manner required by the legislation. The inadequate documentation meant, among other things, that it was not possible to follow the processing of the case afterwards and to see what action the board had taken. The shortcomings also made the Parliamentary Ombudsman's review of the case significantly more difficult and meant that it was not possible to assess when the board should have given notification of substantial delay in accordance with section 11 of the Administrative Procedure Act (2017:900). On the basis of what has emerged in respect of the slow processing of the case, however, the Parliamentary Ombudsman can conclude that the limit for when the board must assess whether the case is going to be substantially delayed had passed. It was not possible to deduce from the documentation whether the board sent a notification of substantial delay at any point. The Parliamentary Ombudsman is also critical of the board's handling of the case in this respect.

All in all, the Parliamentary Ombudsman considers that the board deserves serious criticism for its slow processing and for how it handled the case.

Finally, the Parliamentary Ombudsman found there were grounds to comment on the authority's obligation under Chapter 13, section 6, of the Instrument of Government to assist the Parliamentary Ombudsman in an investigation. [Reg. no. 5149-2023]

**The Disability Support Committee in Jönköping Municipality is criticised for failing to submit written notification of a decision to end a measure pursuant to the Act concerning Support and Service for Persons with Certain Functional Impairments**

AA was granted special service in the form of daily activities pursuant to the Act (SFS 1993:387) concerning Support and Service for Persons with Certain Functional Impairments, which was implemented as a placement at a café. In their decision, the Parliamentary Ombudsman considers whether the committee should have applied the provisions of the Administrative Procedure Act (SFS 2017:900) when ending the measure at the café. The Parliamentary Ombudsman notes that the measure had real effects on AA and that the committee's decision to end it therefore constituted an official decision. This implies that the committee's handling of the matter was a matter of processing at an administrative authority, hence within the scope of the Administrative Procedure Act.

AA was only informed that the placement had ended orally. According to the Parliamentary Ombudsman, it is not clear that AA ended the placement in consultation with social services. In the assessment of the Parliamentary Ombudsman, written notification of the decision would therefore have been clearer and reduced the risk of misunderstanding between AA and the committee.

Moreover, AA requested a written decision or documentation of the decision on several occasions, justifying why he could not remain at the café. AA also stated that he made the request in order to have the decision reviewed by the administrative court. Among other things, Section 33 of the Administrative Procedure Act states that notification of a decision shall always be given in writing if a party so requests. The Parliamentary Ombudsman states that AA should undoubtedly have received such a notification when he first requested it. It is also a serious matter that, by not complying with his request, the committee denied AA the opportunity of judicial proceedings. {Reg. no. 7354-2023]

## Taxation

**Swedish Tax Agency is criticised for the passive handling of an estate inventory case Statement on the agency's procedure for serving notice of a penalty fine**

In an estate inventory case at the Swedish Tax Agency, no registration of the estate inventory took place, despite the fact almost four and a half years had passed since the death. In the decision, the Chief Parliamentary Ombudsman directs criticism at the Swedish Tax Agency for its passive management of the case.

The measures the Swedish Tax Agency can take when an estate inventory is not received are to impose a fine or appoint a special estate inventory officer. An order for a penalty fine must be served on the addressee. The Swedish Tax Agency applies a procedure whereby a notice of a penalty fine must be served by ordinary service, and if this fails, summons service may only be used in exceptional cases. In other cases, estate inventory cases are given a lower priority.

The Chief Parliamentary Ombudsman states that the procedure appears to lead to most cases being given lower priority already at the point the ordinary service has failed, and that the Swedish Tax Authority is thus not exhausting the available service options. The Chief Parliamentary Ombudsman questions whether this reluctance to use a process server is compatible with the requirement that the Tax Agency ensure an estate inventory is carried out and filed. According to the Chief Parliamentary Ombudsman, there are grounds for the Swedish Tax Agency to review its procedures. [Reg. no. 998-2023]

**Verification visits pursuant to the Population Registration Act – general statements on the importance of the Swedish Tax Agency ensuring that the individual has understood that the measure is voluntary before a verification visit**

Under the Population Registration Act, the Swedish Tax Agency may decide to make a verification visit to a property or apartment to check who can be considered to be resident there.

The Chief Parliamentary Ombudsman emphasises that for a verification visit to be justified, the person concerned by the visit must consent to it being carried out. It is important

that the individual does not perceive the visit to be a coercive measure. It must actually be voluntary. In a case where a person – in the light of the official's statements or behaviour – reasonably perceives that they are obliged to agree to the verification visit, it is not genuinely voluntary. In the Chief Parliamentary Ombudsman's view, the Swedish Tax Agency, on arrival at an address, should inform the persons concerned that they require consent and give them the opportunity to express their views on the measure. It is important for the Swedish Tax Agency to ensure that the individual has understood that the measure is voluntary and for the agency to document the information the person has received and their position on the measure. According to the Chief Parliamentary Ombudsman, the task description applied by the Swedish Tax Agency to verification visits of this kind does not clearly reflect the fact the measure requires consent. The document setting out the procedure should therefore be reviewed. [Reg. no. 4713-2023]

## Other areas

**Statements concerning the execution of a decision to euthanise a dog despite an appeal**

The County Administrative Board decided that a dog should be euthanised and the decision should apply with immediate effect. The decision was appealed by the dog's owner. The day after the County Administrative Board had submitted the appeal to the Administrative Court, the Board instructed the kennels to euthanise the dog. On the same day, the Administrative Court decided that the appealed decision would be temporarily suspended (stay of execution), but notice of this did not reach the shelter before the dog had been euthanised.

According to the Parliamentary Ombudsman, in order to ensure that the right to appeal the decision to euthanise the dog was not undermined, the County Administrative Board should have considered carefully whether the execution of the decision should be postponed as a result of the appeal, at least until the Administrative Court had had the opportunity to take a position on the question of suspending the decision. If the County Administrative Board had then found that the circumstances were such that it was not possible to wait for this, the grounds for that assessment should have been documented. The Parliamentary Ombudsman states that it is not clear from the case documentation whether the County Administrative Board gave any special consideration in that respect, which, according to the Parliamentary Ombudsman, constitutes a shortcoming. [Reg. no. 7698-2022]

**Statements on the Board of Agriculture's ability to charge differentiated fees depending on the application method at the time of registration; also criticism of the agency for inadequate and incorrect information about the ability to pay the fee in cash**

The Parliamentary Ombudsman states that there is nothing to prevent the Board of Agriculture from setting different fees for registering dogs and cats depending on how the application was made. The evidence in the case is insufficient for the Parliamentary Ombudsman to be able to give an opinion on whether the difference in the fee amounts is justified by the principle of full cost recovery. The findings in this respect do not give rise to any criticism on the Parliamentary Ombudsman's part.

The Board of Agriculture is criticised, however, for the insufficient clarity of the information on the agency's website about the ability to pay in cash and for the agency incorrectly indicating that the fee in question could not be paid in cash. [Reg. no. 15-2023]

**Question about the obligation of a public authority, where there is doubt as to whether a decision is appealable, to give notice of how to appeal the decision**

In a complaint to the Parliamentary Ombudsmen, complaints were made against the Swedish Authority for Privacy Protection for failing to inform a party of how to appeal a decision not to investigate a complaint further. At the time, the Supreme Administrative Court had granted leave to appeal regarding the question of whether such a decision is appealable. According to the Chief Parliamentary Ombudsman, the Authority for Privacy Protection should therefore have given notice of how to appeal the decision in question. The Authority for Privacy Protection is criticised for not doing so.

The Chief Parliamentary Ombudsman emphasises the importance of a decision-making authority providing information on how to appeal a decision every time there are doubts as to its appealability. [Reg. no. 3721-2023]

**Criticism of Sweden's embassy in London for inadequate service and accessibility in terms of bookable appointments for passport applications**

For some time now, the Parliamentary Ombudsman has been receiving complaints against Sweden's embassy in London regarding long waiting times for passport applications due to a lack of bookable appointment times.

According to the Parliamentary Ombudsman, it appears that there is insufficient capacity in the passport services at the embassy and this has been a major contributing factor to the long waiting times. The information on the website about the restricted booking possibilities should have been clearer, according to the Parliamentary Ombudsman.

The Parliamentary Ombudsman criticises the embassy for shortcomings in its services and accessibility. [Reg. no. 3740-2023]

**Criticism of the City of Gothenburg's Cultural Committee on the grounds that posts on a library's Instagram account did not fulfil the requirements of objectivity and impartiality in the Instrument of Government**

After an author wrote a high-profile newspaper article, a library posted on Instagram that books by the author were being removed from their collection and given away.

According to the Parliamentary Ombudsman, the information the post communicated was incorrect and there was a risk that the library would be perceived as having removed the books because of the opinions expressed by the author. The publication of the post therefore did not fulfil the Instrument of Government's requirements of objectivity and impartiality. A cultural committee is criticised for the incident.

In the decision, the Parliamentary Ombudsman makes a more general statement on the library's engagement on social media and stresses the need for a system that minimises the risk of ill-considered or hasty posts. [Reg. no. 4381-2023]

**Criticism of the Policy Authority for disclosing confidential information from a closed preliminary investigation. Also statements on the obligation on authorities and officials to assist the Parliamentary Ombudsman in an investigation**

A person requested documents from the Police Authority that were from a closed preliminary investigation. Officials gave notice that only the decision to close the preliminary investigation would be disclosed. Despite this, the crime report was disclosed. The crime report contained confidential information which was thereby disclosed. The Parliamentary Ombudsman criticises the Police Authority for this.

The Parliamentary Ombudsman notes that his investigation has not been able to fully clarify what actions preceded the disclosure and states that this is unsatisfactory. In view of the shortcomings in the Police Authority's investigation of the incident and having regard to other observations and experiences in his supervisory activities, the Parliamentary Ombudsman makes statements on the obligation on authorities and officials to assist the Parliamentary Ombudsman in an investigation. [Reg. no. 5614-2023]

**Severe criticism of the Governor of Stockholm County for her behaviour in three recruitment cases which led to a failure to respect the Instrument of Government's requirements of objectivity and impartiality**

On its own initiative, the Parliamentary Ombudsman reviewed the County Administrative Board's processing of three recruitment cases which concerned a head of planning, an organisational developer and a head of department. The review was based on the requirements of objectivity and impartiality laid down in the Instrument of Government, as well as the provisions on conflict of interest in the Administrative Procedure Act.

The Parliamentary Ombudsman concludes that, in all three cases, the County Governor acted in a way that did not respect the requirement of objectivity. In addition, she had a conflict of interest in the case concerning the head of planning. There, the procedure was also flawed in terms of impartiality. According to the Parliamentary Ombudsman, this indicates a lack of concern and a lack of respect for fundamental provisions which aim to maintain public trust in public services. The Parliamentary Ombudsman directs severe criticism against the County Governor for her actions.

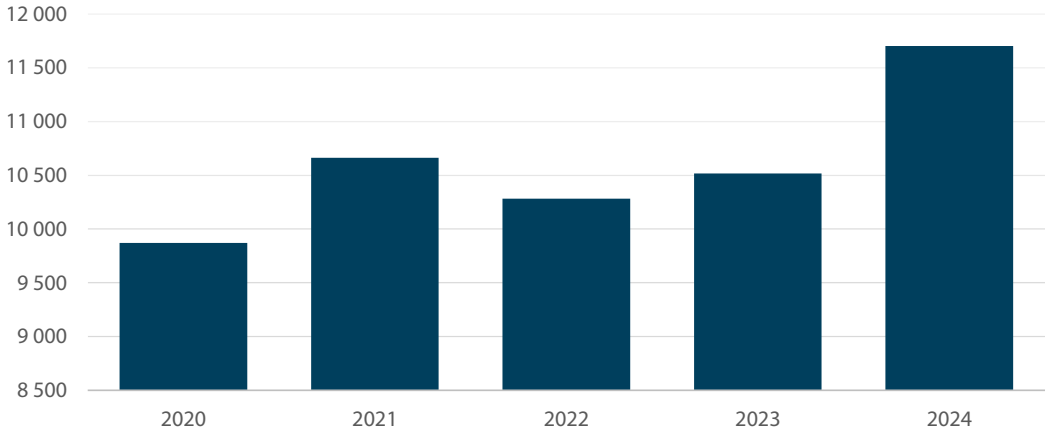
Further, the Parliamentary Ombudsman criticises the County Administrative Board as an authority, because the recruitment of the head of planning was only announced on the authority's physical notice board and for a very limited amount of time, and because the Swedish Public Employment Service was not notified of the recruitment.

The Parliamentary Ombudsman also makes statements on the importance of officials acting with integrity and highlights the risk

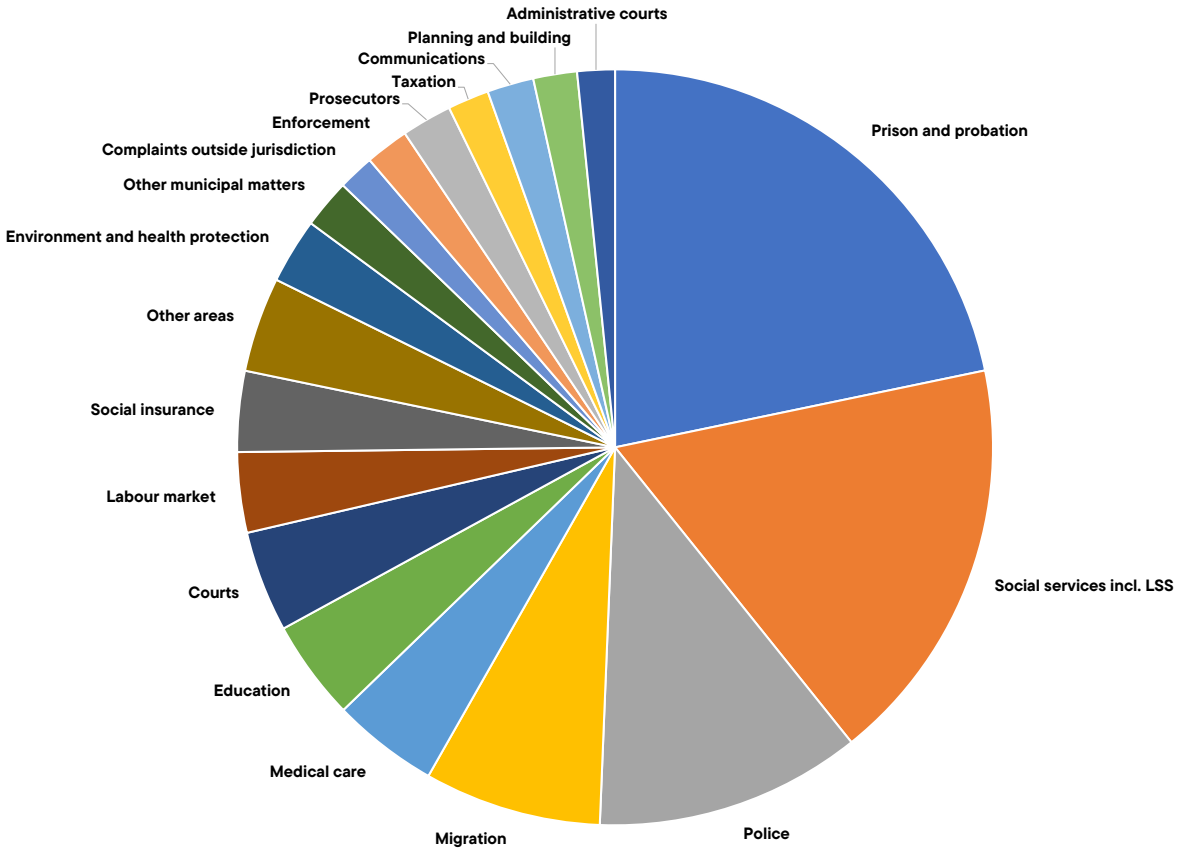
of non-compliance with the provisions of the constitution, including when it is the head of the authority who does not comply with the rules. [Reg. no. 3002-2024]

# Statistics

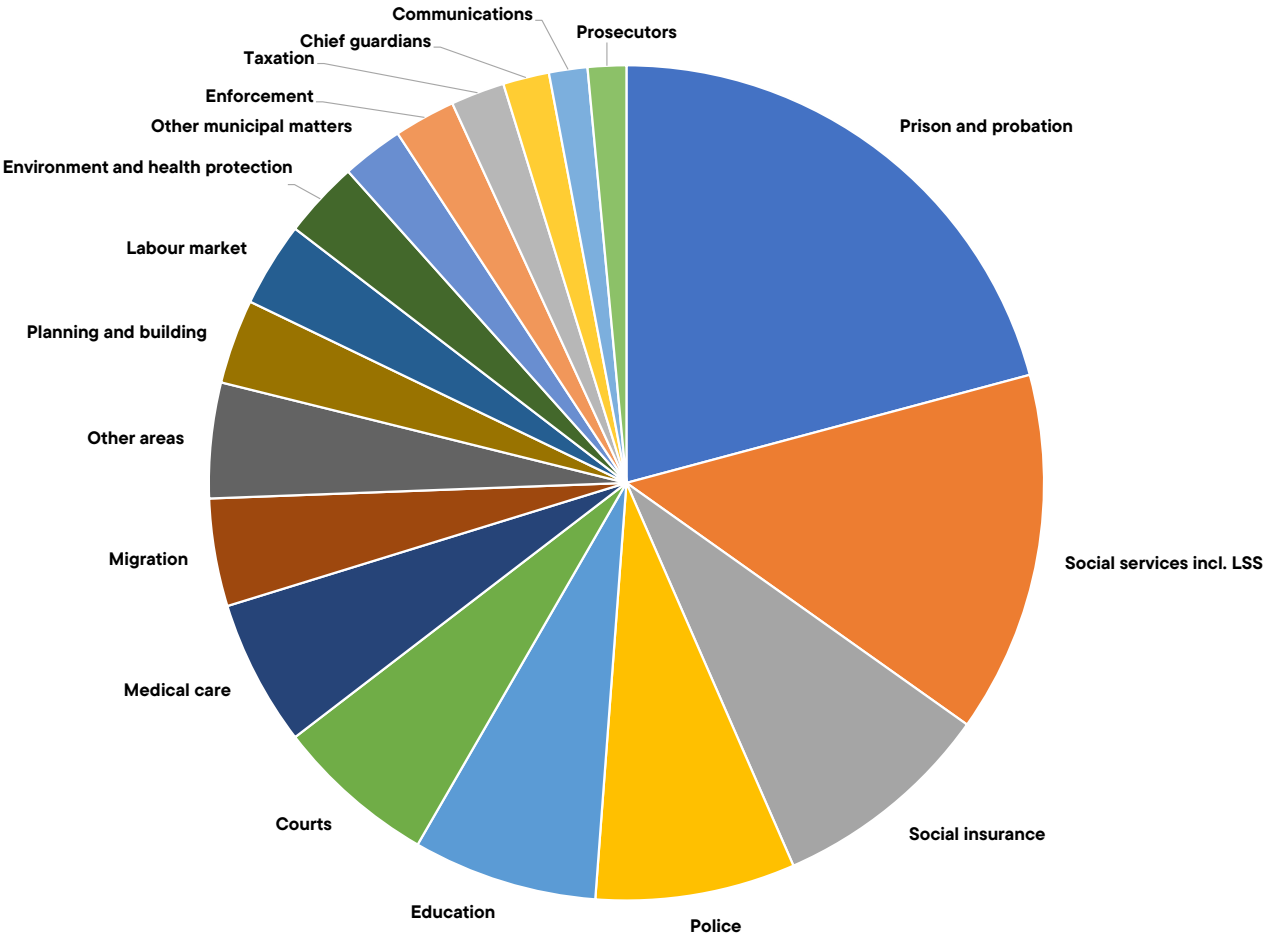
## Development of complaints received and initiatives in the last 5 years




## Registered complaints in 2024



## Distribution of criticism 1 January 2024 – 31 December 2024

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