



The Secretariat of the CCPE

Ethics of prosecutors in Sweden

Ethical rules

In June 2014 a set of ethical rules were imposed by the Prosecutor-General regarding all prosecutors and other employees of the Swedish Prosecution Authority and the Swedish Economic Crime Authority.

The ethical rules are printed and distributed to all employees. A presentation and discussion concerning the ethical rules is also included in the education and training program for prosecutors. Also, each year a set of ethical dilemmas are distributed to all workplaces in the Swedish Prosecution Authority to facilitate local and regional ethical seminars.

Among other things, the overall objectives of the ethical rules is to ensure that prosecutors have an approach to

- promote everyone's resemblance to the law as well as impartiality and objectivity,
- counteract risks of prosecutors acting in cases where their personal interests or their relations with the persons involved in the case could affect their impartiality,
- support a proper treatment and respect of the persons that come into contact with the prosecution authorities,
- promote openness and transparency,
- counteract discrimination and bullying,
- promote equality, equal treatment and an inclusive approach and
- promote the public trust and confidence in the prosecution authorities.

Violations of the ethical rules are overseen by the Supervision Department, which is responsible for the Prosecutor-General's legal supervision and control.

Sometimes the external supervision authorities, the Parliamentary Ombudsmen and the Chancellor of Justice, raise issues concerning the ethics of prosecutors.

Furthermore, the Government Disciplinary Board for Higher Officials can examine matters concerning disciplinary responsibility and dismissal regarding prosecutors and other government employees in senior positions. Sometimes such matters concerns the behaviour of prosecutors in an ethical sense.

The main problematics regarding ethical questions

Recently the main problematics concerning the ethics of prosecutors has been situations where prosecutors have expressed themselves in a non-professional manner for example in contacts with the public or an injured party. There have also been situations where the freedom of opinion and speech that all prosecutors enjoy have come into conflict with the public image of prosecutorial impartiality and objectivity.

Let me give a few specific examples.

In one case reviewed by the Prosecutor-General in March 2016, two prosecutors had a conversation on Facebook in which they expressed their personal views on a certain judge and a police officer. In their opinion, the conversation was private. The conversation however became known to a journalist and came to media attention. In the review, the Prosecutor-General's opinion was that the prosecutors had expressed themselves in a way that was considered condescending. They should have considered that there was a risk that the conversation would be publicly known. Therefore the Prosecutor-General, in the decision that was published on the intranet, reminded all employees that it is important to always express oneself in a professional manner and be aware of the fact that private opinions, especially if expressed in social media, can spread and hurt the public's trust in the judicial system.

In another case (in October 2016) the Prosecutor-General determined that a prosecutor was disqualified from acting in a case. The issue was raised by a defendant who was active in politics within a political party in Sweden. In a series of tweets the prosecutor had expressed not only his political views on that political party, but his tweets could, according to the Prosecutor-General, be perceived as if the prosecutor felt a deep contempt for all representatives of that political party. Consequently, the Prosecutor-General assessed that the confidence in the prosecutor's impartiality was undermined.

The last example is a case examined by the Government Disciplinary Board for Higher Officials in March 2013 concerning a prosecutor's extensive correspondence of more than 450 e-mails, some of them with improper content, with the injured party in some cases that prosecutor handled. The Prosecutor-General submitted the question of disciplinary actions to the Disciplinary Board. The Board found that the prosecutor had expressed himself in a way that could lead to the impression that irrelevant consideration was taken and that he had a predetermined notion in the administration of the cases.