

30 November 2017

Mr Nils Muiznieks
Commissioner for Human Rights
Council of Europe
Strasbourg
France

Dear Mr Muizneks,

The Committee on the Constitution has now given final approval to its report examining the issue of establishing an institution for human rights in Sweden. Together with the Deputy Chair of the Committee, Björn von Sydow, I would like to thank you for your letter dated 23 October 2017 and for your commitment to this issue.

In report 2017/18:KU6, the Committee maintains that the issue of establishing an institution for human rights should be examined further, on the basis that it should not be placed under the authority of the Riksdag. It is important to take advantage of the expertise and perspective of civil society as the process continues. The Government should once again promptly investigate the issue of establishing a national institution for human rights in Sweden. If the Government identifies grounds for involving the Riksdag by way of the Committee on the Constitution, the Committee is prepared to contribute to future preparations to an appropriate extent.

The Committee maintains that by acceding to international human rights conventions, Sweden is committed to ensuring it fulfils the commitments resulting from the conventions. The Committee emphasises that the safeguarding of human rights in Sweden should be pursued according to procedures laid down in the Swedish constitution.

With respect to the Paris Principles, the Committee notes that these do not represent a binding regulatory framework. The Paris Principles should be analysed further and it should be determined and clarified which requirements are proposed according to the Principles. Sweden should strive to live up to the Principles and ensure that it has an institution for human rights that operates in line with them. However, it is important for such an institution to have a clear assignment and role and to fit into the Swedish constitutional order.

With respect to the issue of establishing a Swedish institution for human rights, the Committee considers that it should not be introduced as a new authority under the Riksdag or linked to the Parliamentary Ombudsmen. The basic principle governing authorities in Sweden is that they are answerable to the

Beatrice Ask

Member of Parliament • Chair of the Committee of the Constitution • Swedish Parliament

Government. The Riksdag and its administration are not designed to govern or provide support to authorities. It should be considered to what extent the existing system, including, for example, the Parliamentary Ombudsmen, the Equality Ombudsman and the Ombudsman for Children, satisfies the Paris Principles. In the opinion of the Committee, there are thus grounds for considering whether the assignment of being an institution for human rights can be managed within the framework of the current authority structure.

Yours sincerely

Kersti Toivola