



NATIONAL INSTITUTE OF JUSTICE

Project "Increasing the capacity of the judiciary and training on the European Convention for the Protection of Human Rights and Fundamental Freedoms at the National Institute of Justice"

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HUMAN RIGHTS

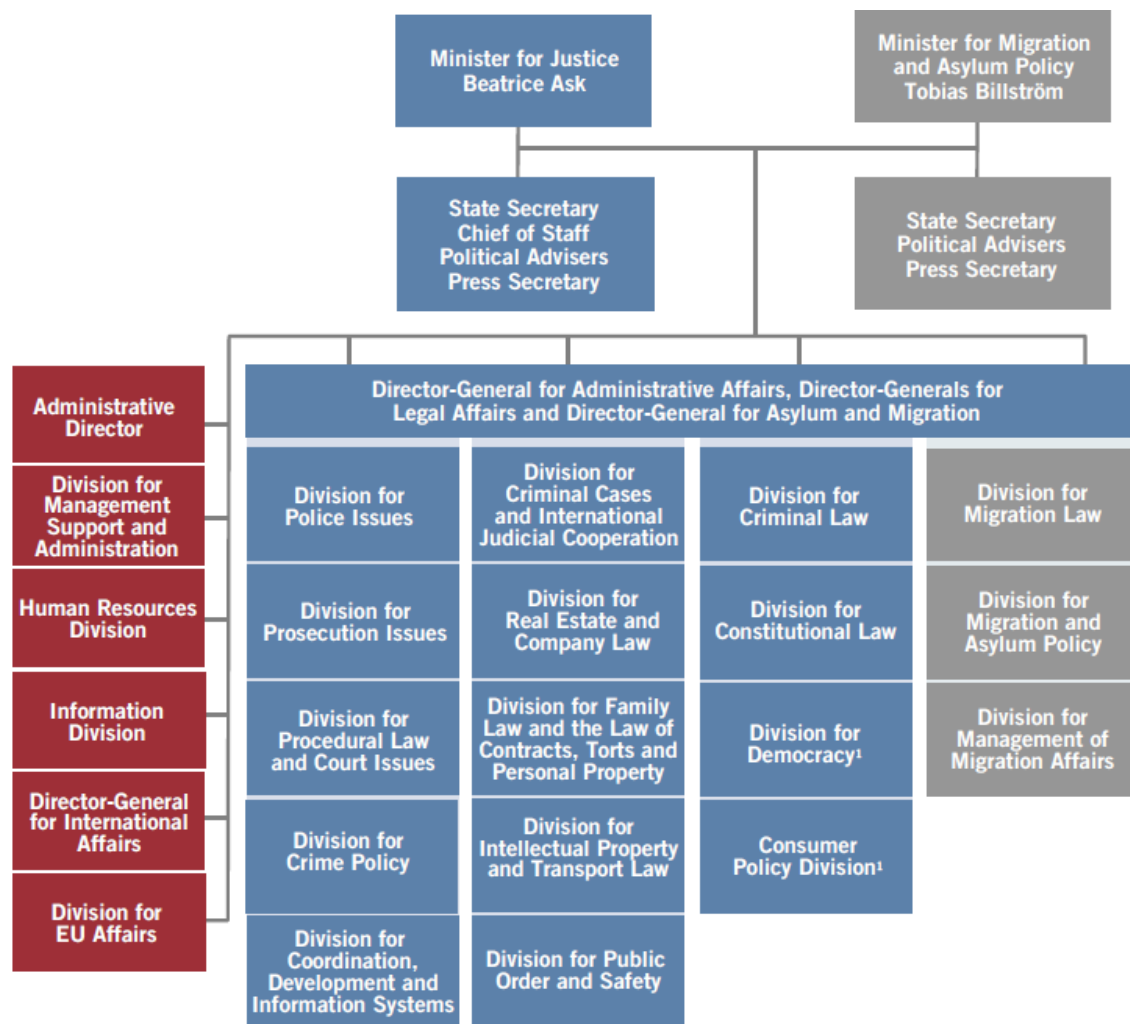
- In a Swedish perspective within the justice system

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Agenda

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 - The public prosecution service
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Ministry of Justice in Sweden



The Swedish Police Service

The remit of the Police Service is to reduce crime and increase people's security. Through crime prevention work the police service is to cut the number of crimes committed. More crimes must also be solved. The Police Act (1984:387) states, for example, that the police must prevent crime, maintain public order and safety, carry out surveillance and investigate crimes. A range of other duties have also been assigned to the police through special provisions. Examples of such duties are judicial assistance to other agencies and various licensing issues, such as firearms licenses.

The remit of the Police Service is supplemented every year by the appropriations directions issued by the Government, indicating its objectives for police activities in the current year.

The Swedish Police Service

The organisation of the Swedish Police Service

Sweden has a single police service - a national Police Service. The Swedish Police Service consists of the National Police Board, the National Laboratory of Forensic Science and 21 police authorities. The Swedish Police Service is one of the largest government agencies in Sweden, with more than 28 000 employees in an organisation that operates at national and local level. The police officers that the public come in contact with in the community are normally stationed at one of Sweden's 21 police authorities. Every county has a police authority which is responsible for the local police work. Each County Police Department is led by a Chief Commissioner.

The Swedish Police Service

The National Police Board is the central administrative authority whose remit includes supervision of the police service. The National Police Commissioner, who is appointed by the Government, is ultimately responsible for the Board's activities.

The Swedish Security Service is part of the National Police Board and is tasked with the protection of Sweden's democratic systems, citizens' rights and freedoms and national security. The Swedish Security Service does this by directing and conducting police activities to prevent and discover crimes against the security of the realm, combat terrorism and protect the central government leadership.

The Swedish Police Service

The National Criminal Police is part of the National Police Board and leads Sweden's fight against organised crime, nationally and internationally. The task can be broken down into three parts: serious organised crime, international collaboration and emergency preparedness. The National Criminal Police is Sweden's contact point for international police cooperation and crime-fighting. These efforts are conducted within the frameworks of Interpol, Europol, Sirene, Baltic Sea cooperation and police and customs cooperation between the Nordic countries.

The National Laboratory of Forensic Science is an independent expert body that carries out laboratory analyses of samples from crime scenes for the judicial authorities.

The Swedish Police Service

Working in the Swedish Police Service

Joining the police service is a very popular career choice, which is particularly evident in the admittance rates to police training. Only between 5 and 10 per cent of applicants to the police training programme can be offered a place. The programme encompasses four terms of full-time study followed by a one term trainee programme at a police authority before being eligible for employment as a police officer. The programme is currently offered at three locations in Sweden: the Police College in Solna and the universities in Växjö and Umeå. Distance study is also possible.

After the trainee programme most start off by working in a community police area and/or with emergency response.

Police work involves extremely varied tasks in a multitude of environments. Much of the day-to-day work is done within community police areas.

Task 1

- Team up with another person in the room and discuss if there are any differences between the Bulgarian and Swedish police system.
- Be ready to answer in 10 min

The public prosecution service

Public prosecutors play a central role in the judicial system. The prosecutor is responsible for leading the preliminary investigation from the time when someone can reasonably be suspected of an offence. As the head of preliminary investigations, the prosecutor is responsible for ensuring the correct and optimal investigation of the crime. The prosecutor follows the investigation continuously and has to continually determine the measures and decisions that must be taken. For less serious crimes, the police are responsible for leading and conducting preliminary investigations from beginning to end. When a preliminary investigation has been completed, the prosecutor takes the decision on whether or not to institute proceedings.

The public prosecution service

Another important aspect of the prosecutor's work is to represent the state in criminal court proceedings. The prosecutor's decision to prosecute and designation of the offence sets the framework for the criminal proceedings. Most prosecutors spend one or two days in court per week.

The organisation of the public prosecution

The public prosecution service includes the Swedish Prosecution Authority and the Swedish Economic Crimes Bureau. The Swedish Prosecution Authority has approximately 1 300 employees, about 900 of whom are prosecutors. The operative prosecution service is conducted through the country's 39 local public prosecution offices. Of these, 32 are general public prosecution offices, with a geographical field of operation approximately equivalent to a county. There are several local public prosecution offices in Stockholm and Malmö. The Authority also has three international public prosecution offices with specialist competence to combat organised, cross-border crime and for international public prosecution cooperation. In addition, there are four national public prosecution offices - one for fighting corruption, one that deals with environment and work environment cases, one for security and terrorism cases and one that processes suspected police crime.

The organisation of the public prosecution

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The Swedish Prosecution Authority also has three development centres tasked with promoting methodological and legal development in various crime areas. They also take care of legal follow-up and supervision.

Task 2

- Team up with another person in the room and discuss if there are any differences between the Bulgarian and the Swedish public prosecution service
- Be ready to answer in 10 min

The Courts

The constitutional position of the courts

To ensure a functioning judicial system, it is important that the courts are independent and autonomous in relation to the Riksdag, the Government and other government agencies. This is guaranteed, among other things, through the provisions of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and through provisions in the Swedish Instrument of Government on the independence of the courts and the employment conditions of judges. The Instrument of Government is one of the four fundamental laws that make up the Swedish Constitution.

The Courts

The provisions on public access to official information in the Instrument of Government and the Freedom of the Press Act serve to guarantee that the public has insight into the administration of justice. This principle, which is fundamental with respect to statutory rights, means that the public has access to hearings and other meetings of the court and that they have the right to access documents pertaining to a specific case or matter. To protect individuals and the public this insight may in some cases be restricted by secrecy. These restrictions must be explicitly defined in law.

Working as a judge

Permanent judges are appointed by the Government following preparation by the Judges Proposals Board. In principle, a permanent judge cannot be dismissed other than in cases specifically set out in the Instrument of Government.

As a basis for a career as a judge, candidates need a Bachelor of Laws degree. Many people appointed as judges have followed a specific career path that begins after graduation and entails working as a law clerk at a district court or county administrative court for two years. After that it is customary to apply to become a legal clerk at a court of appeal or an administrative court of appeal. At least one year of service at the court of appeal or administrative court of appeal is followed by a period of at least two years at a district court or administrative court. This is then followed by at least one year of service as an adjunct judge at a court of appeal or administrative court of appeal. After completing this period of training, the legal clerk is appointed associate judge.

Working as a judge

Most permanent judges are district or administrative court judges or judges of appeal at a court of appeal or administrative court of appeal. The head of a court of appeal or administrative court of appeal is known as the president, and of a district court or administrative court as the chief judge. The judges at the Supreme Court and Supreme Administrative Court are called justices.

Lay judges

Every district court, court of appeal, administrative court and administrative court of appeal has a number of lay judges.

They are appointed by the municipal councils in the municipalities that are part of each district court's territorial jurisdiction and by the county council assembly in the counties that are part of each administrative court's, administrative court of appeal's or court of appeal's jurisdiction. They are chosen for a term of four years. The lay judges take part in the adjudication of both specific concrete issues and matters of law, and each has an individual vote.

The general courts

The district court is the court of first instance. There are 48 district courts across the country. They vary in size, from about ten to several hundred employees. The next level is the court of appeal. There are six courts of appeal. In general, a party is free to lodge an appeal against a district court's decision with the court of appeal. In certain cases, a case can only be given a full review by a court of appeal after the court has granted leave to appeal. The Supreme Court is the court of last resort. It consists of a minimum of 14 justices. The primary responsibility of the Supreme Court is to try cases which may be of interest from the point of view of the development of law, that is, to create precedents. A case can only be given a full review after the court has granted leave to appeal. When the case is tried, the court assesses whether there is any aspect of the case that may be significant in terms of setting a precedent. If leave to appeal is granted, the case is normally heard by five justices.

The Courts

The organization of the courts

Sweden has two parallel types of courts – general courts, which deal with criminal and civil cases, and general administrative courts, which deal with cases relating to public administration. The general courts are organized in a three-tier system: district courts, courts of appeal and the Supreme Court. The administrative courts also have three tiers: administrative courts, administrative courts of appeal and the Supreme Administrative Court.

In addition, a number of special courts and tribunals have been established to hear specific kinds of cases and matters.

The National Courts Administration is a special central agency for the Swedish courts and is accountable to the Government.

Task 3

- Team up with another person in the room and discuss if there are any differences between the Bulgarian and the Swedish court system
- Be ready to answer in 10 min

Ombudsman

Sweden has, since 1882, a Parliamentary ombudsman office (*Riksdagens ombudsmän*), the oldest surviving element of which is the Justice Ombudsman or *Justitieombudsmannen*¹ (JO), created 1809, after the model of *Justitiekansler*, and according to the principle of division of government power. *Justitiekansler* was installed initially as a proxy of the king and *Justitieombudsmannen* to represent the parliament, both to oversee that all public authorities comply with the laws and decrees. The latter had the specific duty to protect the citizens and as a public attorney prosecute unlawful government or actions by authorities and criticize problematic laws, to ensure equality in the court of law, with inspections and handling of complains. With time the tasks of both have developed, including more duties.

Ombudsman

With growing attention to discrimination issues in the latter part of the 20th century there arose several anti-discrimination Parliamentary Ombudsmen: the Equality Ombudsman, monitoring issues relating to gender equality and, from 1 March 2002, equal treatment of students at universities; the Children's Ombudsman, concerned with matters affecting the rights and interests of children and young people; the Disability Ombudsman, concerned with the rights and interests of persons with disabilities; the Ombudsman against Discrimination on Grounds of Sexual Orientation and the Ombudsman against Ethnic Discrimination.

On 1 January 2009 four of the offices (excluding the Children's Ombudsman) were merged into the new Discrimination Ombudsman (DO).

Ombudsman

Further, the Director-General of the Swedish Consumer Agency is also designated Consumer Ombudsman[120] (KO), and the Chancellor of Justice or Justitiekanslern (JK) is an ombudsman of sorts, mainly to oversee that that Swedish authorities comply with laws on behalf of the government, but also to handle indemnity claims from persons suffered from imprisonment but later acquitted, or other damages caused by authorities. The office of Justitiekansler was installed in 1714.

Non-politically governed entities are the Press Ombudsman (PO) to supervise the compliance with the code of ethics of the Swedish printed media industry,[122] and until 1997, Sameombudsmannen (SO), an advocate for the rights of the native Sami minority in Sweden.

Task 4

- Team up with another person in the room and discuss if there are any differences between the Bulgarian and the Swedish ombudsman system
- Be ready to answer in 10 min

European Court of Human Rights

The Court dealt with 381 applications concerning Sweden in 2013, of which 365 were declared inadmissible or struck out. It delivered 16 judgments (concerning 16 applications), 3 of which found at least one violation of the European Convention on Human Rights.

The Court dealt with 2,577 applications concerning Bulgaria in 2013, of which 2,551 were declared inadmissible or struck out. It delivered 26 judgments (concerning 26 applications), 25 of which found at least one violation of the European Convention on Human Rights.

Task 5

- Team up with another person in the room and discuss why there are so big differences between the Bulgarian and the Swedish amount of cases going to European Court of Human Rights
- Be ready to answer in 15 min

References

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