JO RIKSDAGENS OMBUDSMÄN

Annual Report 2021/22

SUMMARY IN ENGLISH

JO RIKSDAGENS OMBUDSMÄN
THE SWEDISH PARLIAMENTARY OMBUDSMEN

ANYONE CAN COMPLAIN to the Parliamentary Ombudsmen if they believe that a public authority has treated them in a deficient manner.

The office of the Parliamentary Ombudsmen was established in Sweden in 1809 as part of the new constitution that was adopted that year. At that time the Swedish parliament, the Riksdag, decided that it needed an institution that could act on its behalf and independently of the King to make sure that public authorities obeyed the laws and other statutes. In 1810 the Riksdag elected its first Parliamentary Ombudsman.

Since then more than two centuries have passed and the work of the Parliamentary Ombudsmen is still based on the same principles, even though some changes have been made through the years, for instance, the number of Parliamentary Ombudsmen has increased from one to four to cope with the authority's rising workload.

Every ombudsman is responsible for supervision in their own area of responsibility. They are entirely independent in their work and decisions; no Parliamentary Ombudsman can influence the cases of the others.

One of the ombudsmen has the title of Chief Parliamentary Ombudsman and is responsible for administration, deciding, for instance, which areas of responsibility are to be allocated to the other ombudsmen. However, he or she cannot 'intervene' in another ombudsman's inquiry or decision.

Annual Report

2021/22

JO RIKSDAGENS OMBUDSMÄN

THE SWEDISH PARLIAMENTARY OMBUDSMEN

Photos

Photos by Pernille Tofte:

Page 8 - Chief Parliamentary Ombudsman Erik Nymansson
Page 12 - Parliamentary Ombudsman Thomas Norling
Page 18 - Parliamentary Ombudsman Katarina Påhlsson
Page 22 - Parliamentary Ombudsman Per Lennerbrant

Photos by Anders Jansson:

Page 5 - Chief Parliamentary Ombudsman Erik Nymansson
Page 17 - Riksdagen (the Swedish Parliament)

Printed by: Elanders Sverige AB, Sweden, 2022
Production: Riksdagens ombudsmän (JO)

Contents

The Chief Parliamentary Ombudsman's review of the 212th operating year

This authority that I joined a year ago, which is more than 200 years old, is functioning well, and a large number of high-quality decisions have been reported this year too. But like any other authority, we face challenges. The greatest of these is the ever-increasing number of complaints. Before I go into this in more detail, I would like to start by saying that it is pleasing in itself to see that more and more complainants are turning to us. This can be seen as a sign that we enjoy a high level of trust among many people.

The decisions have been important to our complainants, but not just for them; perhaps the Parliamentary Ombudsman's greatest significance in protecting the legal certainty of individuals rests in the quality enhancements at the authorities as a consequence of our decisions.

As has been the case every year over the last decade, the number of complaints received has increased this year too. The increase amounted to about 5 per cent. It may be appropriate to highlight here that the number of complaints received is higher than ever, and has exceeded 10,000 by a wide margin. The main areas where the increases have been greatest in recent years have involved the criminal justice system, the police and healthcare. The past year has been no exception to this long-term trend. The influx of complaints has meant that we have not investigated as many cases as we used to in recent years, and that processing times have become longer, although we are able to see the trend in terms of times being bucked this year.

Many curves are pointing in the right direction. We have settled about 700 more complaints than last year. We have received more complaints than ever, but despite this the outgoing balance has fallen by almost 500 cases, or about a third. The number has decreased from 62 to 29 for the oldest cases – that is, cases more than 18 months old – and the number has almost halved, from almost 140 to just under 70, for cases with a processing time of 12 to 18 months. However, it must be borne in mind that this positive trend is partly explained by the fact that several ombudsmen have deliberately had fewer cases investigated than in the previous year so that they could prioritise the oldest cases. About 500 decisions in total have been made in investigated cases.

In the long term, we continue to face major challenges. In the 1970s, when a decision was made to have four ombudsmen, around 3,000 complaints were received each year. Today, as mentioned, that figure has more than tripled. If the rate of increase remains the same in the present decade as it was over the last ten years, we can expect to receive about 15,000 complaints in 2030. That would mean almost 4,000 complaints per ombudsman, which is about the same number of complaints as four ombudsmen shared as recently as the turn of the millennium.

It is important to ensure that we are not forced to deal with an increasing number of complaints with fewer cases investigated and longer processing times. This would be unsatisfactory in all respects and risk reducing confidence in the Parliamentary Ombudsmen. According to the survey conducted by the SOM Institute in 2021, public confidence in the Parliamentary Ombudsmen has declined slightly compared to the survey conducted by the institute three years earlier. According to the 2021 survey (corresponding figures for 2018 are shown in brackets), 40 per cent (47) have no opinion of the Parliamentary Ombudsmen, and of those who have an opinion, 43 per cent (49) have a very high /fairly high level of confidence, 40 per cent (36) have neither high nor low confidence, and 17 per cent (15) have a fairly low/very low level of confidence. However, the user survey conducted during the year by Kantar Sifo on confidence in the Parliamentary Ombudsmen among social managers and lawyers in the social administration should also be mentioned in this context. According to this survey, as many as 94 per cent of respondents had a fairly or very high level of confidence in the Parliamentary Ombudsmen.

The Parliamentary Ombudsmen must develop their activities in various respects in order to increase efficiency. We took one such step in early 2022, when we abolished the restrictions in our internal regulations on the possibility of delegation that went beyond the regulations in the Parliamentary Ombudsman's Instructions. We have since increasingly delegated decision-making on dismissal cases to the Heads of Divisions, who have recently made decisions on almost a third of all dismissal cases. This increased delegation may allow the ombudsmen to spend more time on the cases they are investigating. We have developed a modern and readily accessible statistical tool that creates better conditions for governance and monitoring. We have also set up working groups that have made proposals on matters such as changed working methods that can simplify case processing; proposals that will be considered starting in autumn 2022.

Another aspect I have had cause to reflect on is the form of supervision in which the Parliamentary Ombudsman engages. This is usually described as extraordinary, i.e. it goes beyond and complements regular supervision. However, this is a modified truth. There is no regular supervision in important areas such as prison and probation services, the police, immigration cases and social security: this role must be assumed by the Parliamentary Ombudsmen as far as possible. I have reason to emphasise "as far as possible", as extraordinary supervision can never replace regular supervision. Areas without regular supervision already account for about 40 per cent of complaints. However, as shown above, the increase in complaints is greatest in many of these areas. If this trend continues, areas without regular supervision could account for more than half of complaints in the not-too-distant future. The question that must be asked now, but especially then, is whether the description of the Parliamentary Ombudsmen's supervision as extraordinary can be considered fair. I feel it is very important for the role of the Parliamentary Ombudsmen as an extraordinary supervisory body is strengthened.

For the first time in nearly 40 years, a parliamentary committee has conducted a major review of the Office of the Parliamentary Ombudsmen. We are confident that

this will place us in a better position to deal with the challenges we face, and we look forward to new and modern legislation being in place.

This year has also been marked by the COVID-19 pandemic, albeit to a decreasing extent. Inspections have had to be carried out remotely or under adapted arrangements, but since March it has been possible to carry them out in the usual way. However, the number of inspections is far from reaching the levels that were seen before spring 2020. The Parliamentary Ombudsmen's Opcat activities have been affected more by the pandemic than other activities. As infection declined, international cooperation gained momentum in the spring of 2022. Activities were also affected by certain pandemic-related mass cases, as they are known, which I discuss in more detail in my general report on my observations in my area of responsibility.

Not only the activities have been affected by the pandemic. Many of the cases that we have examined have their origins in the contagious disease COVID-19. The annual report contains a large number of decisions related to the COVID-19 pandemic in one way or another.

Erik Nymansson
Chief Parliamentary Ombudsman

Erik Nymansson

Chief Parliamentary Ombudsman

MY AREA OF RESPONSIBILITY includes the administrative courts, defence, healthcare, education and research, and tax and national registration. This area also includes public procurement and a number of key authorities such as the Financial Supervisory Authority, the Swedish Companies Registration Office and the Swedish Agency for Economic and Regional Growth. In terms of the number of complaints, the Chief Parliamentary Ombudsman's area of responsibility in supervision is slightly smaller than that of the other ombudsmen, with around 2,000 cases in the last operating year.

The pandemic has shaped the past year in many ways, and this is particularly true in healthcare, my area of responsibility. The number of complaints increased by more than a quarter compared to the previous operating year. Complaints more than doubled compared to the years before the pandemic. I have included in the annual report a large number of decisions that are related to the pandemic in various ways.

One challenge for the Parliamentary Ombudsmen was presented by the 12,000 or so complaints received by the end of 2021 regarding vaccination certificates. Almost without exception, the complaints stated that the introduction of vaccination certificates violated fundamental rights and freedoms. In order to streamline the handling of the many complaints, these were registered in more than ten consolidated cases, as they are known. In the statistics, these complaints have thus resulted in only about ten complaint cases. I decided not to investigate the complaints, partly because I am prevented from examining the government. The complainants were informed of the decision only through its publication on the Parliamentary Ombudsmen's website.

Areas of responsibility

- Adminstrative courts
- The Armed Forces and other cases relating to the Ministry of Defence and its subordinate agencies which do not fall within other areas of responsibility
- The National Fortifications Agency.
- Health and medical care as well as dental care, pharmaceuticals; forensic medicine agencies, forensic psychology agencies; protection from infection.
- The school system; higher education (including the Swedish University of Agricultural Sciences); student finance; The Swedish National Board for Youth Affairs; other cases pertaining to the Ministry of Education and agencies subordinate to it which do not fall within other areas of responsibility.
- Income and property tax, value added tax, fiscal control, with the exception, however, of the Taxation Authorities Criminal Investigation Units as laid down in the Act on the Participation on the Taxation Authority's Crime Fighting Activities; tax collection.
- Excise duties and price-regulating fees, road tax; service charges; national registration (including cases concerning names); other cases connected with the Ministry of Finance and its subordinate agencies which do not fall within other areas of responsibility.
- Public procurement, consumer protection, marketing, price and competition within industry and commerce, price regulation, cases concerning limited companies and partnerships, trade names, trade registers, patents, trademarks, registered designs, and other cases pertaining to agencies subordinate to the Ministry of Industry, Employment and Communications which do not fall within other areas of responsibility.
- The Agency for Public Management; the National Financial Management Authority; the Legal, Financial and Administrative Services Agency, the National Appeals Board, the National Claims Adjustment Board; the National Agency for Government Employers, the Arbitration Board on Certain Social Security Issues; the National Property Board; the National Government Employee Pensions Board, the National Pensions and Group Life Insurance Board; the Financial Supervisory Authority, the Accounting Standards Board; the National Institute of Economic Research; Statistics Sweden; the National Disciplinary Offense Board.
- The Equality Ombudsman; the Board against Discrimination.
- Cases that do not fall within the ambit of the Parliamentary Ombudsmen; documents containing unspecified complaints.

Stringent demands were made of the organisation to register all these complaints and review them before decisions could be made. The complaints were submitted electronically and were very similar in content. In many ways, the whole thing is similar to the protest lists that are produced to show dissatisfaction with various decisions, and the increase in the number of complaints was reported almost daily in the mass media. I understand that mass protests to the Parliamentary Ombudsmen may have an impact on opinion-forming, and that for some this may have been the main reason why they submitted complaints. But for the Parliamentary Ombudsmen's activities, this means a heavy administrative burden and that other urgent cases have to be given lower priority. I found then, and find again, reason to express a certain degree of concern about the development, and I hope that the Office of the Parliamentary Ombudsmen will not become a place to show dissatisfaction in this way. Not that it is wrong to send us complaints. On the contrary: that is what we are here for, and this is

our priority activity. The problem is the large number of complaints on one and the same issue. It must be borne in mind that the Parliamentary Ombudsmen are engaged in judicial review. For the purposes of this review, it is irrelevant whether 1 complaint or 10,000 complaints are received on the same issue. The decision resulting from the individual complaint or the large number of complaints will be the same.

The Parliamentary Ombudsmen's efforts to increase legal certainty in society are largely carried out through ex-post control. This inevitably leads to a delay between what the complaint relates to and the decision that results from it. This delay may not always be of such great importance if we emphasise the protection of the individual's legal certainty that the Parliamentary Ombudsmen's general quality-enhancing work entails. However, the opposite could be said for complaints arising from the pandemic. This is an single health and social crisis, the worst phase of which we have hopefully passed through. It might be thought that the issues it raised and the circumstances that were then the subject of much concern and discussion have lost their relevance, and that this shows the weakness of ex-post control, which is naturally a little slow. However, I would argue that many of the decisions I have chosen to report on in this annual report have a general validity beyond the pandemic and may serve as guidance in other areas as well, and perhaps in particular in other crises. By way of example, I can refer to a decision in which my predecessor, Chief Parliamentary Ombudsman Elisabeth Rynning, stated that there are no legal grounds for deciding on general restraining orders in voluntary healthcare. In another decision, I noted that by removing the option for digital booking of COVID-19 vaccinations, a region had prioritised its own residents over patients from other regions, thereby failing to meet its obligation under the legislation to offer open healthcare to patients from other regions as well.

We can expect other pandemics to follow the COVID-19 pandemic. Highlighting and addressing pandemic-related complaints provides guidance for such reviews in future. What I have often found in my decisions is that the legislation has not taken into account the challenges following on from a pandemic. I am not alone in having realised this, and the government has set up a number of investigations to review the legislation. This has prompted me to send copies of a number of decisions to the investigation on statutory preparedness for future pandemics. One such example is a decision where the question was whether there were legal grounds for a regiment to isolate conscripts in view of the risk of the spread of COVID-19. Another decision related to a region's handling of COVID-19 vaccinations among people aged 65 or above. In these decisions, I have had cause to criticise authorities for failing to comply with the rules in force, but at the same time I have raised the question of whether the legislation should not be reviewed and that the fact that the rules are not adapted to a pandemic presents a fundamental flaw. This shows that there is enormous value in the Parliamentary Ombudsman's complaints handling. The overview that we gain in this way of the problems that people face and that authorities cannot always respond to means that we can provide the legislator with specific examples of cases that the legislation has not taken into account.

A large number of complaints have been received concerning the Swedish Agency for Economic and Regional Growth's handling of furlough funding. I issued a decision of criticism in relation to the way in which this was handled, which I then referred to in subsequent dismissal decisions when the complaints concerned similar shortcomings. In the decision, the Swedish Agency for Economic and Regional Growth was severely criticised for its delay in submitting appeals to the administrative court. In the decision, I referred to elements such as an opinion on the memorandum entitled Tillfälliga nedstängningar och förbud för att förhindra spridning av sjukdomen covid-19 (Temporary closures and bans to prevent the spread of COVID-19), in which the Parliamentary Ombudsman stressed the importance of the authorities that are tasked with handling various support measures having the knowledge, system solutions and staffing to be able to handle the cases in a prompt and legally secure manner.

The pandemic has highlighted the opportunities that digital services can offer, but also the impact on people who are digitally excluded. In my contacts with ombudsmen in other European countries, I have realised that this is an issue that is being widely discussed these days. In many quarters these problems are perceived to have increased with and after the pandemic as a result of increasing digitalisation. I can also see in my own review that this is a problem that we have in Sweden as well. By way of example, I can cite the handling of testing for COVID-19, where some regions required a mobile bank ID to be able to book a test appointment at all. Another example is a case where the Swedish eHealth Agency prioritised a digital solution for issuing vaccination certificates, which required the individual to have e-ID. I pointed out that by no means all individuals are used to, or trust, digital tools and services, and that some individuals have no opportunity to use e-ID, for example. However, the authorities must be accessible and provide appropriate communication channels for these people as well. In another decision, I criticised the Swedish Companies Registration Office for refusing to accept cash payment for the disclosure of copies of official documents. There may be reason for me to pay particular attention to problems related to digital exclusion in the coming year.

As regards the general administrative courts, I note that they still have problems with excessively long processing times in many respects. A number of cases in recent years show that while the courts have certainly made considerable efforts to redress the balance of cases and reduce their processing times, the problems persist; and have worsened in some cases. This is a very troubling development. This is why I have reason to pay particular attention to the processing times of the administrative courts in the coming year's inspection activities and elsewhere.

Thomas Norling

Parliamentary Ombudsman

THE ISSUES WITHIN MY AREA of responsibility relate to social security and social services, including compulsory care for substance abusers and young people. Supervision in this area of responsibility also covers cases concerning application of the Act on Support and Services for those with Disabilities (LSS) and labour market cases.

In last year's annual report, I included decisions that illustrated in various ways the problem of authorities sometimes taking actions that lack constitutional support, or where they have not always understood the legal implications. I concluded then that there is a risk of the problems becoming serious when regulations are set aside and more practical solutions are sought.

In this year's annual report, I have included decisions that underline in various ways the importance of the individual being made aware that an authority has made a decision and what it means for him or her.

Many of the measures on which decisions are made by the authorities are highly intrusive for the individual. That is why it is important for the authorities to make it easier in various ways for individuals to exercise their interests and pursue their cases. This means that it must be clear to the individual that the authority has made a decision.

In the preparatory work for the Administrative Procedure Act, the starting point is that modern administration should be characterised by a clear citizen perspective, with stringent demands for good service. Regardless of whether or not a case involves the exercise of public authority over an individual, all the procedural rules of the Act apply to all case management. In its review, the Parliamentary Ombudsman checks that the principles of administrative law have been followed, but also that the authorities have complied with the formal requirements

Areas of responsibility

- Application of the Social Service Act, the Act on Special Regulations on the Care of the Young (LVU) and the Act on the Care of Substance Abusers in Certain Cases (LVM).
- Application of the Act on the Provision of Support and Service for Person with Certain Functional Impairments (LSS).
- The Children's Ombudsman.
- National insurance (health insurance, pension insurance, parental insurance and work injuries insurance, housing allowances and other income-related benefits, child allowances, maintenance advances etc.); the Social Insurance Inspectorate; the National Pensions Agency.
- Other cases pertaining to the Ministry of Health and Social Affairs and agencies subordinate to it which do not fall within other areas of responsibility.
- The Public Employment Service, the Work Environment Authority; unemployment insurance; other cases pertaining to the Ministry of Employment and agencies subordinate to it which do not fall within other areas of responsibility.

concerning factors such as documentation, communication and the justification and notification of decisions. When a decision that can be appealed is made, the individual must also be informed of how to do that. An authority cannot choose for itself which requirements of the Act it feels capable of meeting at any given time, or the degree to which the authority feels it needs to comply with the requirements in each individual case.

The term "processing" covers all the measures undertaken by an authority, from the opening of a case to its closure by means of a decision of some kind. The decision can be viewed as a statement on the part of the authority that is intended to have an actual impact on a recipient in the individual case.

In a number of cases involving the Parliamentary Ombudsman during the year, the question has been whether the authority under review has made a decision at all, or whether it has simple undertaken an administrative action of some kind, for example. From a legal certainty perspective, it is important for the individual, but also the authority, to understand the difference. There are problems here that are not new.

For instance, I have previously criticised the Public Employment Service for failing in its service duty when it failed to inform an individual about the authority's categorisation of various applicant categories and that other benefits, allowances and support decided upon by other authorities could be affected by the categorisation. When different regulatory systems are interlinked in this manner but managed by different authorities, it places more stringent demands than would otherwise be the case on the responsible authorities to ensure that individuals are assisted in pursuing their interests.

Various initiatives – such as labour market training – under the Job and Development Guarantee programme are one example of an instance in which individuals may have difficulty knowing whether an appealable decision has been made, and what this actually means. It is not uncommon for me to receive complaints against the Public Employment Service relating to the fact that such initiatives have been interrupted by the authority's decisions. The problem has

been to determine what kind of action the authority takes when the initiative is interrupted. The Supreme Administrative Court (SAC) clarified the legal situation in a judgment on 2 May 2022. The judgment concerned the issue of whether it was correct for the Public Employment Service to reject an appeal against a decision to interrupt such an action (SAC 2022, note 12). According to the SAC, a decision to access a particular initiative is based on a discretionary assessment of what is appropriate for the individual to participate in, and of his or her ability to participate in the initiative. In other words, the regulatory framework does not imply a right for the individual to be assigned a particular initiative. A decision to discontinue the initiative in question does not affect either the individual's referral to the Job and Development Guarantee programme or his or her remuneration for participation in it. The implication of the ruling is that the Public Employment Service makes a decision when it interrupts the initiative, but that a court is prevented from hearing an appeal against the decision for examination of the case.

In one case, I criticised the Swedish Social Insurance Agency for failing to inform a mother of the measure to reduce the number of days of parental benefit after her child's fourth birthday when the reduction was due to the fact that days were reversed following a recovery of funds against the father. I noted that an amendment in a parent's days of parental benefit has no independent legal effect in itself but may affect the parent's planning of his or her leave to care for the child and his or her leave under the Parental Leave Act. I was therefore of the opinion that such an amendment constituted a decision in a case. The Swedish Social Insurance Agency should therefore have notified the mother of the amendment (reg. no. 4734-2019).

There are also other factors that may make it difficult for the individual to understand whether the authority has actually made or intends to make a decision on a case. The problem in this case may be due to the fact that the individual has not been notified of the content of a forthcoming decision and has not been given the opportunity to comment on it (reg. 455-2020). However, it may also be related to the way in which the decision is drafted; that it lacks a clarifying reason for the decision, for example. What is covered by a decision must be stated clearly if an authority has made several decisions in a short period of time that relate to different periods. Furthermore, it is important for an authority to be clear about the difference between turning down and rejecting an application, and that an application is rejected only when it is not possible to examine it on its merits (reg. no. 5429-2019).

Another difficulty that I have noted in a number of cases during the operating year relates to provisional decisions made by the authorities; that is to say, decisions made during the processing of a case pending a final decision being made by the authority. In one case concerning entitlement to sickness benefit, the Social Insurance Agency had made provisional decisions on eleven occasions. On only two of these occasions was the individual informed that the decisions were provisional. The large number of decisions in the case showed that processing had not taken place with the required promptness, and that the individual had spent longer than was necessary uncertain about the authority's final assess-

ment (reg. no. 513-2020). In the spring of 2022, I performed an inspection of the Swedish Social Insurance Agency in order to follow up on this decision and other matters, and to examine the authority's handling of provisional decisions in cases relating to sickness benefit (see the report on case no. 1551-2022).

A very common problem for which Parliamentary Ombudsmen often have reason to criticise the authorities is that processing takes a long time and that individuals are not told when a decision can be expected. In a decision concerning the Swedish Pensions Agency, I was critical of the Agency's processing times in cases concerning housing supplements. Although I had already directed severe criticism at the Swedish Pensions Agency in 2019, there was reason for me to question whether the measures undertaken were sufficient (reg. no. 5920-2020). In another case, I criticised the Swedish Pensions Agency for its lack of accessibility and service (reg. no. 568-2021). In that decision, I stated that a key element of the requirements defined for good administration is that an individual who contacts an authority should not only receive a decision within a reasonable time, but also that he or she should also be able to get in touch with the authority with regard to the decision. In this context, I would like to refer to a decision made by my colleague, Parliamentary Ombudsman Per Lennerbrant, which he has included in this year's annual report (reg. no. 3869-2019). The case in question related to recovery of funds; that is to say, a decision that was onerous for the individual and that was made following an individual assessment. A decision of this nature on recovery of funds is such that the individual typically has an interest in knowing who made the decision. Based on the citizen's perspective that should characterise the public administration, Parliamentary Ombudsman Per Lennerbrant was of the opinion that the name of the decision-maker should be indicated directly in the document which is used to notify the individual of the decision to recover the funds. The Swedish Pensions Agency was criticised as the notification sent to the individual did not indicate the name of the decision-maker.

Finally, I would like to mention an extensive project that I ran in the spring of 2022 and which related to the issue of how social services in six major municipalities process cases relating to restricted access under Section 14 of the Act with special provisions regarding the care of young persons, LVU (reg. no. 822-2022).

A decision to restrict a child's contact with their guardian or parent must be considered carefully and be necessary for the purpose of LVU care. The deciding factor should be what is the child's best interests. I was critical of factors such as the fact that the municipalities' decisions were not always sufficiently clear on the matter of how access had actually been restricted. For instance, whether the decision was to be permanent or temporary was not clear. Moreover, in some cases the decision did not answer key questions about when and how often contact could take place, how long it could continue on each occasion, or whether it was conditional; by requiring a support person to be present at the contact sessions, for example. Social Welfare Boards also have the power to restrict the guardian's or a parent's contact with the child over the phone or by letter, and this must of course be stated in the decision, if necessary. I found that

some of the decisions reviewed were unclear in other ways as well. In the decision, restrictions according to the rules were mixed with various kinds of rules of conduct; for example, that a certain activity should take place during each visit, or that a guardian or parent should not speak badly of the family home or raise questions with the child about moving home. I was critical of the fact that the boards did not make a distinction in this respect. When other rules are introduced which the guardian or parent has to comply with during the contact session itself, he or she may be under the mistaken impression that these rules are also part of the access restriction that has been decided. For the boards to contribute to uncertainty in this manner is unacceptable and should be avoided, not least for reasons of legal certainty.

Katarina Påhlsson

Parliamentary Ombudsman

MY SUPERVISION COVERS the general courts, the regional tenancies and regional rent tribunals, the prison and probation system, planning and building, environmental and health protection matters and the chief guardian authorities. This area includes a number of national authorities such as the Swedish Enforcement Authority, the Swedish National Courts Administration, the Crime Victim Compensation and Support Authority, the Swedish Board of Agriculture and the Swedish Environmental Protection Agency. By far the largest case group in my area of responsibility concerns the prison and probation system.

The COVID-19 pandemic has been affecting society for a few years now, presenting major stresses and challenges for individuals and authorities alike. This has of course been reflected in the cases dealt with by the Parliamentary Ombudsmen. In the particular area of supervision for which I am responsible – although it has certainly not been all that common for complainants to raise issues directly related to the pandemic – a lot of my cases still concern the impact and consequences of the pandemic.

Over the past year, I have focused to an extent on the constitutionally protected right for a trial to be conducted within a reasonable time. I noted in the last annual report that the number of complaints concerning long processing times in the general courts had increased, and I feared then that this trend would continue. And this is what actually happened. Nevertheless, the general courts have managed to settle many cases. While the number of criminal cases filed has followed the previous trend of steady increase, more cases of this kind have been settled than before. However, there is evidence to suggest that it has been mainly the simpler or less resource-intensive cases that have been decided to a greater

Areas of responsibility

- Courts of law, the Labour Court; Ground Rent and Rent Tribunals; the National Courts Administration.
- Prison and Probation Service, the National Prison and Probation Board and probation boards.
- The National Legal Aid Authority and National Legal Aid Board, the Crime Victim Compensation and Support Authority, the Council on Legislation; the Data Inspection Board, petitions for mercy submitted to the Ministry of Justice; other cases concerning the Ministry of Justice and its subordinate agencies that do not fall within other areas of responsibility.
- Cases concerning guardianship (i.a. Chief Guardians and Chief Guardian Committees).
- The Enforcement Authority.
- Planning and building, land survey and cartography agencies.
- Environmental protection and public health; the National Environmental Protection Agency; the Chemicals Agency; other cases connected with the Ministry of the Environment and its subordinate agencies.
- Agriculture and forestry, land acquisition; reindeer breeding, the Sami Parliament; prevention of cruelty to animals; hunting, fishing, veterinary services; food control; other cases agencies subordinate to the Ministry for Rural Affairs and its subordinate agencies which do not fall within other areas of responsibility.

extent, while the more complex cases are said to have been delayed to some extent during the pandemic due to the cancellation of hearings.

The turnaround times in some areas of the general courts have become longer as a result of the increase in the influx of cases. This is particularly true for the courts of appeal. Prolonged processing times are unacceptable for individuals, and legal certainty. In the statements I have made following a district court inspection in the spring, and in a major decision of principle, I have particularly emphasised the responsibility of the head of the court to ensure that the court is organised in a manner that creates conditions for efficient handling, and also that there are clear procedures and priorities in the activities. The inspection report can be found on the website of the Parliamentary Ombudsmen (reg. no. 1812-2022).

Of course, the pandemic continued to affect conditions for people deprived of liberty in the criminal justice system. Inmates in remand prisons and prisons have little opportunity to influence their own life situations and are dependent on the Swedish Prison and Probation Service taking appropriate and proportionate action in a crisis while maintaining legal certainty. I have made more general statements on this in previous decisions. I have now also completed an in-depth review of the legal conditions for decisions on segregation on the grounds of suspected or confirmed COVID-19 infection among inmates. In the decisions, I also discussed matters such as the opportunity for the Swedish Prison and Probation Service to rely on the provisions of the Communicable Diseases Act on voluntary measures to prevent the spread of a disease endangering the public in remand prisons and prisons.

I shared the views of the Swedish Prison and Probation Service in some respects, but I was severely critical of one institution. At that facility, inmates are forced to share cells due to a lack of places, and when the prison was affected by the spread of infection, the Swedish Prison and Probation Service did not separate the people who were infected from the people who tested negative. As a result, inmates who were not infected were locked in cells together with inmates who were ill. I considered this to be inhumane. Nor could the procedure be considered compatible with the provisions of the Act on Imprisonment, the Communicable Diseases Act or the European Prison Rules.

Shortly before the pandemic struck in spring 2020, the Director-General of the Swedish Prison and Probation Service had decided on a change in the regulations for the handling of inmates' financial resources. This decision meant that inmates in prisons were essentially no longer allowed to receive or hold funds other than that paid by the Swedish Prison and Probation Service. Nor are inmates in remand prisons allowed to receive external funds any longer. This immediately gave rise to a large number of complaints. Complaints concerned the inability of people deprived of their liberty to buy phone cards, stamps, refreshments for visiting relatives, pharmacy products and goods to supplement the meals provided. It was also argued that inmates would not have the ability to pay for dental care and spectacles or copies of official documents. Finally, several complainants mentioned that the lack of employment in both remand prisons and prisons limits the opportunities for inmates to obtain financial resources. I decided to investigate the issues within the framework of an enquiry.

In my decision of 23 September 2021 in what is known as the "deposit case", I ruled on the legal support for the authority's measures, how the new regime had been implemented and the consequences that the decision could have for inmates. This decision is available to view on the website of the Parliamentary Ombudsmen (reg. no. 2585-2020).

The occupancy situation in the Swedish Prison and Probation Service was strained even before the outbreak of the virus, and it is still under pressure. This may possibly explain why the number of complaints against the authority has increased in this operating year as well. I researched issues related to overcrowding in some detail in connection with last year's submission of the annual report to Parliament. I have since noted that the Swedish Prison and Probation Service is not entirely capable of enforcing statutory time limits relating to people deprived of their liberty. According to the Terms of Imprisonment Act, the period of placement of inmates in remand prisons with an enforceable custodial sentence may not be longer than necessary and may not exceed seven days, unless there are special reasons. The period may not exceed 30 days even where such reasons exist. Despite this absolute deadline, there are waiting periods of two to three months before an inmate is transferred to a prison. I severely criticised the authority in one such case. In the light of what had emerged in the case and information in other complaints, I have launched a specific review of the matter, which includes mapping the extent of the problem. I will have cause to come back to this next year.

The Parliamentary Ombudsmen are specifically tasked with ensuring that courts and administrative authorities comply with the provisions of the Instrument of Government on impartiality and objectivity in their activities. Maintaining what is known as the principle of objectivity in public activities is key to citizens' trust in the authorities. This principle is also of crucial importance if individuals are to enjoy their rights, and this is found elsewhere in the legislation. For instance, the disqualification rules in the Administrative Procedure Act help to implement the principle of objectivity in practice.

This year's annual report contains a number of decisions from different parts of my supervisory area that relate to the principle of objectivity in one way or another. There is reason to emphasise that I have not seen any evidence of general inadequate application. Instead, the decisions are reproduced to illustrate, among other things, that this fundamental principle can be brought to the fore in a wide variety of issues and legal contexts. Moreover, these cases show that the principle not only covers how a case has actually been handled or the actual reasons behind a decision. The mere risk that others may feel that objectivity and impartiality are not respected, or that a procedure is likely to affect the confidence of the individual in the particular case, may be enough for an act to be deemed incompatible with the relevant requirements.

Photo of Parliamentary Ombudsman

Per Lennerbrant

Parliamentary Ombudsman

This year, my supervision has included public prosecutors, the police and the customs service, foreigners' cases at the Swedish Migration Agency, the foreign affairs authorities, the communications service and local administration that is not specially regulated. I have conducted reviews in many urgent and interesting cases together with my colleagues.

Society has been greatly affected by the COVID-19 pandemic during the past year. I have been able to see the effects of this in my supervisory activities. This included, for example, complaints about vaccination certificates and how the Swedish Migration Agency handled the spread of infection in its detention centres. The pandemic entered a new phase in the spring of 2022, and many restrictions that had affected people's day-to-day lives were lifted. This was also reflected in the complaints received. The complaints relating to the Police Authority's difficulties in coping with the increased demand for passports were perhaps the clearest example of this. Special events in society often lead to complaints being submitted to the Parliamentary Ombudsmen. This was the case with regard to what are known as the Easter riots that took place in several Swedish cities, which led to a large number of complaints against the Police Authority. Moreover, the changing security situation in Afghanistan and the war in Ukraine are world events that have led to complaints being submitted to the Parliamentary Ombudsmen for various reasons.

Other issues raised in the complaints have recurred from previous years. One such issue relates to long processing times. The Parliamentary Ombudsmen have received many complaints about the Police Authority during the year regarding the processing times in cases relating to weapons and – as I mentioned – passports, for example. I have conducted a review of the processing of

Areas of responsibility

- Public prosecutors; the National Economic Crime Authority; The Taxation Authority's Criminal Investigation Units as laid down in the Act on the Participation of Taxation Authorities in Criminal Investigations.
- The Police force; The Commission on Security and Integrity Protection.
- Customs authorities.
- Communications (public enterprises, highways, traffic, driving licences, vehicle registration, disabled transport services, roadworthiness testing).
- The Arts Council, The National Heritage Board, National Archives; museums and libraries: The Broadcasting Authority; local music schools, other cases pertaining to the Ministry of Culture and agencies subordinate to it.
- Municipal administration not covered by special regulations.
- Cases involving aliens, not including, however, cases heard by migration courts; citizenship issues and cases relating to the integration of immigrants.
- Rescue services, applications of the regulations relating to public order; lotteries and gambling, licences to serve food or drink, car dismantling.
- Other cases dealt with by the County Administrative Boards that do not fall within other areas of responsibility.
- Housing and accommodation (supply of accommodation, home adaptation grants, accommodation allowances not included in the social insurance scheme); the National Board of Housing, Building and Planning; the National Housing Credit Guarantee Board.
- Cemeteries and burials, government grants to religious denominations.
- Government activities outside Sweden; the International Development Cooperation Agency; the National Board of Trade; the Swedish Institute; other cases pertaining to the Ministry for Foreign Affairs and agencies subordinate to it.
- The Riksdag Board of Administration, the Riksbank, the National Audit Board; general elections.
- Cases pertaining to the Prime Minister's Office and agencies subordinate to it which cannot be allocated to the areas of responsibility to which they pertain from the point of view of their subject matter.
- Other cases which do not fall within areas of responsibility 1–3

cases relating to weapons. On the basis of my observations from the review and what was put forward in the complaints, I am concerned about the ability of the Police Authority to cope with tasks of this kind. The same is true of preliminary investigations, particularly into financial crime, where processing times are often unacceptably long and offences often risk becoming statute-barred before the investigation is completed. I have also witnessed long processing times at the Swedish Migration Agency.

It is important for the authorities concerned – but also for the Government and Parliament – to keep processing times to a reasonable level. One of the cornerstones of the Administrative Procedure Act is that cases should be processed as quickly and as efficiently as possible without compromising legal certainty.

Excessively long processing times by the authorities also occurred on disclosure of documents. The right of access to official documents is of fundamental importance in our society for the freedom to form democratic opinions, among other things. It also aims to promote legal certainty and administrative efficiency. The basic principle is that a document has to be disclosed immediately after a request has been made. From the cases I have handled during the year, it has become clear that the authorities do not always comply with this and that

overall awareness – not least among municipalities – of what rules apply does not appear to be sufficient. Such a lack of awareness may in practice constitute a restriction of the principle of public access to official documents.

The provision of the Instrument of Government stating that public officials must observe objectivity and impartiality was raised in a number of complaints. I have criticised shortcomings in a couple of cases. I have also seen cases where there was no basic understanding of the implication of the provision. The annual report contains a telling example of this (reg. no. 8485-2021). There may of course be due cause for a number of authorities to provide further training to their staff on what being objective and impartial involves.

It is not uncommon for problems at one authority to have repercussions among other authorities, which in turn can have adverse consequences for individuals. One example is the high occupancy rate in the Swedish Prison and Probation Service, which in some cases has limited the Swedish Migration Agency's ability to place detainees in secure custody. In one case that I examined, this resulted in a migration detainee being forced to stay in police custody for an unacceptably long time.

I have also witnessed problems when authorities interact with one another. It is not uncommon for law enforcement agencies such as the Police, the Swedish Customs Service and the Swedish Tax Agency to work together. In several cases, I was able to establish that the officials involved were not clear about the framework of their own authority's powers, leading to the use of coercive measures without legal grounds for doing so, among other things. Cooperation among authorities can be effective and have a number of benefits, but of course this must always take place in a lawful manner.

I have launched or completed several reviews during the year that relate to children and the application of the Convention on the Rights of the Child. In the context of an inspection at the custody suite in Malmö, I examined how the Police Authority applies the rules in force since 1 July 2021 on how children who are arrested or detained by the order of a prosecutor can be held in custody. I intend to continue reviewing society's actions relating to children.

Complaints about the use of coercive measures by the criminal investigation authorities are common at the Parliamentary Ombudsmen, and this year was no exception. The Parliamentary Ombudsmen bear particular responsibility for safeguarding the rights and freedoms of individuals. Many complaints related to the police searching individuals or vehicles for weapons or other dangerous objects, applying the provisions of the Police Act for crime prevention purposes. Such coercive measures are therefore taken with no specific suspicion of a crime. The complaints often involved allegations that actions by the police were unwarranted and based on profiling of the individual on the basis of ethnic origin, for example.

In a previous review, I noted that there are shortcomings in the provisions in question and that they may be difficult to apply, which risks undermining the protection offered by the Instrument of Government against body searches and searches of premises. This is why I made a request to the Government for a

review of the regulation. As a follow-up to my earlier review, I launched a broad review early this summer of the urgent issues relating to legal certainty that are associated with the use of body searches and vehicle searches by the police for crime prevention purposes. I am aiming to be able to present the conclusions of the review during the current operating year.

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 July 2021 to 30 June 2022.

Armed forces

Question of whether there were legal grounds for a regiment to isolate conscripts in view of the risk of the spread of COVID-19

When a number of conscripts in a Life Guards platoon were found to be infected with COVID-19, the regiment decided to isolate all of the platoon's conscripts, including those without symptoms of disease. The conscripts were placed in single rooms in student accommodation and were instructed to stay there for several days. No physical activity was offered. The Swedish Armed Forces argued that the measure was supported by the National Total Defence Service Act, which states that anyone performing military service is obliged to endure restrictions on their personal freedom to the extent required by the activity.

The Chief Parliamentary Ombudsman states that the measure cannot be regarded as having been based on voluntary action on the part of the conscripts, and that the action bears a strong resemblance to deprivation of liberty.

The regulations in this respect allow the Swedish Armed Forces to take action that may restrict conscripts' freedom of movement. However, the Chief Parliamentary Ombudsman notes that neither the act in question nor its preparatory works indicate that the Swedish Armed Forces should be able to isolate individual conscripts in that manner pursuant to the provision in question. Certainly, it could be argued that such measures also fall within the scope of the act, given the general wording. However, in the opinion of the Chief Parliamentary Ombudsman, this type of interpretation is very far-reaching, and he questions whether such an application satisfies the requirement of predictability imposed on all legislation relating to interference in the affairs of individuals. The Chief Parliamentary Ombudsman therefore has serious doubts as to whether the regulations allow the Swedish Armed Forces to take action as intrusive as enforcing prolonged isolation of conscripts in view of the risk of spreading infection.

The circumstances also indicate that the regiment failed to conduct individual assessments in connection with the isolation of non-symptomatic conscripts, which in the opinion of the Chief Parliamentary Ombudsman ought to have taken place. The Chief Parliamentary Ombudsman is critical of the fact that there were no clear procedures on whether the conscripts who were isolated could have outdoor access and access to physical activity. (Reg. no. 9432-2020)

The matter of people obliged to do National Service in violation of the Instrument of Government have been forced to express their political views, etc.

The questions asked in the Swedish Defence Conscription and Assessment Agency's enrolment documentation included questions on whether the person obliged to do National Service thinks it is important for Sweden to defend itself and whether it is good that we have compulsory military service so that we have the opportunity to defend Sweden and one another. The person obliged to do National Service is obliged to answer the questions truthfully.

In the decision, the Chief Parliamentary Ombudsman addresses the matter of whether answering the questions means that people obliged to do National Service have been forced to express their political views in violation of Chapter 2, Section 2 of the Instrument of Government. The Chief Parliamentary Ombudsman reflects on what is meant by the concept of political views, and concludes that the concept is most closely synonymous with a person's view or opinions on political matters. According to him, the answers to the questions are an expression of political opinion. This means that people who have responded to the questionnaire have

been forced to express their political views in violation of the above-mentioned provision.

The Chief Parliamentary Ombudsman also makes certain statements on the interpretation of the concept of personal circumstances in Chapter 2, Section 1 of the Total Defence Service Act. (Reg. no. 461-2021)

Chief guardians

The Parliamentary Ombudsman directs severe criticism towards the Stockholm Chief Guardian Board for processing a case concerning the management of certain property pursuant to chapter 13, section 2 of the Children and Parents Code etc.

In June 2012, the Chief Guardian Board was informed that two underage children owned property in the form of assets in bank accounts exceeding eight price base amounts. As a result, the rules on so-called controlled management pursuant to the Children and Parents Code applied, however, the board took no action apart from sending out a letter to the children's guardians. Three years later, the Chief Guardian Board learned that the children's father had died. It was not until May 2016 that the board requested information from the bank and was informed that the children's bank accounts had been closed in 2012. In November 2016, the Board appointed a trustee pursuant to chapter 11, section 2, third paragraph of the Children and Parents Code in order to, among other things, supervise the minors' rights in an investigation into the missing money. In January 2018, the trustee requested a dismissal from her assignment. She was dismissed a year later and at the same time a new trustee was appointed with the same assignment.

In the decision, the Chief Guardian Board receives severe criticism for, among other things,

- 2012–2016 failing in its supervision of how the parents managed the children's assets and neglecting to process the case
- in the appointment of the trustees acting beyond its authority and in violation of the principle of legality that is set out in chapter 1, section 1 of the Instrument of Government and section 5 of the Administrative Procedure Act
- failing in its supervision of the activities of the first trustee and
- taking more than a year to make the decision to dismiss the trustee. (Reg. no. 2648-2019)

Communications

The Parliamentary Ombudsman directs criticism towards the Technical Board in Malmö municipality for deficient processing in a case concerning the moving and dismantling of a vehicle

A municipal board decided to move an incorrectly parked vehicle and the measure was implemented immediately. The board made the assessment that it was a question of a vehicle wreck and dismantled the vehicle. The vehicle was registered in Denmark, and the board did not make any attempt to inform the owner of the decision to move the vehicle. The Parliamentary Ombudsman states that the obligation to notify an individual applies even if a decision to move a vehicle wreck is enforced immediately.

A vehicle that is registered in a foreign equivalent to the vehicle register in Sweden shall, as a starting point, be treated in the same way as vehicles that are registered in Sweden. This may in particular be considered to apply to a vehicle registered in another EU country. In such cases a board can contact the authority responsible for the vehicle register in the country in question, or try to obtain relevant ownership information from the Police Authority. The investigative measures that are required, by the authority, may be assessed in regard to the circumstances in each separate case. However, it is not acceptable, as the board did in the current case, to merely state that it does not have access to the foreign vehicle register.

Objects that can be found in a vehicle wreck, and that have not been intended to be used permanently in the vehicle, shall be treated in accordance with the provisions of the Act on Lost Property. This means that such an object must not be destroyed together with the vehicle as it is dismantled. According to the Parliamentary Ombudsman's understanding, it should always be documented which inspections are carried out, in a vehicle wreck, and the result of these inspections. Since it is the board that decides to move and dismantle a vehicle, it is the board that holds the responsibility to carry out such inspection.

The Parliamentary Ombudsman directs criticism towards the board for a number of deficiencies that occurred as the board processed the move and dismantling of the vehicle. (Reg. no. 723-2019)

Courts

Public courts

The Parliamentary Ombudsman directs criticism towards a judge for contacts with a party in a closed case

In a case concerning enforcement pursuant to chapter 21 of the Parents Code the parties of a case entered into an agreement in connection to a meeting at the district court. A few weeks later, one of the parties contacted a judge who had dealt with the case initially, but was not chairman of the meeting, and asked questions regarding, among other things, how the agreement should be interpreted. The Parliamentary Ombudsman notes that the judge, in his contacts with the party, has not fully complied with the requirement pursuant to chapter 1, section 9 of the Instrument of Government, that a court shall remain impartial in its activities. Therefore, the judge cannot escape criticism. (Reg. no. 6580-2019)

A District Court has not taken a decision on restrictions at the closing of a main hearing. Also focus on the Prison and Probation Service's obligations

At the conclusion of a main hearing, the prosecutor stated that she no longer needed to enforce restrictions on a detainee. The defence counsellor did not call for an immediate decision on the matter of detention. In a complaint to the Parliamentary Ombudsman, the detainee claimed that the remand prison had not been informed that her restrictions had been removed.

The Parliamentary Ombudsman notes that unless one of the parties requests an immediate review of a decision on detention, the court does not need to take a position on the matter before the court, e.g., notifies when a decision will be taken. However, in the event that the prosecutor states that there is no longer any need for restrictions, the court must, in a certain decision, immediately revoke the prosecutor's right to issue restrictions. Based on the current investigation, the Parliamentary Ombudsman concludes that the court did not take a decision on the restrictions when the hearing was concluded, therefore the court receives criticism.

The district court informed the parties that a decision would be available at the court's secretariat at a later date. The Parliamentary Ombudsman assumes that this information came to the remand prison's knowledge through the Prison and Probation Service's staff at the hearing. The district court had to decide on detention, at the latest, in connection with the decision. A court is further obligated to inform a remand prison of a decision in a matter of detention or restrictions. According to the Parliamentary Ombudsman's understanding, the remand prison had reasons to assume that the detainee would remain in custody and that the prosecutor had continued support to take a decision on restrictions. Four days after the main hearing the prosecutor contacted the district court regarding the restrictions. The Parliamentary Ombudsman cannot note, that there had been disbeliefs at the prison regarding the restrictions, prior to this point. There is thus no basis for directing criticism against the Prison and Probation Service. (Reg. no. 1767-2021, 1831-2021)

Criticism of Uddevalla District Court for slow handling of a criminal case and statements about the district court's procedures for the scheduling of such cases

In a criminal case of aggravated assault on a woman, it took almost a year after the charge was filed for the district court to convene the main hearing. However, the hearing was cancelled and the processing time was approaching two years when the case was settled. In the decision, the Parliamentary Ombudsman found that the district court had not taken sufficient action to ensure that the case was settled within a reasonable time, pointing out – for example – that several offences were already old when the charges were brought. The Parliamentary Ombudsman criticises the district court for its handling of the case.

In another criminal case, which involved unlawful driving, the defendant was 17 years old when the charge was brought. Because the defendant was so young, the case had to be handled promptly under Section 29 of the Young Offenders (Special Provisions) Act (1964:167), but it took four months for the district court to hand down a judgment. Although the Parliamentary Ombudsman is of the opinion that it is debatable whether the time taken is in compliance with the requirement for promptness, she does not find grounds for criticism in this case.

In the decision, the Parliamentary Ombudsman makes statements on the division of responsibility for criminal cases and on the importance of clear and written procedures for scheduling. According to her, a court may need

to consider matters such as whether there are particular factors which make a particular case a priority, such as the nature of the crime or whether most of the evidence consists of verbal information. The court must also note whether previous main hearings have been cancelled and the reason for this. The Parliamentary Ombudsman also points out that the requirement for promptness in cases involving juveniles makes it particularly imperative for the court to immediately reschedule such a case after a hearing has been cancelled, and for the procedures to include specific instructions on how cases involving young offenders should be handled; how quickly the court should convene a main hearing, for example.

Finally, the Parliamentary Ombudsman makes certain statements on the scheduling of criminal cases during a pandemic. (Reg. no. 4547-2021, 5061-2021)

Criticism of the chief judge at a district court for including photographs of the defendant in a criminal judgment and photographs of the injured party in another judgment

The Parliamentary Ombudsman has examined the wording of two criminal judgments. In one of the judgments, the district court included a close-up photo of the defendant. In the second judgment, the district court has taken photographs of the injured party and her home. Both judgments also include a variety of other pictures, such as alleged crime instruments and bloodstains. The Parliamentary Ombudsman notes that photographs of a person included in a criminal judgment become immediately available to anyone who examines the judgment and means that the court is helping to distribute the photographs. According to the Parliamentary Ombudsman, a court must not assist in the distribution of images that may jeopardise the individual's right to privacy and protection of their private life. She is highly critical of the inclusion of the photographs of the defendant and the injured party, as well as the photographs of the injured party's home, in the judgments under review and is of the opinion that the district court should have considered more carefully whether it was justifiable to do so in view of their privacy. The chief judge of the district court was responsible for drafting the judgments and is criticised.

In the decision, the Parliamentary Ombudsman discusses the considerations that a judge should make before including photographs and other illustrations in a criminal judgment. (Reg. no. 7954-2021)

Education and research

The Parliamentary Ombudsman directs criticism towards the Municipal Education Committee in Vilhelmina municipality for how an upper secondary school conducted a drug test due to a suspicion of drug use

An upper secondary school student was collected in the classroom and was asked whether he could leave a urine sample. The reason for the measure was an increased concern, from the school, regarding the student's frequent absence from school. A drug test was completed, the test was negative.

The Parliamentary Ombudsman notes that the student was not given an adequate opportunity to freely decide if he wanted to take a drug test or not, it is thereby not possible to ensure that the test was voluntary. The Parliamentary Ombudsman directs criticism towards the committee for how they conducted the test.

Moreover, the Parliamentary Ombudsman strongly questions why the school did not file a complaint to the Social Welfare Board pursuant to chapter 14, section 1 of the Social Service Act, instead of investigation the matter on their own. (Reg. no. 413-2020)

The Chief Parliamentary Ombudsman directs criticism towards the Child- and Education Committee in Kristianstad municipality due to a deficient decision to ban an individual from school visits

A principal of a school took a decision to ban a parent from visiting the daughter at her school. The Chief Parliamentary Ombudsman states that such impediments can, in some cases, be a prerequisite for the school's students to be assured of security and to be able to study undisturbed.

The Chief Parliamentary Ombudsman makes several statements regarding the management of access restrictions. If a certain individual's access to a school needs to be limited in a way that means that he or she is treated in a different way than others, this should be done by a written decision. The decision should be time-limited and provide a clear justification. It is the head of the school's task to take such decisions, but the decision-making power can be delegated to the principal.

In the present case, the so-called order of delegation gave the principle the capacity to decide on access restrictions for custodians. However, the parent was not a custodian. The principle did thus not hold the capacity to take a decision on access restrictions for the parent

and can therefore not avoid certain criticism. The decision also lacked a time-limit and should have had a more detailed justification. According to the principal, the shortcomings in the decision may have been due to the design of the decision template. The Chief Parliamentary Ombudsman directs criticism towards the head of the school due to the deficient decision. (Reg. no. 730-2020)

Criticism of the school management at Gymnasium Skövde Västerhöjd in the municipality of Skövde for conducting body searches of students in violation of the provisions of Chapter 2, Section 6 of the Instrument of Government

At the start of the school year, the school management and staff at an upper secondary school conducted body searches of Year 3 students, checking what they had in their bags and, in some cases, their pockets. These measures were implemented because the school had been experiencing disruptions in connection with the start of the school year for a number of years. The Chief Parliamentary Ombudsman notes that the headteacher or a teacher may implement immediate and temporary measures as are justified to ensure the safety of students and give them peace and quiet to study, or to deal with a student's disorderly conduct, but that there are no explicit legal grounds to allow the headteacher or teacher to subject students to body searches. The fact that students were asked to show the contents of their bags or pockets themselves does not detract from the nature of the actions as body searches. The Chief Parliamentary Ombudsman states that protection against body searches is constitutionalised and that restriction of this requires explicit legal grounds, and that the person concerned cannot decline the protection by giving consent for the measure. The Chief Parliamentary Ombudsman further states that the school has a far-reaching duty to supervise and in some cases a duty to intervene, but that the measures undertaken by the school in this case in the form of body searches were unlawful and that the school management cannot therefore escape criticism. (Reg. no. 6649-2020)

Statements on matters such as the obligation to state reasons and party status in decisions on proposals for the allocation of certain research grants

Region Skåne receives government funding to reimburse for the costs incurred by healthcare services when their resources are used for clinical research. Lund University proposes to the region how the funds should be allocated. A researcher at the university complained to the Parliamentary Ombudsman that his research team had been denied access to resources financed by the funds in question, with no reasons given by the university.

The Chief Parliamentary Ombudsman is of the opinion that the procedure for allocating the funds is much more similar to an employer's management decision than, for example, to an authority's processing of applications for benefits regulated by public law. According to the Chief Parliamentary Ombudsman, this means that the university's decision on the proposed allocation of the funds has not affected anyone's situation in the manner required for the university to have been obliged to justify the decision. (Reg. no. 9727-2020)

Environmental and health protection

The Parliamentary Ombudsman directs criticism towards Östergötland County Administrative Board for the processing of a matter on a conflict of interest

A beekeeper handed in a complaint against a county administrative board for deficient processing of a conflict of interest regarding a bee-supervisor. The conflict of interest was founded upon the bee-supervisor also being a beekeeper who was an active salesman on the same markets where the complainant sold his honey. The Parliamentary Ombudsman asked the board and the Board of Agriculture to hand in a referral response on the matter. The authorities both responded that a bee-supervisor should be considered a separate authority.

The Parliamentary Ombudsman considers that the regulations state that bee-supervisors are hired by and subordinated to the county adminstrative board and can be revoked at any given time and the renumeration should be handed out according to a certain rate. The Parliamentary Ombudsman states that the bee-supervisor in question had commercial interests and conducted business activities in addition to the supervisory assignment. According to the Parliamentary Ombudsman's understanding, the basic organizational conditions mainly go against a bee-supervisor being regarded as a separate authority pursuant to the Instrument of Government. The Parliamentary Ombudsman states that bee-supervisors should be considered individuals to whom administrative tasks have been transferred pursuant to what is specified in

chapter 12, section 4 of the Instrument of Government. The Parliamentary Ombudsman hold that statutory regulations on objectivity apply in their supervisory activities.

The county administrative board recieves criticism for not having taken a position on the complainant's questions regarding the conflict of interest or forwarding it to the bee-supervisor for management. (Reg. no. 5904-2019)

Health and medical care

There is no legal support for deciding on a general restraining order in the voluntary healthcare service

In the spring of 2020, Region Västmanland imposed a restraining order on all hospitals in Västerås, Köping, Fagersta and Sala as well as in psychiatric care in Västmanland. The purpose of the ban was to counteract the spread of the virus that causes Covid-19. Similar decisions have been taken in many other regions. In this case, the Chief Parliamentary Ombudsman has examined the formal conditions for making such decisions.

The Chief Parliamentary Ombudsman emphasises that it is of course very important that authorities have the opportunity to take adequate and necessary measures to protect people's lives and health in the event of a pandemic. Healthcare services should be conducted in a way that is safe and secure for patients. In view of the situation the Chief Parliamentary Ombudsman understands that there may be a need for healthcare services to regulate, for example, who can be in the premises of the healthcare facility, in order to protect both patients and healthcare professionals from infection.

In the decision, however, the Chief Parliamentary Ombudsman states that there is no legal support for deciding on a general restraining order against patients being cared for in the voluntary healthcare sector. She also notes that the region's decisions have entailed a risk of restrictions on the individual's right to family life according to, among other things, the European Convention and that it was imposed without legal support. The region has also not handled the issue correctly in the case of patients admitted for certain coercive care. Despite the extraordinary situation, the Chief Parliamentary Ombudsman is critical of the region's management. Finally, the Chief Parliamentary Ombudsman notes that she has previously drawn the government's attention to the need for a review of the issue of visiting restrictions in the voluntary healthcare service. During the pandemic, this issue has re-emerged and become even more urgent to deal with. The commission appointed by the government to review measures during the pandemic will, among other things, analyse whether the infection control legislation and other legislation have provided society with effective conditions to limit the spread of infection. In light of this, the Chief Parliamentary Ombudsman refrains from making a new request for a review of the legislation and instead submits its decision to the Corona Commission and to the government, for knowledge. (Reg. no. 4132-2020)

The Parliamentary Ombudsman directs some criticism towards Region Halland due to removing the possibility to make a digital booking of covid-19 vaccine for individuals living outside the region

Region Halland has offered free vaccination against covid-19 to anyone who lives in the region or is a long-term residence or for other reasons needs to be vaccinated within the region. Vaccination appointments can be booked digitally or by telephone. After a large increase in vaccination bookings from patients living in other regions, the region decided, on 16 April 2021, to no longer offer people who were not registered in Halland digital booking.

The Chief Parliamentary Ombudsman states that the vaccinations against covid-19 have become a great challenge for regions and that he understands that Region Halland experienced difficulties when a large number of patients, from other regions, turned to the region to get vaccinated, especially as the allocation of vaccines and the government's renumeration did not take such a development into account. The Chief Parliamentary Ombudsman notes, however, that the region has, by its measures, prioritized the region's own residents over patients from other regions and thereby the region has not lived up to its obligation pursuant to the health care legislation to offer open health care to patients from other regions as well. The region can therefore not escape some criticism for its decision to remove the possibility to make a digital vaccination booking for individuals living outside the region.

According to the Chief Parliamentary Ombudsman's opinion the situation in Halland may suggest that there may be reason to consider the need for special provisions to handle vaccinations during a pandemic. For reasons of legal certainty, it is also important that the legislation

is clear and unambiguous and that exceptions to general basic principles are not made without prior and indepth investigations. This decision is therefore handed over to the government offices and the special inquiry that has been commissioned to review the Communicable Diseases Act to analyse the need for new provisions in cases of future pandemics. (Reg. no. 3236-2021)

The Parliamentary Ombudsman directs criticism towards Kalmar Regional Council for charging patients that have declined the covid-19 vaccine for not arriving to their scheduled appointment

If a patient, that has a booked appointment to receive vaccination against covid-19 has refused the vaccine that has been offered, Kalmar Regional Council has charged a fee for missed visits pursuant to chapter 17, section 1 of the Health and Medical Services Act.

The Chief Parliamentary Ombudsman states that the complainant did not miss an appointment but arrived as expected but declined the vaccine that was offered. According to the Chief Parliamentary Ombudsman the situation cannot be considered to be included in the wording "absent from agreed visits", pursuant to the act, as it refers to when a patient has not shown up at all. In addition, the patient has not been informed in advance about which vaccine the patient would be offered, and there are different vaccines with partly different effects against the virus and different risks. Against this background, it can not be considered compatible with the basic requirements within the health care service on voluntariness, information and participation that a patient who refuses a certain vaccine is subject to a fee.

The Chief Parliamentary Ombudsman is therefore critical of the fact that Kalmar Regional Council has in fact charged a fee for patients who showed up at a set appointment but refused the vaccine that was offered. (Reg. no. 3349-2021)

Complaint against Region Uppsala for vaccinating minors against Covid-19 without the consent of a custodian

Region Uppsala did not require a custodian's consent when vaccinating minors, age 15-17, against Covid-19. The region instead assessed the minor's maturity.

In cases of healthcare for children a custodian's consent is required as a general rule, if it is not clear that the child has reached such maturity that he or she can take a position on the care measure in question. The assessment of the maturity required is dependent on what kind of healthcare that is given and the urgency of the care. In regards to vaccination of minors, between the age of 15-17, against Covid-19, the Chief Parliamentary Ombudsman does not make any statements concerning Region Uppsala's choice not to require a custodian's consent and instead assess a minor's maturity in each individual case.

Moreover, the Chief Parliamentary Ombudsman makes no further statements regarding how the region scheduled appointments for the vaccination. (Reg. no. 5984-2021)

The Parliamentary Ombudsman directs criticism towards the eHealth Agency for not fulfilling its duties when issuing so-called vaccine certificates

In June of 2021 the European Parliament and the Council adopted a provision regarding a framework for, among other things, the issuing of certificates regarding vaccination of Covid-19. The provision stipulates that member states, upon a request by an individual that require a vaccine certificate, will issue a certificate. In Sweden the eHealth Agency is responsible for the certificates.

Initially, the eHealth Agency prioritized a digital solution for issuing vaccination certificates, which presupposed that the individual held an e-ID and a Swedish social security number. There was also a possibility for individuals, without e-ID, to request a certificate through a certain manual process. However, the processing required that the individual, during an initial time period, needed a social security number and a population registration address in Sweden.

The Parliamentary Ombudsmen has previously emphasized that far from all individuals are accustomed to, or have confidence in, digital tools and services. Moreover, there are individuals that do not have the opportunity to use an e-ID. Authorities must be available to, and offer appropriate means of communication for, these individuals as well. This must be considered in particular for services that are of great importance to an individual.

The Chief Parliamentary Ombudsman states that the EU regulation entails an obligation for Sweden to issue vaccination certificates to individuals who have been vaccinated in Sweden. This obligation also covers individuals without a social security number or who do not have a population registration address. The eHealth Agency's routine thus meant that a certain category of individuals was exempted from the possibility of requesting a certificate.

The Chief Parliamentary Ombudsman understands that the new processing has entailed certain difficulties and challenges for the eHealth Agency. However, the fact that some individuals, despite having met formal requirements, have not been able to obtain a vaccination certificate, is not acceptable, especially as vaccination certificates are intended to increase opportunities for free movement during the pandemic. The Chief Parliamentary Ombudsman is critical of the fact that the eHealth Agency has not fulfilled its obligations in this area. (Reg. no. 6003-2021)

Labour market authorities/ institutions

Unionen unemployment insurance fund cannot escape criticism due to their management of a request for a re-examination of a decision on compensation

An unemployment insurance fund should, pursuant to section 61 of the Unemployment Benefit Act, re-examine a decision regarding compensation if the individual requests it. Pursuant to section 63 of the Unemployment Benefit Act the unemployment fund also has an obligation to change certain types of errors in a decision. An unemployment fund may also be considered to have the authority to change a decision in favour of the individual, in accordance to section 37 of the Administrative Procedure Act, if the unemployment fund considers that the decision is incorrect due to new circumstances or for some other reason.

In the decision, the Parliamentary Ombudsman states that Unionen unemployment insurance fund cannot escape criticism due to their management of a request for a re-examination of a decision on unemployment benefits. The unemployment fund did not process the request as a re-examination until one month after it had been received. During that time, the unemployment fund instead investigated whether there were conditions for taking a new decision. Moreover, according to the Parliamentary Ombudsman's understanding, the unemployment fund did not live up to their service obligation.

The Parliamentary Ombudsman further states that if the individual, within the time limit for a re-examination, expresses dissatisfaction with a decision or submits new documents, the outset should be to consider this the basis for a re-examination and that the individual should receive a complete re-examination, to the fullest extent. It is only following upon a re-examination that an individual can appeal to a court. In most cases a re-examination pursuant to section 61 of the Unemployment Benefit Act, is more beneficial to an individual than a more limited assessment, that the unemployment fund can proceed with, pursuant to section 63 of the Unemployment Benefit Act or section 37 of the Administrative Procedure Act. (Reg. no 3812-2020)

The Parliamentary Ombudsman directs criticism towards Arbetsförmedlingen due to taking a decision on a temporary halt on sanctions and notifications, without legal support

In light of the increased spread of Covid-19, Arbetsförmedlingen [the Public Employment Service], took two decisions, on March 17, 2020, regarding a temporary halt on sanctions on individuals that did not hand in their activity report as well as a temporary halt on sanctions and notifications. The purpose of the decisions was partly to prevent the spread of Covid-19, and partly to release human resources from certain duties, to ensure socially important functions.

The Parliamentary Ombudsman states that Arbetsförmedlingen, like many other authorities, was facing a difficult situation in March of 2020 and that it was difficult, during this time period, to assess the consequences of Covid-19. However, the fact that an authority is in a difficult situation does not mean that the authority is free to override, without legal support, the obligations that the authority shall abide by.

The Parliamentary Ombudsman further states that Arbetsförmedlingen's decisions on March 17, 2020 goes against the authority's obligation pursuant to chapter 6, section 2 to 4 of the Ordinance on Renumeration to Participants in Labour Market Policy Initiatives and section 16 of the Ordinance on Labour Market Policy Operations. The decisions conveyed, that while the decisions were in motion, the authority failed to fulfil certain obligations that the government has instructed the authority to perform. There is no legal support for the decisions that were taken, and the authority has thereby acted in violation of the principle of legality as stipulated in chapter 1, section 1, third paragraph of the Instrument of Government and section 5, first paragraph of the Administrative Procedure Act. Due to this failure Arbetsförmedlingen receives criticism.

The authority also receives criticism due to their processing of a requested re-examination. (Reg. no 338-2021)

Migration

The Police Authority has mistakenly denied a lawyer to be present as counsellor during a questioning pursuant to section 16 of the Police Act

A detained man was released after the main hearing in a criminal case. In connection with this, he was taken into custody by the police, with the support of section 11 of the Police Act, pending the Police Authority's decision on detention pursuant to the Aliens Act. The police authority decided to keep the man in a security placement and thereafter a questioning took place pursuant to section 16 of the Police Act. The lawyer who was the man's counsellor in the criminal case requested to be present at the hearing as the man's counsellor. An official at the Police Authority denied the lawyer this, as she considered that the lawyer's presence was not necessary.

In the decision, the Parliamentary Ombudsman states that if the person to whom the detention decision is to refer has been taken into custody pursuant to section 11 of the Police Act, the procedural rules of the Police Act must be observed. This means, i.e., that a questioning pursuant to section 16 of the Police Act shall be held before the temporary custody is revoked as the Police Authority decides on detention.

The Parliamentary Ombudsman states that the Administrative Procedure Act is applicable to the proceedings that are initiated by a police officer deciding to detain an alien pending the Police Authority's decision on detention. This means that an individual in such a case, pursuant to section 14 of the Administrative Procedure Act has the right to hire someone as a counsellor during the questioning pursuant to section 16 of the Police Act and the authority's assessment of the need for the counsellor's presence is thus irrelevant.

The lawyer was present at the arrest when the questioning was to take place and he was suitable for the assignment as a counsellor. The Parliamentary Ombudsman cannot see that there was any obstacle to the lawyer's presence at the hearing. The man in custody should therefore have been informed of the lawyer's request and asked about his opinions regarding it.

The Parliamentary Ombudsman criticizes the Police Authority for not holding a questioning pursuant to section 16 of the Police Act regarding the detention and for the inadequate management of the lawyer's request to be present at the questioning as a counsellor. (Reg. no. 4794-2020)

The Parliamentary Ombudsman's examination of the Migration Agency's processing of actions for failure to act pursuant to Section 12 of the Administrative Procedure Act in citizenship cases

Action for failure to act pursuant to Section 12 of the Administrative Procedure Act was a new feature of the Administrative Act that came into force in 2018 and gave individuals an opportunity to speed up a government authority's case management. If a request is received for an action for failure to act, the government authority must, within four weeks, either decide on the case or, in a justified decision, reject the request. The purpose of an action for failure to act is to enhance the ability of individuals to have an effective examination of whether a final decision in an administrative case has been delayed unnecessarily.

In an enquiry, the Parliamentary Ombudsman examined the Migration Agency's processing of actions for failure to act in citizenship cases. As of 31 October 2020, the Migration Agency had received more than 80,000 requests for actions for failure to act in citizenship cases.

The Parliamentary Ombudsman notes that the large number of petitions has resulted in a significantly increased workload for the authority. Until 31 August 2021, the Migration Agency had been processing the petitions through an automated procedure.

The investigation shows that the automated processing of the actions for failure to act may indeed have resulted in the Migration Agency taking a decision, within the prescribed time of four weeks, but it also shows that the procedure did not consider the circumstances in the individual case. The outcome was instead determined in advance and a request was always rejected. The Parliamentary Ombudsman can therefore note that the automated processing had the effect that the individual did not receive the effective examination of whether the case was being delayed unnecessarily, which was the intention of the legislature. Furthermore, the decisions made automatically did not include the circumstances that were decisive for the Migration Agency's position and did not therefore meet the requirements for justification of a decision in Section 32 of the Administrative Procedure Act.

The Parliamentary Ombudsman cannot see that the Migration Agency's processing of the petitions was anything other than circumvention of the regulation on actions for failure to act in Section 12 of the Administrative Pro-

cedure Act. In view of the large number of petitions dealt with in this way, it can also be claimed, according to the Parliamentary Ombudsman's understanding, that the authority's processing detracts from the purpose of the reform as such with regard to citizenship matters. The Parliamentary Ombudsman also states that this processing is an example of an automated procedure that is not acceptable.

The Parliamentary Ombudsman criticises the Migration Agency for its processing of actions for failure to act in citizenship cases. The Migration Agency has, however, explained that petitions for actions for failure to act are being processed in a partly different way as of 1 September 2021.

In view of what has emerged in the examination, the Parliamentary Ombudsman will submit a copy of the decision to the government offices for information. (Reg. no. 6744-2020)

Planning and building

Criticism of the Local Building Committee in the municipality of Halmstad for failing to comply with Chapter 1, Section 9 of the Instrument of Government, among other things. Statements on the duty to tell the truth under Chapter 13, Section 6(2) of the Instrument of Government when making a statement to the Parliamentary Ombudsman

A complaint was submitted to the Parliamentary Ombudsman against a Local Building Committee for failing to reopen a supervisory case that was referred back to it. According to the committee's response to the Parliamentary Ombudsman, the committee only became aware of the decision to refer the case back to it when it received the referral from the Parliamentary Ombudsman in early March 2021.

The investigation by the Parliamentary Ombudsman has revealed that the committee did not make enquiries about the decision, despite the fact that individuals pointed out in early 2020 that such a decision existed. The investigation also shows that officials within the administration and two of the committee's members were informed of the decision much earlier than the committee states in its response to the Parliamentary Ombudsman.

According to the Parliamentary Ombudsman, the circumstances give the impression that both the officials involved and the two members deliberately avoided taking action that would allow the case to be reopened. The Parliamentary Ombudsman states that this is contrary to the requirement for objectivity and impartiality in Chapter 1, Section 9 of the Instrument of Government

The committee's response to the Parliamentary Ombudsman also prompts statements on the duty to tell the truth that follows from Chapter 13, Section 6(2) of the Instrument of Government when making a statement to the Parliamentary Ombudsman. (Reg. no. 1862-2020)

Cases involving police, prosecutors and customs

The Police Authority has conducted a strip search in a way that constituted a body search and in a space that did not live up to the requirement on seclusion pursuant to the Code of Judicial Procedure

A police officer decided that a 16-year-old, that was a suspect of a drug offense, should be examined and that his underwear should be searched. The examination was conducted in a stairwell behind a wall. The light in the stairwell was turned off but the police used a flashlight to examine the underwear.

The examination was conducted in such a way that 16-year-old's intimate parts could be observed. The Parliamentary Ombudsman deems that the strip search was a body search and not a strip search. The coercive measure was therefore, in a legal context, a different and a far more intrusive measure, than what the police had taken a decision on, which is not acceptable.

A strip search of a more significant extent must be carried out indoors and in a separate room. Consideration must be taken to the individual that is being examined. According to the Parliamentary Ombudsman's understanding, the scope of the bodily examination must be assessed in accordance to the nature of the breach of an individual's right to privacy. Even an examination that concerns a limited part of the body can therefore be of a more significant scope depending on how the privacy of the individual was infringed. The Parliamentary Ombudsman states that the investigation of the 16-year-old was beyond the scope of a strip search.

The conditions in the stairwell were such that an outsider could have passed by or seen the ongoing investigation. According to the Parliamentary Ombudsman the investigation can therefore not be considered to have been conducted pursuant to the requirement on seclusion and consideration.

The Parliamentary Ombudsman directs criticism towards the Police Authority due to how the investigation was carried out and moreover for shortcomings in the documentation. (Reg. no. 6365-2019)

In order to prevent a recording during a questioning, a police officer seized an individual's telephone and searched his jacket without legal support

An individual, who was questioned as a suspect, wanted to record the questioning with his mobile phone. The police did not allow the recording and urged the man to hand over his telephone. As the man refused to hand over his telephone the police seized it and searched the man's jacket.

According to the police, the measures were pursuant to chapter 23, section 9 of the Code of Judicial Procedure, which provision aims to limit an individual's ability to complicate or counteract measures during an investigating of a criminal case by communicating with another person. However, the provision cannot be used to seize, for example, a mobile phone for the purpose of maintaining order during a questioning or because an interrogator finds it unpleasant that a recording is made.

There was no risk that the man would complicate the investigation if he did not hand over his telephone. The police therefore lacked the right to urge him to do so and to seize the phone. Nor did the police have the right to search the man's jacket. The Parliamentary Ombudsman directs criticism towards the Police Authority due to these measures and for lack of documentation of the measures. (Reg. no. 8063-2019)

Statements on what is known as the Linköping Model used by the Police Authority when a young person is suspected of having used drugs

In a preliminary investigation into a minor drug offence, the police decided to interview a 16-year-old at home as an initial investigative measure, using a working method known to the Police Authority as the Linköping Model. The Linköping Model involves conducting interviews at home with people aged 15 to 18 who are suspected of having used drugs, but where the suspicion does meet the requirements for reasonable suspicion.

In the present case, the 16-year-old was not at home when the police arrived, but was in a supermarket. The police went to the shop and questioned the teenager there. The Parliamentary Ombudsman notes that the place and form of the questioning were in direct violation of what is known as the principle of consideration and the provisions on questioning in the Decree on Preliminary Investigations. The Police Authority is criticised for this.

In the decision, the Parliamentary Ombudsman makes statements on the compatibility of the Linköping Model with applicable legislation and points to certain risks with the working method in terms of legal certainty. (Reg. no. 8758-2019)

During a cooperative effort the Police Authority and the Customs Office used coercive measures without legal support

During a planned cooperative effort between the Police Authority and the Customs Office several coercive measures were taken against a certain individual.

The suspicions of a crime, that led to an arrest and to a house search of the suspects home, did not live up to the legal requirements that should be fulfilled to carry out the measures. The Police Authority is criticised for carrying out the measures anyway. The authority is also criticised for, among other things, deficiencies in the documentation of the measures taken.

At the house search the Police Authority was assisted by an official from the Customs Office. The two authorities are criticised as the Customs Office lacked capacity to assist the police with an official.

The Customs Office is further criticised for carrying out a search of a car parked outside the suspects home without legal support. (Reg. no. 637-2020)

The Swedish Police Authority forcibly photographed a person's motorcycle vest and driving licence with no legal grounds for doing so, thereby violating his right to privacy under Article 8 of the European Convention

A man was stopped by the police when he was on his way to a party for motorcyclists. The police checked the man and his car. In connection with this, he had to hand over his motorcycle vest and his driving licence, which was then photographed by the police. The photograph was taken in order to document the fact that the man was at the scene and how he was dressed at the time.

The Parliamentary Ombudsman is of the opinion that the photograph should be considered as having been taken forcibly. According to the Parliamentary Ombudsman, the measure interfered with the protection of privacy guaran-

teed by Section 8 of the European Convention. To be permitted, taking the photos therefore required legal grounds.

The Parliamentary Ombudsman established that there were no legal grounds for forcibly photographing the man's motorcycle vest and driving licence. The Swedish Police Authority is criticised for taking the action anyway, and for failing to document it in an acceptable manner. (Reg. no. 961-2020)

The right of a detained person under Chapter 24, Section 9 a of the Code of Judicial Procedure to be informed of the circumstances on which the detention order is based has not been respected

According to Chapter 24, Section 9 a of the Code of Judicial Procedure, the detained person has the right to be informed of the circumstances on which the detention order is based. The defence counsel for a detained person complained in a report to the Parliamentary Ombudsman that the information provided by the prosecutor did not meet the legal requirements.

According to the Parliamentary Ombudsman, the details of what is required of the prosecutor's letter of notification must be determined on the basis of the circumstances of the case in question. However, as a starting point, the prosecutor cannot simply refer to information from questioning or technical evidence, for example, as the basis for the detention order. The letter of notification normally needs to be more specific than this in order to achieve the purpose of the regulation. The detained person has the right to access the relevant parts of the questioning if information from questioning is of direct relevance to the detention order. If there are traces of DNA or other similar technical evidence, the detained person has a corresponding right of access to what is directly relevant to the detention order.

The Parliamentary Ombudsman is of the opinion that the information provided by the prosecutor in the case in question was far too general and that the detained person's rights under Chapter 24, Section 9 a of the Code of Judicial Procedure were not respected. The prosecutor in charge is criticised for this. (Reg. no. 2467-2020)

The police conducted a body search in violation of the principle of consideration

A police patrol suspected a man of drugs offences and conducted a body search on him while he was in a pharmacy. There were also other people present in the pharmacy. The circumstances on which the police based their suspicion were that they recognised the man from a drugs context, that they perceived him as being evasive and that he had his hands in his pockets and refused to take them out of his pockets when requested.

The Parliamentary Ombudsman notes that, based on the circumstances reported, there was no justification for considering that the man was reasonably suspected of drugs offences. The police thus made the decision to conduct a body search without any basis for it, the Police Authority is criticised for this.

The Police Authority is also criticised for the fact that the decision to conduct a body search was made by a police officer, and not by an investigating officer, even though it was not an urgent case.

A principle consideration is, among other things, that discretion must be observed when using a coercive measure. According to the Parliamentary Ombudsman, it seems completely inappropriate for the police to search through the man's clothes in front of other people at a pharmacy, and it was not compatible with the principle of consideration. The Police Authority is criticised for the way in which the body search was conducted and also for deficiencies in the documentation. (Reg. no. 2606-2020)

The Swedish Police Authority has not respected an individual's right under the Minority Languages Act to use Finnish in their contacts with the authority

The Minority Languages Act gives people the right to use Finnish in certain cases in contacts with the authorities.

An individual complained to the Parliamentary Ombudsman that he had not been allowed to use Finnish in his contacts with the Swedish Police Authority in connection with two preliminary investigations in which he was an injured party. The Parliamentary Ombudsman's investigation substantially confirmed the information in the complaint.

The Parliamentary Ombudsman noted, among other things, that no real effort was made to ensure that the complainant was able to speak Finnish when contacting the authority over the telephone, and that he had the right to have two decisions translated into Finnish, which was not done by the Swedish Police Authority.

The Parliamentary Ombudsman criticises the Swedish Police Authority for the shortcomings revealed in the case. (Reg. no. 5566-2020)

Examination of the Customs Office measures during a customs control

A man was subject to a customs control at the train station Hyllie as the man travelled to

Sweden from Denmark. The man was arrested for smuggling narcotics, he was handcuffed and a body search as well as a body examination was conducted.

The Parliamentary Ombudsman states that it was wrong to arrest the man and that there was no legal support to handcuff him. Also, there have been failures in the documentation of the measures. The Customs Office is criticised due to these failures.

The Customs Office has authority to conduct body searches and examinations pursuant to the Penalties for Smuggling Act and the Code for Judicial Procedure. In the decision the Parliamentary Ombudsman makes statements regarding what regulations that should be applied when an arrest is conducted and how to complete the documentation. (Reg. no. 6881-2020)

A remand prisoner has the right to contact with a defence counsel appointed in a criminal investigation other than the one to which the deprivation of liberty relates

A lawyer who was the public defence counsel for a remand prisoner sought to make contact with his client over the telephone on an evening during a weekend. The deprivation of liberty relates to a criminal investigation other than the one in which the defence counsel was appointed. The prosecutor did not allow the contact unless the defence counsel explained the purpose of the conversation.

The Parliamentary Ombudsman states that the unconditional right of a remand prisoner to contact their defence counsel must also apply to a defence counsel appointed in a criminal investigation other than the one to which the deprivation of liberty relates. In view of the strict confidentiality applicable to contact between a suspect who is detained and their defence counsel, the Parliamentary Ombudsman further states that a defence counsel cannot be obliged to explain what the contact relates to.

There were therefore no legal grounds for refusing contact between the defence counsel and his client, or for asking what the contact related to. However, it would have been acceptable to consider whether practical conditions for contact were available at the time.

In assessing the prosecutor's conduct, the Parliamentary Ombudsman takes into account the fact that there was no clear regulation in the constitution on how the situation should be handled. Furthermore, the Parliamentary Ombudsman is of the opinion that the investigation does not support the fact that the contact would necessarily have taken place on the evening in question, or that there is reason to believe that the lack of contact would have

limited the remand prisoner's chances of preparing his defence. However, the Parliamentary Ombudsman is of the opinion that the prosecutor should not have tried to find out what the contact related to. (Reg. no. 7164-2020)

The police have taken a 13-year-old boy into custody under Section 12 of the Police Act without there being any grounds for the action

A 13-year-old boy was stopped by police who claimed that the boy had given them the middle finger. Because of the boy's behaviour and the fact that he was with a friend who seemed to be considerably older, he was taken into custody and then taken home. The police officers based their decision to take the boy into custody on the provision in [Section] 12t of the Police Act. When the boy's parents talked about the intervention in the media, the police submitted what is known as a notification of concern to the Social Welfare Board.

The Parliamentary Ombudsman states that taking a young person into custody under Section 12 of the Police Act is a social protection measure that can be used when there is an imminent and serious risk to a child's health or development, i.e. in what can best be described as an emergency.

The provision cannot be applied simply because the police feel that the young person is misbehaving or displaying a bad attitude. Nor will more general concern about the young person's situation suffice.

According to the Parliamentary Ombudsman, the investigation does not support the notion that there was any particular reason for the police officers to fear that the boy would get into trouble, or that the place where he was particularly unsuitable. Instead, the officers seem to have taken the action in order to reprimand the boy because they thought he had given them the middle finger. The Parliamentary Ombudsman judges that taking the boy into custody was unfounded, and the Police Authority is criticised for it. The Parliamentary Ombudsman also makes statements on the application of the Convention on the Rights of the Child in cases of coercive use against children.

The Parliamentary Ombudsman notes that it is not possible to draw any firm conclusions about the actual reason for the notification of concern, but that it is of course unacceptable if

it was made in response to the parents' contact with the media. (Reg. no. 4204-2021)

Prison and probation service

Complaints against Sollentuna Remand Prison and Storboda Prison regarding segregation due to the spread of COVID-19. Also questions about other action taken by the Swedish Prison and Probation Service and the possibility for inmates to take responsibility for themselves

In the decision, the Parliamentary Ombudsman commented on the possibility of relying on the provisions of the Communicable Diseases Act regarding voluntary measures to prevent the spread of a disease endangering the public in remand prisons and prisons. If it is possible to deal with a suspected or confirmed infected inmate in a legally secure manner by voluntary means, a facility should choose that option. However, according to the Parliamentary Ombudsman, the Swedish Prison and Probation Service must ensure as far as possible that there is a genuine voluntary nature behind a decision to self-isolate, for example.

The Parliamentary Ombudsman also comments on the options for the Swedish Prison and Probation Service to segregate inmates in order to prevent the spread of infection. According to the Parliamentary Ombudsman, the mere fact that an inmate is confirmed or suspected to be infected with COVID-19 should not constitute a basis for segregation. This is particularly true in cases of suspected infection. However, if an inmate does not comply with the provisions of the Communicable Diseases Act, etc., situations may arise in which conditions are in place for placing the inmate in segregation.

In the decision, the Parliamentary Ombudsman notes that the Act on Imprisonment, unlike the Act on Imprisonment, does not have a specific provision that explicitly allows for segregation in order to protect the health of inmates. For this reason, among others, the Parliamentary Ombudsman makes a request under Section 4 of the Parliamentary Ombudsman's Instructions on the need to review the rules on segregation. A copy of the decision is therefore submitted for information purposes to the committee that has been tasked with reviewing the Communicable Diseases Act and analysing the need for new provisions in the face of future pandemics. (Reg. no. 4268-2020)

The Parliamentary Ombudsman directs severe criticism towards the Prison and Probation Service for placing an inmate in custody for two months while pending placement in a prison

An inmate was placed in custody for two months while pending placement at the national risk assessment unite, Kumla prison.

Pursuant to the regulations of the Penal Code, a convicted individual may be taken into custody in connection with the execution of a prison sentence, e.g. pending institutional placement. Section 10 sets up certain timespans. In other words, the time in custody may not be longer than necessary and not longer than seven days, unless there are specific reasons justifying that measure but even if such reasons exist, the time may not be longer than 30 days. The Parliamentary Ombudsman states in the decision that there are no exceptions to the latter time limit.

The Prison and Probation Service has explained that the inmate stayed in custody due to the fact that there was not capacity or resources, at that particular time, at the national risk assessment unite at Kumla prison, in relation to the number of convicts who would be placed there. The inmate could also not be placed in another institution, that held a suitable security class, due to lack of space. The Parliamentary Ombudsman looks upon this as severe and states that the time limit of 30 days is absolute and must not be exceeded. What the Prison and Probation Service has stated does not constitute grounds for exceeding the time limit. The Prison and Probation Service receives severe criticism for the treatment of the inmate in this respect.

According to the Parliamentary Ombudsman's understanding the measures taken by the Prison and Probation Service to deal with waiting times have not been sufficient. The problem of detainees remaining in custody pending an institutional placement has not been resolved and the absolute time limit in section 10 of the Penal Code is not maintained, which the Parliamentary Ombudsman considers as extremely worrying. She will therefore investigate the matter further in a special initiative case.

In the light of what has emerged in the case, the Parliamentary Ombudsman also finds reason to draw the government's attention to the situation. (Reg. no. 7654-2020)

The Swedish Prison and Probation Service's handling of responsive holding cells

The Parliamentary Ombudsman receives frequent complaints from inmates at various remand prisons about responsive holding cells, and the matter has also been raised during

inspections. The complainants in these cases allege that inmates at the remand prisons in Gothenburg and Huddinge are able to communicate with one another despite restrictions, that there is noise at night and that some people are threatened. They also believe that their sleep and health are adversely affected.

The report shows that there are problems with responsive cells in some of the country's remand prisons. The Parliamentary Ombudsman takes the scale of the problem seriously. According to her, it is remarkable that the Swedish Prison and Probation Service is unable to fully enforce restrictions as this is likely to affect the chances of prosecuting offences and may also have an adverse impact on public confidence in the judicial system. At the same time, she recognises that there are difficulties in addressing the problems: for example, fully soundproofed cells may present security risks and have an adverse impact on inmates' health.

Based on this investigation, the Parliamentary Ombudsman is unable to assess in greater detail how the Swedish Prison and Probation Service has dealt with the matter so far. However, given the serious consequences of receptiveness, she queries whether the authority should not have acted more quickly and forcefully in order to try and find short- and long-term solutions to the problems. She is of the opinion that the conditions described are in compliance with neither the fundamental values that should permeate the Swedish Prison and Probation Service's treatment of inmates nor the authority's mission, and is in any event critical of the fact that the problems still persist. The Parliamentary Ombudsman emphasises the importance of the Swedish Prison and Probation Service continuing to work actively on the problem. The Government will receive a copy of the decision. (Reg. no. 8978-2020)

Criticism of the Prison and Probation Service for the handling of a request from an inmate in prison to access digital material before a petition for a new trial

Prior to an upcoming petition for a new trial, a prison inmate requested help from the prison to access public documents, including audio files, from a completed preliminary investigation that had been issued to him by the Prosecution Authority. The prison did not provide the inmate with a technical means of accessing the material.

In its decision, the Parliamentary Ombudsman notes that parts of the documents in question were not available to request in paper form, and that the inmate is unable to access the material on site at the Prosecution Authority. Although the inmate had access to it, the inmate was not able to study the contents. According to the Parliamentary Ombudsman, his right pursuant to the Freedom of the Press Act is rendered illusory in a matter that concerns him in a more pronounced way. The investigation has shown that it is not impossible for the Prison Service to provide technical aids in individual cases. The Parliamentary Ombudsman therefore believes that the authority should have made further efforts to help the inmate and criticises the Prison Service.

Furthermore, the Parliamentary Ombudsman states that the case has raised the issue of the opportunities for inmates in prison to access digital material. The Parliamentary Ombudsman notes that there is an ongoing development in society to the effect that more and more processes in public administration are taking place digitally, also within the legal system. According to the Parliamentary Ombudsman, it is not satisfactory if a prison inmate is unable to exercise his rights before an approaching petition for a new trial simply because of a lack of technical equipment at the prison. She is therefore of the view that within the Prison and Probation Service there must be a readiness in individual cases to be able to offer prison inmates assistance to study digital material that he or she cannot access in any other way.

A copy of the decision will be sent to the government for information purposes. (Reg. no. 9339-2020)

The Swedish Prison and Probation Service, Saltvik Prison, has not split up inmates placed in the same cell even though one of them was confirmed as having been infected with COVID-19

The decision severely criticises Saltvik Prison for not splitting up inmates who had been placed in the same cell even though one of them was confirmed as having been infected with COVID-19. According to the Parliamentary Ombudsman, locking up an inmate who has tested negative with an inmate who is confirmed to be infected with the disease is inhumane. Nor can this be considered compatible with the provisions of either the Act on Imprisonment, the Communicable Diseases Act or the European Prison Rules.

The basic principle of the Act on Imprisonment is that a segregated inmate should be placed in a single room. In the case of the incident in question, the prison decided to segregate inmates who were confirmed as or suspected of

being infected with COVID-19. Subsequently, as the Swedish Prison and Probation Service understands it, two inmates who were subject to a decision to segregate them continued to share a cell. They were not even asked for their preference, and inmates who asked to be placed in single rooms were refused.

According to the Parliamentary Ombudsman, it is clear that having two segregated inmates share a cell in such circumstances must be regarded as being more intrusive than if they had been placed in single rooms. The preparatory works to the Act on Imprisonment do not explicitly address whether the legislator intended double occupancy to be possible for segregated inmates. The Parliamentary Ombudsman thus notes that the situation in question at Saltvik Prison was not the object of the legislator's assessment.

The Parliamentary Ombudsman is sending a copy of the decision to the Government and to the investigation on statutory preparedness for future pandemics for information. (Reg. no. 77-2021)

Complaint against the Swedish Prison and Probation Service, Helsingborg Remand Prison, about staff playing rock music at night. Also statements on the impact of unwanted noise

In a complaint against Helsingborg Remand Prison, it was alleged that the remand prison played the same rock music from afternoon to early morning for a time, which affected an inmate. The Swedish Prison and Probation Service rejected the allegation. According to the Parliamentary Ombudsman, there are no grounds for criticism of the remand prison.

The Parliamentary Ombudsman discusses the health effects of unwanted noise in her decision. At the same time, she notes that entirely silent cells can be perceived as unpleasant or frightening for inmates, as well as posing security risks. As remand prisoners, particularly those under restrictions, are at risk of deteriorating mental and physical health as a result of being deprived of their liberty, the Parliamentary Ombudsman underlines the importance of ensuring that the physical environmental conditions in the remand prison are such that they provide inmates with the best possible conditions for good health. This includes the opportunity for a good night's sleep and an acceptable soundscape 24 hours a day. This is important not only for health reasons, but also to ensure that inmates are able to exercise their rights. The same applies to prisons.

The Parliamentary Ombudsman's supervisory activities have brought to light information indicating that inmates in the criminal justice system are in some cases exposed to unwanted noise to such an extent that it may have an adverse impact on their physical and/or mental health. The Parliamentary Ombudsman states that it is highly important for the Swedish Prison and Probation Service to consider the problem of unwanted noise in a careful and structured manner and to take reasonable action in the case in question to make things easier for an inmate who is disturbed by a certain noise. The Government will receive a copy of the decision. (Reg. no. 1362-2021)

The Parliamentary Ombudsman directs criticism towards the Prison and Probation Service, Kumla prison, as an employee, that drew up a report on misconduct, also acted as a witness and interpreter in the case

The decision concerns prerequisites to uphold a legally secure process, in a case concerning an issued warning, pursuant to the Prison Act.

A prison guard who had drawn up a report of suspected misconduct participated in the interrogation with the inmate as a record keeper and witness and also as an interpreter. The Parliamentary Ombudsman is of the opinion that the prison guard should not have participated in the interrogation and that her participation could affect the inmate's confidence in the process and the authority. In addition, it was inappropriate for the prison to choose the prison guard as an interpreter. The Parliamentary Ombudsman directs criticism towards the prison for not having observed the principle of objectivity and for not having hired an outside interpreter for the interrogation. The prison is also criticized due to deficiencies in the case documentation.

The inmate was issued a warning that he, among other things. expressed himself in a way that could be perceived as threatening. The decision refers to the misconduct as "violence or threats against an official". The Parliamentary Ombudsman notes that there may be a need for simple pre-selected phrases in a systematic report but points out that the designation corresponds to certain crimes pursuant to the Penal Code. The fact that the Prison and Probation Service uses the same nomenclature may give the impression that it has been clarified that an inmate has committed a crime, despite the fact that the case can only be processed through a criminal case. The inmate's complaint also suggests that he interpreted the decision as a

warning also due to violence. The Parliamentary Ombudsman states that the designation give rise to concerns and that there may be reason to separate the occurrence of violence from threats, against prison staff. (Reg. no. 3513-2021)

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

Criticism of the Municipal Executive Board in the municipality of Arvika for the handling of a draft report and the use of private email addresses for official purposes

In a complaint to the Parliamentary Ombudsman, it was claimed that officials at the municipality of Arvika had used their private email addresses in communication with an external consultant and had deleted official documents after an email log had been requested.

The investigation by the Parliamentary Ombudsman has revealed that an external consultant had sent a draft report to the private email addresses of several officials and that the officials did not treat the draft as an official document. However, the investigation does not support the notion that any official document had been deleted due to an email log being requested.

It appears from the investigation that the municipality was of the opinion that the consultant's completed report became an official document when it was received by the municipality. Against this background, the Parliamentary Ombudsman notes that the municipality had regarded the external consultant as so independent that documents received by the municipality from her would be considered official. Therefore, according to the Parliamentary Ombudsman, the draft sent to the officials should have been treated as an official document. Furthermore, the Parliamentary Ombudsman states that an outsider could have perceived the use of the private email addresses as an attempt to circumvent the provisions regarding public access to documents.

The Parliamentary Ombudsman criticises the Municipal Executive Board in the municipality of Arvika for the fact that the draft report was handled in violation of the Freedom of the Press Act and the Public Access to Information and Secrecy Act, and for the fact that officials used private email addresses for official purposes.

In conclusion, the Parliamentary Ombudsman states that the findings in the case indicate a widespread lack of knowledge within the municipality in respect of official documents. The Parliamentary Ombudsman requires the municipality to take the necessary measures to remedy these issues. (Reg. no. 1787-2020)

The Parliamentary Ombudsman directs criticism towards the University of Agricultural Sciences for disregarding the freedom to communicate information in a case were a university student published debate articles

A veterinary student at the University of Agricultural Sciences wrote a debate article on pig slaughter, two directors of study later gave a lecture to the student's grade. In connection to the lecture the two directors of study stated that the student's opinions may damage the education as the farmers with whom the university collaborates can become worried about such publications, which may result in e.g. farmers not receiving students for clinical training. They also stated that students should consider possible circumstances before signing publications as veterinary students. When a second debate article was published, the vice dean scheduled a meeting with the student. During the meeting, the student was asked several times to explain the purpose of the articles and the vice dean asked if the student could have used a forum other than debate articles to express her opinions. The vice dean also expressed concern that the articles would have a negative effect on farmers' attitudes towards the university.

According to the Chief Parliamentary Ombudsman, it is clear that the directors of study and the vice dean, as representatives of the university, have direct or indirect power over the education and that they thereby also have had opportunity to expose students to negative actions. The Chief Parliamentary Ombudsman states that the students were in a dependant relationship to the representatives of the university which actualizes the student's right to communicate information.

The Chief Parliamentary Ombudsman states that the meaning of the statements by the directors of study and the context in which they were presented appears to be a measure to reprimand the student for using the freedom of speech. According to the Chief Parliamentary Ombudsman, that measure was in conflict with the right to communicate information. There has also been a clear risk that other students may have perceived this as having a limited freedom of speech, which is severe, according to the Chief Parliamentary Ombudsman. The university is criticized for its actions. The Chief Parliamen-

tary Ombudsman also holds that the vice dean acted in violation of the right to communicate information. The university is criticized also due to this occurrence. (Reg. no. 3567-2020)

Statements concerning an administrative court of appeal's routines regarding the return of disclosed documents examined due to secrecy

When the Administrative Court of Appeal in Göteborg reviews an authority's decision not to disclose a public document due to secrecy, the court usually goes through the document that the decision-making authority has not disclosed by requesting it. During the time the document is kept by the court, it belongs to the court of appeal but it is not considered as a part of the court's case. According to the court's procedures, such documents are returned to the decision-making authority immediately after the case is closed. In the present case questions arise whether the return of the documents, by the court, holds legal support and whether the assessment is affected by whether a decision not to release the document from the court has been appealed when the return of the document takes place.

The Chief Parliamentary Ombudsman states that he has no opinions concerning the fact that the court returned disclosed documents that have been examined due to secrecy in connection to closing the case.

The Chief Parliamentary Ombudsman further states that the case in question differs from previous cases where the Parliamentary Ombudsman has stated that documents may not be destroyed before the time for appealing a decision on the disclosure of documents has expired, and until an appeal is fully processed. In the current case the court had an obligation to go through the documents in question within the framework of its examination due to the matter of secrecy, but has not had any obligation to request the documents or, when this has happened, to keep the documents. Moreover, the documents have not been destroyed but returned to the decision-making authority, where they are available to the public, to request. According to the Chief Parliamentary Ombudsman the court of appeal's management of the documents has thus not affected the complainant's right to receive the relevant documents. (Reg. no. 8254-2020)

A question whether chapter 2 of the Freedom of the Press Act or chapter 6, section 5, of the Public Access to Information and Secrecy Act is applicable when an employee of a municipality requests public documents

An administrative officer at a board of chief guardians requested copies of a decision that the Migration Agency had taken in a case concerning a certain individual. The Migration Agency's disclosure of the documents was delayed.

In the decision, the Parliamentary Ombudsman raise questions whether chapter 2 of the Freedom of the Press Act or chapter 6, section 5, of the Public Access to Information and Secrecy Act is applicable regarding the processing. In light of how the request was formulated the Parliamentary Ombudsman holds that it must have been obvious to the Migration Agency that the request was made by an admirative officer while performing their duties. It should therefore have been dealt with in accordance to the provision regarding the obligation to provide information between authorities, pursuant to chapter 6, section 5, of the Public Access to Information and Secrecy Act.

Furthermore, the Parliamentary Ombudsman notes that there are no explicit provisions regarding how long an examination may take in accordance with the provision, but holds that the outset should be that the examination must be made with urgency. However, the Parliamentary Ombudsman believes that there should be a relatively large margin to take the circumstances of the individual case into account when assessing how expeditious the procedure should be. In order to facilitate and expedite the processing, the requesting authority may suitably indicate how quickly they need the requested information. The authority that owns the information may also ask the requesting authority about the need and adjust the processing of the request to the response.

The Parliamentary Ombudsman directs criticism towards the Migration Agency for taking four months to process the request. (Reg. no. 9586-2020)

Criticism of the Swedish University of Agricultural Sciences for denying a person access to official documents with reference to the COVID-19 pandemic

During the summer of 2021, a person asked for access to official documents as soon as possible on the premises of the Swedish University of Agricultural Sciences. With reference to the COVID-19 pandemic, the University reported that this could not be done until two and a half months later.

The Chief Parliamentary Ombudsman states that during the pandemic, authorities have only been able in exceptional cases to refuse to

immediately release an official document on site with reference to the risk of contagion. According to the Chief Parliamentary Ombudsman, there has been no scope for complete refusal to accept on-site visits or to refuse to disclose official documents on site with reference to less specific assumptions about the risk of contagion in the individual case. The university is criticised for failing to have complied with the person's request.

The person also asked the University to examine the issue of disclosure of documents on site in a written decision, but the University did not make a decision. The Chief Parliamentary Ombudsman states that the obligation to make a written decision on request, which can be appealed, also applies if someone has requested access to documents on site at a certain time and the authority is of the opinion that disclosure at that time would encounter significant obstacles. The university deserves criticism for failing to make a decision. (Reg. no. 5371-2021)

Criticism of the Director-General of the Swedish Forest Agency for having acted contrary to the requirement for objectivity and impartiality in Chapter 1, Section 9 of the Instrument of Government

The Director-General of the Swedish Forest Agency provided his private email address to an external actor upon request. This actor then sent a message to that address, which was not registered by the Swedish Forest Agency but deleted by the Director-General.

The Parliamentary Ombudsman concludes from the investigation that the message in question constituted an official document. According to the Parliamentary Ombudsman, the Director-General's statements on the incident cannot be understood in any way other than that his actions were aimed at circumventing public access to the documentation. Such action is contrary to the requirement for objectivity and impartiality laid down in the Instrument of Government. The Director-General is therefore criticised for his actions. (Reg. no. 9123-2021)

Social insurance

The Swedish Pensions Agency is criticised for failing to include the name of the decision-maker in a letter of notification concerning a decision to recover funds

The Swedish Pensions Agency decided that an individual should pay back some compensation. The letter of notification regarding the decision that was sent to the individual did not state the name of the decision-maker. In its decision, the Parliamentary Ombudsman considers whether omitting the name of the decision-maker was in compliance with the Administrative Procedure Act.

The Parliamentary Ombudsman notes that the Administrative Procedure Act does not contain an explicit requirement indicating that the name of the decision-maker has to be included in the letter of notification, but that there may nevertheless be good reasons for doing so, taking into account factors such as the nature of the decision and the interests of the individual. According to the Parliamentary Ombudsman, emphasis should be placed on the primary purpose of the Administrative Procedure Act – to protect the individual – and also on what follows from the good administration requirement.

The present case relates to recovery of funds; that is to say, a decision that was onerous for the individual and that was made following an individual assessment. According to the Parliamentary Ombudsman, a decision of this nature on recovery of funds is such that the individual typically has an interest in knowing who made the decision.

Based on the citizen's perspective that should characterise the public administration, the Parliamentary Ombudsman is of the opinion that the name of the decision-maker should be indicated directly in the document which is used to notify the individual of the decision to recover the funds.

The Swedish Pensions Agency is criticised for the fact that the letter of notification sent to the individual in the case under review failed to indicate the name of the decision-maker. (Reg. no. 3869-2019)

The Parliamentary Ombudsman directs criticism towards Försäkringskassan for not notifying a parent regarding a measure to reduce the days for parental allowance when the child turned four years old

Pursuant to chapter 12, section 12 of the Social Insurance Code, when a child reaches the age of four, parental allowance is not given out for more than an additional 96 days. If the parents have more parental allowance days, the number of days is reduced to 96 and distributed in such a way that each parent retains as many days as corresponds to the parent's share before the reduction.

In the current case, the parents had a total of less than 96 days with parental allowance left when the child turned four years old. 70 of the

days belonged to the mother. When Försäkringskassan later decided to recover incorrectly taken parental allowance from the father, his incorrectly reimbursed days were returned and the total remaining parental allowance days came to exceed 96. These were immediately reduced to 96 days and distributed among the parents in such a way that the mother's parental benefit days were reduced to 42 days. Although the change affected the mother, she was not notified of the reduction.

In the decision, the Parliamentary Ombudsman states that a change of parental days with parental allowance does not in itself have an independent legal effect, but can affect a parent's plans to take out leave to take care of a child, and his or her right to leave, pursuant to the Parental Leave Act. Such an amendment is therefore considered to constitute a decision in a case. Since a party to a case must be notified of the full content of a decision in a case, Försäkringskassan should have notified the mother of the change. The authority is criticized for not doing so. (Reg. no. 4734-2019)

The Parliamentary Ombudsman directs criticism towards Försäkringskassan for the design of five decisions on compensation for personal assistance and for not living up to their service duty

Försäkringskassan has, in three decisions covering different time periods, rejected an individual's application for compensation for personal assistance. The justification for the decisions prove that Försäkringskassan has examined the right to compensation for each of the cases. It is of great importance that an authority is aware of the difference between rejecting an application and refusing it, and that an application is rejected only when it is not possible to examine it. The decision's justifications also appear unclear. Försäkringskassan has also not stated, in the decision sentence, which time period the decisions concern. It is especially important that it is clear what is covered by a decision when an authority takes several decisions concerning different time periods.

Försäkringskassan could also have formulated two decisions, for other time periods, clearer. Overall, the Parliamentary Ombudsman is critical of the inadequate design of all five decisions.

In the decision, the Parliamentary Ombudsman also states that Försäkringskassan, within the obligation of its service duty, should have contacted the coordinator of the provided assistance, during the processing time, to provide information that additional documents were needed before it was too late to complete the applications. Försäkringskassan receives criticism for failing to do so. (Reg. no. 5429-2019)

The Parliamentary Ombudsman directs criticism towards Försäkringskassan for lack of service duty and deficiencies in communicating a letter and in the following decision

Chapter 110, section 13 a of the Social Insurance Code includes certain rules on communicating information regarding sickness benefit. As a general rule, such a case may not be decided to the detriment of the insured without the insured having been informed of the content of the forthcoming decision and given an opportunity to comment on it. The insured should also be able to read the justification for the decision.

Section 32 of the Administrative Procedure Act stipulates that a decision, unless it is clearly unnecessary, must contain a clarifying justification stating the circumstances that have been decisive for the authority's position. The preparatory work for the provision also states that if a party has objected to the factual information added to the case, there is reason for the authority to explain how it has assessed the objections.

In the decision, the Parliamentary Ombudsman states that the requirements for a clarifying justification that apply, pursuant to section 32 of the Administrative Procedure Act, should also apply to a communication in accordance with chapter 110, section 13 a of the Social Insurance Code to enable the insured to comment on the forthcoming decision in a meaningful manner. (Reg. no. 455-2020)

Försäkringskassan is criticised for not informing an individual in a case concerning sickness benefit that, among other things, the decisions made in the case were of an interim nature

AA applied for sickness benefit in February 2019. More than one year then passed before the case was finally resolved. During the period of the investigation, Försäkringskassan made interim decisions on sickness benefit on eleven occasions. On only two of these occasions was AA given information that the decisions were of an interim nature.

The Parliamentary Ombudsman notes that there is no explanation why Försäkringskassan did not inform AA of the decisions in the manner prescribed in Section 33 of the Administrative Procedure Act and states that AA, even if the decisions were in her favour, had a legitimate interest in being told that they were of an interim nature.

In the decision, the Parliamentary Ombudsman also states that it is of course not the intention that Försäkringskassan should need to make repeated interim decisions before a case is decided. The large number of decisions in this case is in itself testament to the fact that it was not processed with the urgency required by Section 9 of Administrative Procedure Act. The decision also states that the fact that interim decisions are made during the period of the investigation does not absolve Försäkringskassan of the obligation to deal with the matter quickly and efficiently. On the contrary, it is particularly important that the individual does not have to live in uncertainty about the authority's final assessment for any longer than is necessary. In conclusion, the Parliamentary Ombudsman is very critical of the processing of the case.

The decision also refers to the fact that the Parliamentary Ombudsman made another decision (decision case no. 1505-2020) on the same day on a similar issue, and that the Parliamentary Ombudsman intends to continue to monitor the way in which Försäkringskassan processes interim decisions. (Reg. no. 513-2020)

The Swedish Pensions Agency is criticised for slow processing of a housing supplement case and other matters

The Swedish Pensions Agency has had problems for several years with long processing times in cases relating to housing supplement. In October 2019, the Parliamentary Ombudsman issued two decisions criticising the Agency for slow processing of two cases relating to housing supplement (ref. nos. 686-2019 and 1833-2019). Since these decisions, similar complaints have continued to be received by the Parliamentary Ombudsman. This was also the background to the Parliamentary Ombudsman's decision in October 2020 to investigate the matter again in this and another case (6365-2020).

The Swedish Pensions Agency's response indicates that the Agency has continued to experience major problems with long processing times in cases relating to housing supplement. The Parliamentary Ombudsman states that there are reasons to question whether the measures undertaken to date have been sufficient, and notes that the Swedish Pensions Agency's annual report for 2021 shows that individuals will continue to be affected by the Agency's problems in this regard. According to the Parliamentary Ombudsman, the explanations given by the Swedish Pensions Agency for the problems, such as huge backlogs of cases and a shortage of case officers, cannot in any way justify the fact that the administration has been unable to meet the requirements for as long as is the case here. The Swedish Pensions Agency deserves criticism for that.

The Parliamentary Ombudsman also criticises the Swedish Pensions Agency for its handling of an individual case that had been pending without action for almost nine months. Moreover, the Parliamentary Ombudsman is critical of the fact that it took almost three years from the time the Administrative Procedure Act (2017:900) came into force on 1 July 2018 for the Swedish Pensions Agency to have a procedure in place for the application of Section 11 of the Administrative Procedure Act.

To conclude, the Parliamentary Ombudsman refers to the fact that today, in two other cases (ref. no. 568-2021 and ref. no. 974-2021), he has criticised the Swedish Pensions Agency for a lack of accessibility and service. The Parliamentary Ombudsman states that a key element of the requirements defined for good administration is that an individual who contacts an authority should receive a decision within a reasonable time, and that he or she should also be able to get in touch with the authority. According to the Parliamentary Ombudsman, the fact that the Swedish Pensions Agency demonstrates shortcomings in both these respects is very serious. This is also something that risks damaging public confidence in the Swedish Pensions Agency, and according to the Parliamentary Ombudsman, it is extremely important that the Agency remedies these shortcomings without delay. The Parliamentary Ombudsman states that he will be monitoring developments in both these areas, and that he feels there is reason to send a copy of this decision to the Government Offices of Sweden for information. (Reg. no. 5920-2020)

The Swedish Social Insurance Agency is severely criticised for having submitted several documents containing confidential information to the Social Welfare Board in connection with a notification of concern, with no confidentiality assessment having been carried out

A case officer at the Swedish Social Insurance Agency had submitted a notification of concern to the Social Welfare Board and attached to this several documents containing confidential information, including a medical certificate submitted to the agency in a case relating to sickness benefit, without a prior confidentiality assessment having been carried out.

The decision states that the Swedish Social Insurance Agency may report concerns about child abuse and may disclose confidential information if it is obvious that the interest in its disclosure overrides the interest protected by confidentiality. This balance must take into account, on the one hand, the possibility of providing Social Services with information in order to help a child in a potentially vulnerable situation and, on the other hand, the parent's interest in being able to provide a detailed description of their health in a case relating to sickness benefit without this information being disclosed to unauthorised persons. According to the Parliamentary Ombudsman, it may be considered sufficient for the case officer working on the notification of concern to describe the circumstances underlying the concern for the child without submitting any other documentation. It is then up to the Social Welfare Board to decide whether there are grounds for requesting additional documents that the board may need for its review.

The Parliamentary Ombudsman takes a very serious view of the fact that the case officer at the Swedish Social Insurance Agency reproduced confidential information in the notification of concern and attached several medical documents to the notification without first considering whether there was legal support for it. The agency is severely criticised for what has come to light. (Reg. no. 7010-2020)

The Swedish Pensions Agency is criticised for shortcomings in a party's notification of compensation paid incorrectly

The Swedish Pensions Agency had sent a notice to an individual asking him to repay a fairly large amount that was paid in error.

The Parliamentary Ombudsman notes that this notice was a party statement; that is to say, a decision in which the Agency states its position on a matter of a civil law nature. A party statement is not legally binding, nor is the individual to be considered a party to the case. This means that the provisions of the Administrative Procedure Act concerning communication prior to a decision or giving reasons for a decision, for example, are not applicable.

One of the starting points of the Administrative Procedure Act is that modern administration should be characterised by a clear citizen perspective, with stringent demands for good service. The Parliamentary Ombudsman states that the service duty in the Administrative Procedure Act may require communication and reasons for decisions even in the case of party statements.

The Parliamentary Ombudsman criticises the Swedish Pensions Agency for the fact that several relevant details were missing from the notification sent to the individual, including sufficiently clear reasons for the claim for reimbursement and the name of the decision-maker, and for the fact that the Agency failed to communicate any details before the decision was made. (Reg. no. 7494-2020)

Swedish Pensions Agency criticised for lack of accessibility and service

In recent years, the Parliamentary Ombudsman has received a number of complaints from individuals about the fact that it is difficult to get through to the Swedish Pensions Agency over the telephone. In December 2019, the Parliamentary Ombudsman severely criticised the Swedish Pensions Agency for the shortcomings in accessibility and service that this entails (ref. no. 3555-2019). Since this decision, similar complaints have continued to be received by the Parliamentary Ombudsman. This was also the background to the Parliamentary Ombudsman's decision in March 2021 to investigate the matter again in this and another case (ref. no. 974-2021).

The Swedish Pensions Agency's response indicates that the Agency has not been able to answer all incoming calls for some time, and that a lot of calls have been disconnected and have not even reached the Agency's customer service telephone system. In January 2021, as many as 76 per cent of incoming calls were disconnected. In this case, as well as the other case that the Parliamentary Ombudsman chose to investigate (ref. no. 974-2021), the Swedish Pensions Agency is criticised for the shortcomings in accessibility and service due to the difficulties in contacting the Agency by telephone.

To conclude, the Parliamentary Ombudsman refers to the fact that today, in two other cases (ref. no. 5920-2020 and ref. no. 6365-2020), he has criticised the Swedish Pensions Agency for slow processing of cases concerning housing supplements. The Parliamentary Ombudsman states that a key element of the requirements defined for good administration is that an individual who contacts an authority should receive a decision within a reasonable time, and that he or she should also be able to get in touch with the authority. According to the Parliamentary Ombudsman, the fact that the Swedish Pensions Agency demonstrates shortcomings in both

these respects is very serious. This is also something that risks damaging public confidence in the Swedish Pensions Agency, and according to the Parliamentary Ombudsman, it is extremely important that the Agency remedies these shortcomings without delay. The Parliamentary Ombudsman states that he will follow developments in both these areas and that he finds reason to send a copy of this decision to the Government Offices of Sweden for information. (Reg. no. 568-2021)

Social services

Social Services Act

The Parliamentary Ombudsman directs criticism towards the Social Welfare Board, Northeast section, Göteborg municipality, as two administrative officers conducted an unannounced visit during a so-called child investigation

The social services received a report due to concern from the employer of two parents. The couple had recently become parents and the board initiated a so-called child investigation due to the report. Thereafter two administrative officers conducted an unannounced visit to the couple.

Each individual is, pursuant to chapter 2, section 6 of the Instrument of Government, protected against, among other things, house searches or similar intrusion by the public sector. The protection against infringement may only be limited by legislation. The social services are a part of the public sector and are thus covered by the provisions in the Instrument of Government. There is no provision that gives the social services the right to enter an individual's home, regardless of what the purpose of this would be.

In order for the social services to carry out a visit to a home, within the framework of a so-called child investigation, it is required that an individual gives their consent to the visit. The consent must be substantial, and it cannot be a question of the individual agreeing to a home visit because he or she feels compelled to do so. The scope for carrying out an unannounced home visit is very limited and such visits should only occur in exceptional cases, e.g. if the social services fear that there is an emergency. According to the Parliamentary Ombudsman, there was no reason, in the current case, to fear an emergency situation, and the administrative officers should therefore have consulted the couple in advance, before the home visit was carried out.

In the board's referral response to the Parliamentary Ombudsman the board emphasized that it did not want to give the couple an opportunity to prepare for the visit. In the decision, the Parliamentary Ombudsman emphasizes that the activities of the social services must be based on respect for the integrity of individuals, and that the principles of autonomy and integrity are fundamental to the activities of the social services. The Parliamentary Ombudsman holds that there is a risk that it may damage the trust of the general public if the authority carries out unannounced home visits and directs criticism towards the board for carrying out an unannounced visit. (Reg. no. 1188-2020)

The Social Welfare Board in Gällivare municipality is criticised due to the management of a case, for, among other things, the handling of a question of consent pursuant to Chapter 6, Section 6, first paragraph of the Social Services Act

In August 2019, the Social Welfare Board in Gällivare Municipality launched an investigation concerning AA, born in 2004. Shortly afterwards, AA moved to stay with her half-sister and her partner in Norrköping. With the exception of an administrator trying to contact AA and her father BB on a few occasions in the autumn of 2019, no action was taken in the case for several months. Once processing resumed in January 2020, only a few days passed before the investigation was closed at BB's request. A new investigation was then launched with the aim of trying to enable AA to come back to Gällivare. AA returned to Gällivare in February 2020. She was then placed in a family home in Uppsala.

The Parliamentary Ombudsman is critical of the board's processing of the case in many respects. The Parliamentary Ombudsman states, among other things, that the board, within the framework of the investigation that was launched in August 2019, had a far-reaching investigative responsibility to clarify AA's situation and needs, and also to propose measures. According to the Parliamentary Ombudsman, it is therefore very surprising that the board, after receiving information that AA had moved to Norrköping, did not undertake any real investigative measures in the case. There was instead no action for several months.

The Parliamentary Ombudsman also comments on the fact that the board appears to have been of the opinion that it was BB who decided which contacts should be made within the framework of the investigation and that the investigation in January 2020 was closed at BB's

request. These are, of course, not matters over which a guardian has control. The Parliamentary Ombudsman is also critical of the fact that the board does not appear to have reflected on the fact that AA was over 15 years old when the investigation was launched and that she therefore had the status of a party to the case.

In conclusion, the Parliamentary Ombudsman is critical of the way the board handled the issue of consent pursuant to Chapter 6, Section 6, first paragraph of the Social Services Act. The Parliamentary Ombudsman states that when a social welfare board becomes aware that a child has moved to another home, the board has a responsibility to clarify for what purpose the child has moved and whether consent is needed. It is certainly not the intention that a social welfare board, as happened in this case, should wait to investigate the matter until, in the board's perception, the stay has become more permanent. In this case, several items of information emerged in the autumn of 2019 that should have prompted the board to act. (Reg. no. 1514-2020)

The Parliamentary Ombudsman directs criticism towards the Social Welfare Board of Södertälje municipality due to deficient processing in a case where a 13-year-old child under care was exposed to a sexual offence

The child BB was under care pursuant to the Social Service Act and placed in a family home. When BB was 13 years old the social welfare board's administration received a phone call from a so-called family consultant who told the administration that BB had met a boy via the internet and that the two had been engaged in sexual activity. The social services did not initiate an investigation regarding BB and did not file a complaint to the police. BB's mother instead reported the matter to the police.

In the decision, the Parliamentary Ombudsman emphasises that the information from the family consultant should have been enough to suspect that BB was exposed to a sexual offence. The Parliamentary Ombudsman further notes that the board had a far-reaching responsibility, as BB was cared for in a family home. Due to this background the board should have taken immediate action and commenced an investigation to shed light on BB's personal situation. The Parliamentary Ombudsman directs criticism towards the board for not conducting an investigation.

The board did take certain actions due to what had occurred; e.g. the board contacted a counselor to meet with BB. Although it is clear that the board did not investigate or go over what was best for BB in the current situation. According to the board's response to the Parliamentary Ombudsman the primary reason for BB's meeting with the counselor was to relieve the mother.

The Parliamentary Ombudsman notes that the best interest of the child shall be decisive when taking a decision and other measures that concerns care or treatment of a child. It is notable that the board did not consider these aspects when processing the case, and when considering the necessary measures, and that the board did not analyse or account for how they assessed what was best for BB. The board's lack to assess the child's perspective when processing the current case is a severe deficiency and the board receives criticism due to this fact. (Reg. no. 2856-2020)

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

The Health and Social Care Inspectorate (IVO) is criticised for shortcomings in its supervision of the LSS home Skogsbo in the municipality of Gnosjö

In March 2019, the Health and Social Care Inspectorate (IVO) decided to close a supervisory case concerning the LSS home Skogsbo in the municipality of Gnosjö. Just over a year later, the Parliamentary Ombudsman launched an initiative to review the IVO's supervision of the LSS home and others.

In the decision, the Parliamentary Ombudsman states that the IVO has failed in its supervision of the home. Shortcomings were found in the implementation of the inspection, as well as in the documentation and the drafting of the decision. The Parliamentary Ombudsman takes this very seriously, and so the IVO is criticised.

According to the Parliamentary Ombudsman, the IVO is obliged in its supervision to investigate whether an LSS activity meets the requirements for good quality, regardless of the opinion of the accountable manager or the user on the matter. As the supervision in question was initiated following a complaint from the user's sister, a reasonable starting point for the inspection would have been to try to establish whether there were any grounds for the allegations made at the time. Based on the documentation in the supervisory case, it appears that the inspection lacked sufficient focus on the complaints made against the home.

The IVO compiled two reports during the inspection. According to the Parliamentary Ombudsman, a report containing such serious

information as in the present case must be drafted in such a way that it is easy to understand what has happened, and what problems have existed or still exist in the activity. It must also be possible to understand what action has been or will be taken to address the problems.

The IVO decided to close the case because the authority did not identify any shortcomings "in the areas covered by the supervision". Moreover, the IVO assessed that the user achieved good living conditions "in the areas covered by the supervision". According to the Parliamentary Ombudsman, these limitations have made it difficult for an outsider to determine whether the authority's assessment of the activities under review was reasonable. (Reg.no. 2797-2020)

Care of Abusers (Special Provisions) Act (LVM)

Questions raised regarding when an immediate order for care pursuant to section 13 of the the Care of Abusers Special Provisions Act was enforced

If an immediate order for care pursuant to section 13 of the Care of Abusers Special Provisions Act is not enforced when it is submitted to the administrative court, the time limit for the court's review should be set from when the decision was taken, according to section 17 of the Care of Abusers Special Provisions Act.

Pursuant to the Care of Abusers Special Provisions Act there is no specific provision that explicitly states when a decision on immediate care is enforced, but, according to the Parliamentary Ombudsman's understanding, it is justifiable to look at when the care commenced, pursuant to section 20 of the Care of Abusers Special Provisions Act. However, the Parliamentary Ombudsman states that it is unsatisfactory that the issue is not clearly regulated in the Care of Abusers Special Provisions Act. The lack of clear provisions may result in matters not being assessed in a uniform manner and for incorrect assessments to be made with the consequence that an order for care is not assessed within the timespan that is specified pursuant section 17 of the Care of Abusers Special Provisions Act.

On April 6, 2019, the chairman of the Social Welfare Board in Norrköping municipality decided to immediately put AA under care. The care of AA began on April 18, 2019 when he arrived at a hospital. Given the interpretation presented above, the decision on immediate care was also enforced at that time. However, this is something that the board does not seem to have reflected on. Instead, it was only after AA had arrived at a home provided pursuant to the Care of Abusers Special Provisions Act that the board informed the administrative court that the decision had been enforced. The consequence was that the care was not examined within the timespan specified in section 17 of the Care of Abusers Special Provisions Act.

The Parliamentary Ombudsman states that even if questions are raised regarding how the board handled the case, it cannot be ruled out that the board, if the dealings of the enforcement had been clearly regulated, would have made a different assessment. The Parliamentary Ombudsman therefore does not find sufficient reason to direct criticism towards the board than the views stated in the decision.

In the decision, the Parliamentary Ombudsman emphasizes that the legislator in section 17 the Care of Abusers Special Provisions Act has clarified the importance of immediate care being examined by the administrative court within a certain specified timespan. Due to legal certainty the social welfare board shall not make incorrect assessments of the enforcement, with the consequence that care is not examined within the timespan specified in section 17 or the Care of Abusers Special Provisions Act. According to the Parliamentary Ombudsman's understanding, there are reasons to consider whether the current regulation meets the requirement for clarity required to avoid misjudgements. Against this background and pursuant to section 4 of the Act with Instructions for the Parliamentary Ombudsmen the Parliamentary Ombudsman raise questions of whether the Care of Abusers Special Provisions Act shall be reviewed. (Reg. no. 8583-2019)

Severe criticism of the Social Welfare Board in Karlskoga municipality for, among other things, having closed an investigation pursuant to Section 7 of the Care of Abusers Special Provisions Act without having previously clarified a man's need for care

Relatives of a man submitted several notifications of concern about him to the board. They stated, among other things, that he abused alcohol and that they had been unable to contact him for some time. The board took certain steps to make contact with the man. The Police Authority also made a report pursuant to Section 6 of the Care of Abusers Special Provisions Act (LVM) and stated, among other things, that the man had alcohol problems. The board invited the man to a meeting, but he did not attend. At that point, the board launched an investigation

pursuant to Section 7 of the Care of Abusers Special Provisions Act. During the course of the investigation, the board made some further attempts to make contact with the man. The investigation was then closed because he had not been found.

The board has a special responsibility to make sure that people with substance abuse problems receive the help and care they need. This means that the board must investigate the individual's circumstances in order to be able to take appropriate action. When the board, through a notification pursuant to Section 6 of the Care of Abusers Special Provisions Act or in any other way, has been made aware that there may be grounds for preparing compulsory care, the board must initiate a so-called the Care of Abusers Special Provisions Act investigation pursuant to Section 7 of the Care of Abusers Special Provisions Act.

The Parliamentary Ombudsman notes that the processing of the man's case was deficient in several respects. The board did not assess whether the information in the notifications in question should result in any action on the part of the board. According to the Parliamentary Ombudsman, the information in the notifications was such that an investigation pursuant to the Care of Abusers Special Provisions Act should have been initiated at an earlier stage than was the case. Furthermore, there were no grounds for the board to close the investigation with reference to the fact that they were unable to establish contact with the man. The board was obliged to investigate his situation. According to the Parliamentary Ombudsman, the processing of the case indicates very inadequate knowledge of how an investigation such as the one in question should be conducted. When the board closed the investigation, about three months had passed since the board had received the first notification of concern about the man. According to the Parliamentary Ombudsman, the fact that the board was unable to clarify his circumstances during this time represents a serious situation. The Parliamentary Ombudsman also notes that the documentation in the man's case is inadequate. All in all, the deficiencies in the processing of case are such that the Parliamentary Ombudsman directs severe criticism towards the board. (Reg. no. 3673-2020)

Care of Young Persons (Special Provision) Act [LVU]

The Parliamentary Ombudsman directs severe criticism towards the Social Welfare Board of Linköping for the handling in a case concerning a relocation of twelve-year-old boy

A twelve-year-old boy was under care pursuant to the Care of Young Persons Act. The boy was placed in a family home since 2013. The administration took a decision on May 8, 2019 to seize the care pursuant to the Care of Young Person Act and instead keep the placement within the home pursuant to the Social Services Act. However, the administration had moved the boy from the family home. On May 9, 2019, the chairman of the administration had taken a decision to place the boy in a temporary emergency home.

When a move of a child is considered the administration shall investigate the case pursuant to chapter 11, 1 paragraph of the Social Services Act. Such an investigation must be conducted without preconditions and highlight the advantages and disadvantages of a possible relocation. The best interests of the child are decisive in whether or not a move of a child should take place. A child has the right to receive relevant information from the social services. The child shall also be given the opportunity to express his or her opinions concerning the matter and the opinions shall be given importance in relation to the child's age and maturity.

In the present case, a brief presentation from the administration was the basis for the decision to move the boy. According to the Parliamentary Ombudsman, nothing has emerged in the case that suggests that the boy's conditions in the family home meant that there was a need for an urgent move of the boy and that the administration therefore could be satisfied with a decision based on a summary. The administration should have made a thorough relocation investigation.

The Parliamentary Ombudsman further notes that a decision dated May 8, 2019, in a conclusion that concerned the boy's move, was based on a document that was no longer relevant because the boy had already been moved from the family home. According to the Ombudsman, what happened is remarkable.

Finally, the Ombudsman states that the administration did not have the child perspective in mind when moving the boy. The administration did not make a full assessment of his best interests before deciding on reassignment. The Parliamentary Ombudsman emphasizes, in the decision, that the child's opinions constitute an important part in the assessment of what is best for the child. The boy was not allowed to state his opinions regarding the move. The administration has also failed to provide him with information about what occurred in the case.

The Parliamentary Ombudsman directs severe criticism towards the administration for the deficiencies when processing the move. (Reg. no. 2230-2019)

The Individual and Labour Market Board in Sundsvall Municipality and the National Board of Institutional Care's 'Rebecka' youth home are criticised for inadequate processing when a girl was to be placed at that home

A girl had been in care since November 2018 pursuant to Section 3 of the Care of Young Person Act and during her care period was placed in accommodation including the National Board of Institutional Care's youth homes. In December 2019 she was placed in a municipal youth housing unit. In January 2020, the board decided that the girl should once more be placed at the Rebecka youth home. The home registered the girl, but before admitting her requested that the board submit its latest decision pursuant to Section 13, second paragraph of the Care of Young Person Act in respect of the girl, in order to check that the decision on care was still enforceable. The board and the home have reported different perceptions to the Parliamentary Ombudsman about when the home was provided with the decision. When the police were about to transport the girl to Rebecka, the home announced that it could not accept her because the decision had not been provided. The consequence was that the board withdrew the request for judicial assistance and the girl was released by the Police Authority.

In its decision, the Parliamentary Ombudsman deals with the question of what is required of the authority in question when checking whether a young person can be admitted to an youth home when it has been a long time since the decision on care was made. The Parliamentary Ombudsman has no objection to the fact that the home wanted further information from the board in this case, but notes that there was essentially no reason to request the latest decision pursuant to Section 13, second paragraph the Care of Young Person Act, partly because care pursuant to the Care of Young Person Act could have ceased after the decision was taken. The question that the home needs to have answered in a case such as the one in question is whether the young person is still being cared for pursuant to the Care of Young Person Act. The home should therefore have checked with the board that the care of the girl was in force, i.e. that no decision had been taken that the care of her had ceased. The board's decision on this matter must be carefully documented by both the home and by the board. The Parliamentary Ombudsman notes that in this case the home did not take the necessary measures to clarify whether the girl was still being cared for pursuant to the Care of Young Person Act. The Parliamentary Ombudsman further notes that the Board did not help the home to clarify any ambiguities about the documentation provided by the board to the home, but referred the home to contact an administrator in the department. In its decision, the Parliamentary Ombudsman emphasises that the board must organise its activities in such a way that questions can be answered without delay, even outside office hours.

The Parliamentary Ombudsman notes that the handling of the case by the authority resulted in the girl not receiving the care she needed. The Parliamentary Ombudsman therefore directs criticism towards both authorities and they are also criticised for inadequate documentation. (Reg. no. 138-2020, 3621-2020)

Taxation

The Chief Parliamentary Ombudsman directs criticism towards the Tax Agency due to slow processing of cases concerning population registration in regards to in-migration to Sweden

The Parliamentary Ombudsman has received a large number of complaints concerning slow processing of cases concerning population registration in regards to in-migration to Sweden.

A person who is registered in Sweden is entitled to certain benefits, e.g. health care and various social insurance benefits. Population registration may be required to gain access to acquire home insurance, a mobile telephone subscription, banking services etc. The Chief Parliamentary Ombudsman states that it is essential to an individual that a case regarding population registration, subsequent to moving to Sweden, is processed as quickly as possible. Therefore, there are reason to place high demands on urgency when processing such cases. According to the Chief Parliamentary Ombudsman, it is not acceptable that several months pass until a case on population registration is decided, unless there are specific reasons that justify a longer processing time.

In a separate case, specific reasons for a delay may be that the case in question is complicated to process or requires more extensive investigative measures. Even more general reasons, that are beyond the authority's control, and that are difficult to predict, may constitute such specific

reasons, e.g. a sudden increase in a number of cases. In such cases, however, an authority must act to remedy the problems, this is above all paramount in matters of importance to an individual's personal or financial circumstances. In these types of cases a long processing time is only acceptable during a limited transitional period.

According to the Tax Agency, the processing times in cases concerning population registration, following upon a move to Sweden, have been negatively affected by the pandemic, due to an increased amount of cases that require investigation or supplementation and the introduction of new work routines. The Chief Parliamentary Ombudsman states, that such reasons may constitute the specific reasons that can justify a longer processing time in a separate case, but only during a certain transitional time.

The Chief Parliamentary Ombudsman directs criticism towards the Tax Agency due to processing two cases for approximately 15 and 16 weeks, respectively. The processing time was characterized by passivity, and once an administrative officer was assigned the cases it only took a week to take a decision in each case. (Reg. no. 998-2021)

Other areas

The Parliamentary Ombudsman directs criticism towards Stockholm County Administrative Board for delaying an approval of employment

During the processing of a matter of employment at an authorised security company, by the county administrative board of Stockholm county, a question regarding the approval of the employment arose, as information was revealed that the individual seeking employment was included in the suspicion directory. As the Police Authority announced that the individual in question had not been notified of the suspicion, within the framework of the criminal investigation, the board awaited the police's processing in order to be able to communicate the information about the suspicion.

The Parliamentary Ombudsman notes that, in principle, the regulations do not give the county administrative board any room to postpone a decision on approving an employment simply because no notification of the suspicion had been communicated, within the framework of the criminal investigation. However, in regards to the obligation to communicate a notification, pursuant to the Administrative Procedure Act, the Parliamentary Ombudsman considers it acceptable that the board awaited, a short time, with the processing, if it can provide conditions for communicating a broader material, but if the suspect would not receive a notification within a few weeks, the Parliamentary Ombudsman states that the county administrative board cannot wait to pursue the case. Instead, the board shall, as soon as possible, take the necessary additional investigative measures and decide on the case.

The Parliamentary Ombudsman directs criticism towards the board for delaying to take a decision on the case. (Reg. no. 391-2020)

The Parliamentary Ombudsman directs criticism towards the Companies Registration Office for refusing to accept cash when disclosing public documents

The Companies Registration Office does not receive cash. Individuals are therefore not able to pay with cash for public documents that have been disclosed by the authority. Moreover, the authority applies a routine which means that individuals that prefer to be anonymous must pay for disclosed documents in advance.

The Chief Parliamentary Ombudsman concludes that the Companies Registration Office has a duty, pursuant to the Central Bank's regulations, to receive cash for disclosed documents. Moreover, he states that payment in advance that is imposed to individuals that wishes to stay anonymous, is incompatible with the wording of chapter 6, section 1 a, second paragraph of the Public Access to Information and Secrecy Act and the purposes of the provision. The Companies Registration Office receives criticism due to these deficiencies.

The Chief Parliamentary Ombudsman assumes that the authority will take immediate action to make sure that the disclosure of public documents will be processed according to relevant provisions, and that individuals will receive correct information when inquiring about this matter. (Reg. no. 9340-2020)

The Parliamentary Ombudsman directs severe criticism of the Agency for Economic and Regional Growth for delay in submitting appeals to the Administrative Court and for the slow processing of a case involving support in connection with short-term work

Since April 2020, the Agency for Economic and Regional Growth has been processing applications from individual employers for support in connection with short-term work due to the coronavirus pandemic. The Parliamentary Ombudsman has for some time received many complaints stating that the authority is

not processing these cases promptly enough. In a previous decision from 9 September, 2021 (decision case no. 7165-2020 and 7242-2020), the Parliamentary Ombudsman criticised the Agency for Economic and Regional Growth for, among other things, slow processing of cases concerning support in connection with short-term work.

The decision refers to, among other things, complaints that the Agency for Economic and Regional Growth has delayed submitting appeals against the authority's decisions to the Administrative Court for review. The investigation has revealed that in some cases it has taken up to four months before the appeals were submitted.

The Chief Parliamentary Ombudsman states that the tasks that a authority must perform, when an appeal is received, are usually neither complicated nor time-consuming. An authority must, of course, have effective procedures so that an appeal is always handled with the urgency required. This is a fundamental precondition for a complainant to be able to have their appeal heard within a reasonable period of time. According to the Chief Parliamentary Ombudsman, the complaints in question indicate that such procedures have been lacking.

The Chief Parliamentary Ombudsman believes that the delays that have emerged, for whatever reason, are completely unacceptable. The seriousness of what has happened is accentuated by the fact that the appeals concerned cases of financial support measures of great importance to the companies concerned and, by extension, also to their employees. This kind of delay has the effect that the opportunities for complainants to have their case heard by a court are significantly delayed. The Chief Parliamentary Ombudsman directs severe criticism towards the Agency for Economic and Regional Growth for these deficiencies.

The Agency for Economic and Regional Growth is also criticised for the slow processing of cases involving support in connection to short-term work. (Reg. no. 9679-2020)

Criticism of the Municipal Executive Board in the municipality of Sotenäs for the fact that an official's contact with a newspaper's editorial office violated the requirement for objectivity in Chapter 1, Section 9 of the Instrument of Government

An official at the municipality of Sotenäs contacted a newspaper's editorial office due to the fact that one of the newspaper's journalists, who had reviewed the municipality, had also written political texts on the Internet. The official wanted to know the capacity in which the journalist contacted the municipality.

The Parliamentary Ombudsman states that it is difficult to understand the official's behaviour in any way other than as questioning the journalist because of his political views, and as an expression of dissatisfaction on the part of the municipality. As a starting point, an authority may not act solely on the basis of the views that a person has expressed or can be expected to express. The official's actions violated the requirement for objectivity defined in the Instrument of Government. The Municipal Executive Board is criticised for this. (Reg. no. 318-2021)

The Embassy of Sweden in Tehran is criticised for having checked the temperature of people visiting the embassy

In response to the COVID-19 pandemic, the Embassy of Sweden in Tehran decided on a practice whereby all visitors to the Embassy were forced to have their temperatures checked. A woman who was to be interviewed in connection with a residence permit application was refused access to the Embassy's premises because her temperature exceeded the limit set by the Embassy.

The review has raised the question of whether the provisions on fundamental rights and freedoms in Chapter 2 of the Instrument of Government, including protection against forced physical interventions, apply to a foreign authority. According to the Parliamentary Ombudsman, it would be contrary to fundamental principles of how a Swedish authority should act and could have unacceptable consequences in individual cases if a foreign authority did not have to respect the protection against forced physical interventions provided by the Instrument of Government. A foreign authority must therefore be supported by Swedish law in order to take such an action.

The Parliamentary Ombudsman is of the opinion that taking people's temperatures comes under the concept of physical intervention in the sense of the Instrument of Government, even though for most people the check should not be perceived as particularly sensitive in respect of privacy and the thermometer may possibly not touch the body. In the light of the information provided by the Embassy, plus the fact that the Embassy did not offer any alternatives to physical visits to the Embassy's premises, the Parliamentary Ombudsman is of the opin-

ion that the check was not voluntary. Taking people's temperatures therefore constituted a physical intervention that was enforced. The Embassy is criticised for having introduced and applied the practice without no legal grounds for doing so. (Reg. no. 3511-2021)

Criticism of an official at Jämtland County Administrative Board who lacked objectivity when communicating with an individual

An official at the County Administrative Board has on several occasions expressed himself in emails to an individual in a manner that violates the requirement for objectivity in Chapter 1, Section 9 of the Instrument of Government by providing false information and stating how certain losses occurred without having sufficient grounds for his conclusions. The Parliamentary Ombudsman takes the official's actions seriously and criticises him for them. (Reg. no. 6978-2021)

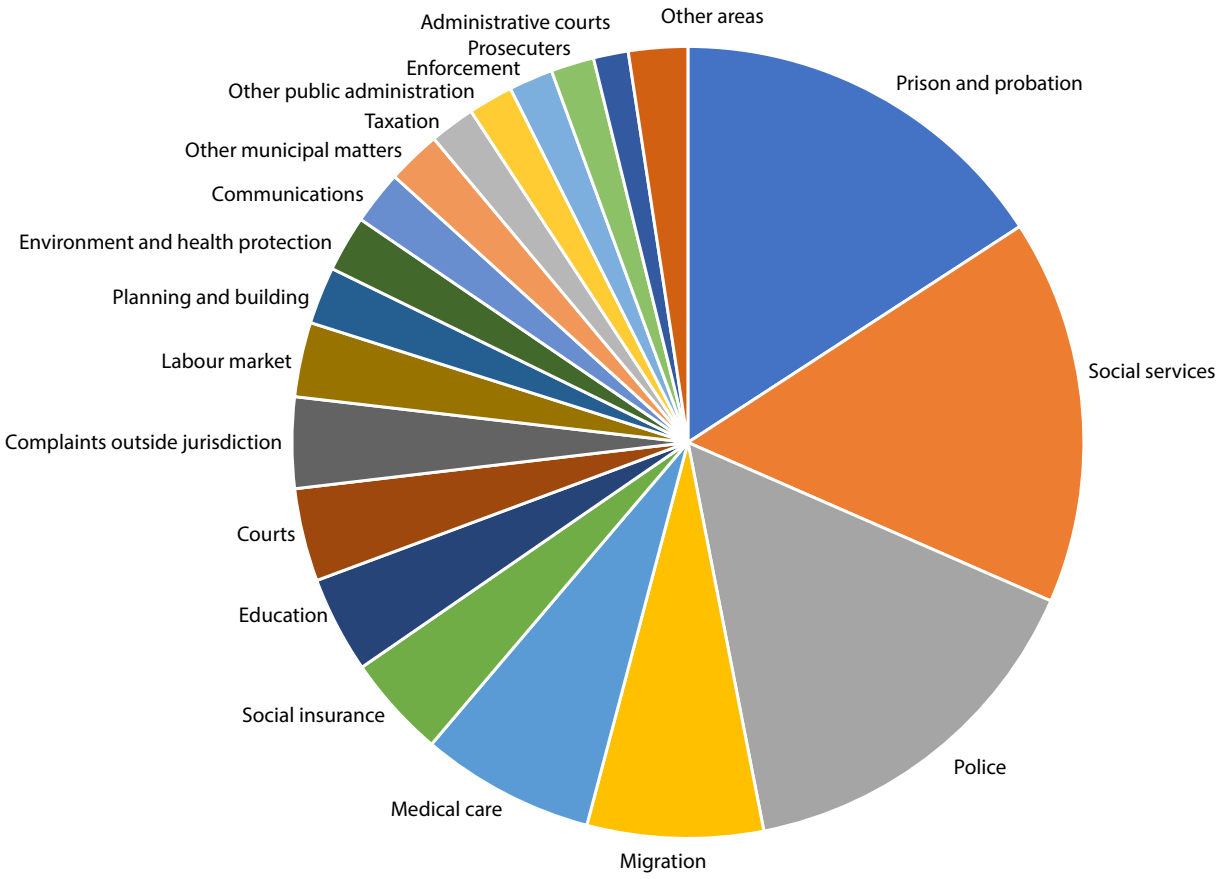
Statistics

Registered complaints in the last 5 years

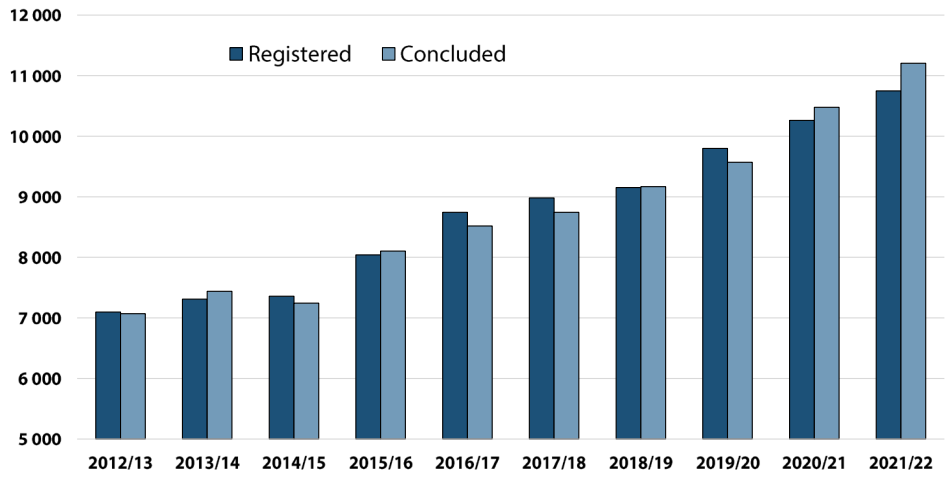
Area	2017/18	2018/19	2019/20	2020/21	2021/22
Adm. of parliament and government office	33	48	33	32	33
Administrative courts	121	167	168	166	151
Armed forces	27	21	17	71	35
Chief guaridans	86	83	92	89	77
Communications	217	184	231	228	233
Complaints outside jurisdiction	202	285	233	252	394
Courts	369	377	406	426	403
Culture	28	15	24	57	51
Customs	17	16	16	27	23
Education	380	347	480	481	418
Employment of civil servants	121	116	— [1]	— [2]	— [3]
Enforcement	222	179	220	233	191
Environment and health protection	284	208	277	288	243
Housing	13	6	10	7	6
Labour market	258	276	254	396	323
Medical care	361	314	587	592	753
Migration	636	709	608	741	762
Other municipal matters	120	130	199	183	233
Other public administration	96	147	134	205	194
Other regional matters	14	28	29	22	31
Planning and building	219	239	251	253	248
Police	1,032	1,010	1,107	1,082	1,631
Prison and probation	934	1,071	1,378	1,474	1,678
Prosecuters	164	180	209	219	187
Public access to documents, freedom of expression	521	548	— [4]	— [5]	— [6]
Social insurance	735	753	860	644	444
Social services	1,374	1,451	1,418	1,709	1,669
Taxation	137	165	183	206	197
Sum	**8,826**	**9,058**	**9,674**	**10,039**	**10,608**

1 Cases concerning employment of civil servants are from this year included in the area of public administration to which they belong. This year 145 such cases have been registred.
2 Cases concerning employment of civil servants are from this year included in the area of public administration to which they belong. This year 154 such cases have been registred.
3 Cases concerning employment of civil servants are from this year included in the area of public administration to which they belong. This year 166 such cases have been registred.
4 Cases concerning public access to documents are from this year included in the area of public administration to which they belong. This year 624 such cases have been registred.
5 Cases concerning public access to documents are from this year included in the area of public administration to which they belong. This year 615 such cases have been registred.
6 Cases concerning public access to documents are from this year included in the area of public administration to which they belong. This year 527 such cases have been registred.

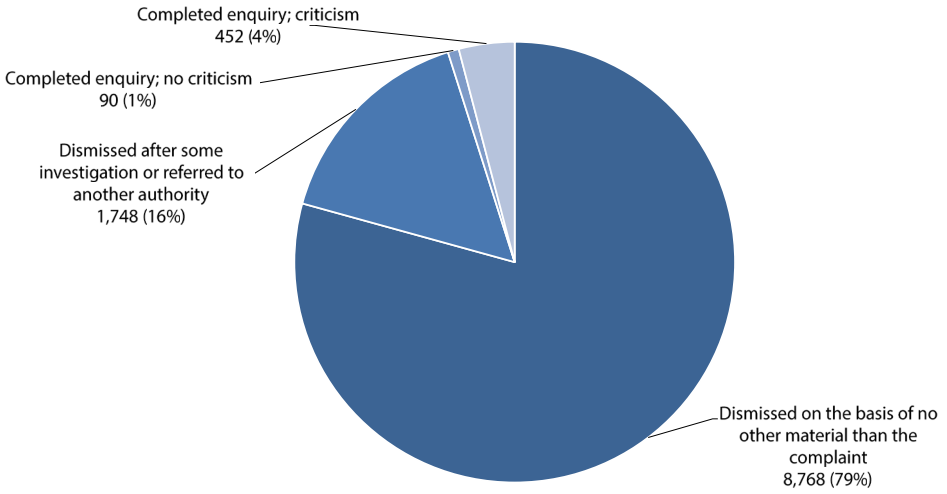
Registered complaints 2021/22



Development of complaints received and initiatives in the last 10 years



Decisions in complaints and initiatives 2021/22, total 11,058



Concluded complaints and most criticized

Most complaints 2021/22

Area of supervision	Concluded complaints
Prison and probation	1,678
Social services	1,669
Police	1,631
Migration	762
Health and medical care	753
Social insurance	444
Education	418

Most criticised 2021/22

Area of supervision	Criticism	Percent of complaints
Social services	82	5 %
Prison and probation	56	3 %
Social insurance	45	10 %
Education	32	8 %
Police	29	2 %
Health and medical care	24	3 %
Labour market	20	6 %

Inspections 2021/22

Regular inspections

Institution	Amount
Court	1
Labour market	1
Other municipal matters	1
Police	2
Prison and probation	3
Social insurance	2
Social services	6
Swedish Estate Agents Inspectorate	1
Inspections sum	**17**

Opcat inspections

Institution	Amount
Migration detention unit	1
Police cells	3
Psychiatric wards	1
Remand prisons	4
Institutional care (SiS)	2
Opcat inspections sum	**11**

History in short

1809 New constitution and the office of The Parliamentary Ombudsmen is established.

1810 The first Parliamentary Ombudsman is elected, L.A. Mannerheim.

1915 A Military Ombudsman, MO is established.

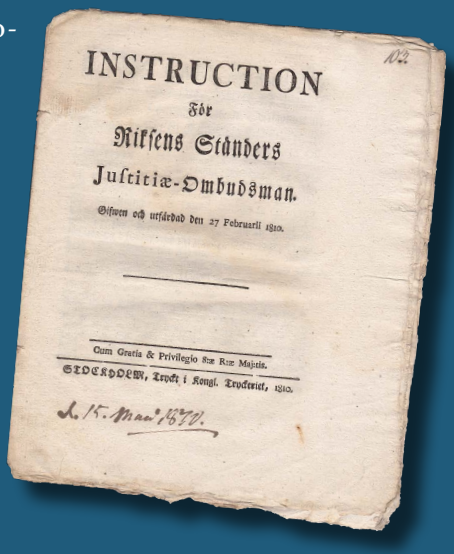
1941 The term of office for the ombudsmen is extended to four years. The rule that only men could be elected as ombudsmen is removed.

1957 Supervison of local/regional authorities.

1967 The office of The Military Ombudsman is abolished and the number of ombudsmen increases to three.

1975 The number of ombudsmen increases to four.

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


INSTRUCTION
För
Rikets Ständers
Justitiæ-Ombudsman.
Gifwen och utfärdad den 27 Februarii 1810.
Cum Gratia & Privilegio Sæ Reæ Majestis.
STOCKHOLM, Tryckt i Kongl. Tryckeriet, 1810.

JO RIKSDAGENS OMBUDSMÄN

THE SWEDISH PARLIAMENTARY OMBUDSMEN – JO
Box 16327
Västra Trädgårdsgatan 4 A
se-103 26 Stockholm
SWEDEN

Telephone +46 8 786 51 00
Telefax +46 8 21 65 58
E-mail jo@jo.se
Website www.jo.se

Opening hours Monday–Friday 09.00–11.30 and 13.00–15.00