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Member States' best practices on the Charter

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Sweden



Sweden

Use and awareness of the Charter in your country

Use and awareness of the Charter in your country

Government policies that promote the use and awareness of the Charter among the legislator, the administration, law enforcement bodies and the judiciary

In the Government's National Human Rights Strategy ('human rights strategy', Government Communication 2016/17:29), the Government considered that there was a need to evaluate the application of the Charter. In 2017, Uppsala University was tasked with mapping the application of the Charter. Part of the task was highlighting in which cases and how the Charter is applied by the courts, including compiling statistics on the number of judgments where there is a reference to the Charter. The analysis, which was presented on 31 December 2017 and carried out in consultation with, among others, the National Courts Administration (*Domstolverket*), showed that several courts had applied the Charter on a number of occasions. A reference to the Charter is generally made when the matter is related to the ECHR and/or other EU law. A few articles have been applied more widely, namely the principle of *ne bis in idem* (Article 50) and other procedural rights.

In connection with the Government's human rights strategy (see above), Uppsala University has been tasked with preparing skills development activities for state employees. The university offers free training programmes both online and hosted by individual authorities. They include training on the application of the Charter.

The National Courts Administration contributes to knowledge of the application of the Charter in Sweden through the EU law newsletter, which is issued 10 times a year. The main purpose of the newsletter is to highlight and illustrate the importance of EU law through selective monitoring of the case-law of the Court of Justice of the European Union and monitoring and reporting on the application of EU law by Swedish courts. The case-law of the Court of Justice of the European Union obviously plays an important role in the application of EU law. There is therefore no doubt that the case-law of the Court of Justice also affects the substance of the rights laid down in the Charter. In this context, the EU law newsletter, in particular by monitoring the relevant case-law of the Court of Justice of the European Union, is thus an important instrument designed to raise awareness, among the staff concerned in the Swedish courts and the general public, of EU law and hence of the fundamental rights set out in the Charter. The fact that the Court of Justice of the European Union has a very broad view of the scope of EU law and thus also of the Charter further underlines the importance of continuous monitoring and general guidance regarding those decisions which, from the perspective of the Swedish courts, are the most important/decisive in the field of EU law. This is because this is a dynamic and constantly evolving area of law.

The list of legal links on human rights on the Swedish courts' intranet site provides information on all relevant bodies, institutions and documents and legal acts with regard to human rights. By providing this information, the National Courts Administration ensures that the staff of the Swedish courts have adequate and continuously updated access to a database containing key information on the Charter as well as other relevant legislation concerning human rights.

The Judicial Training Academy (*Domstolsakademin*) and the Learning Unit (*Enheten för lärande*) are responsible

for skills development for employees of the Swedish Courts. This includes training related to the judicial activity of appointed judges, technical advisers, reporting clerks, notaries, rapporteurs and drafting lawyers, as well as training outside judicial activity. The training courses cover a wide range of subjects such as criminal law, family law, procedural law, land and environmental law, tax law, social security law, migration law and procedural law and administrative procedural law. In addition, tailored training is provided for example for managers and court administrators. The Charter is addressed in training courses both directly (through training sessions on the Charter itself) and indirectly (woven into the training when the Charter and the human rights perspective are relevant to the subject matter of the course). For example, courses for future judges include a review of the fundamental aspects of the Charter and its relationship with the European Convention on Human Rights, including the articles, case-law and judicial decision writing. Participants also receive training on how to search in EU law databases. For appointed judges there is, among other things, an online training course in European law addressing the Charter. Courses in other subject areas, such as criminal law and administrative procedural law, have also included references to the Charter. The Charter is also highlighted when appointed judges and judges in training travel to Europe on study visits. Such trips include visits to the Court of Justice of the European Union and the European Court of Human Rights. The Charter is included in a large number of courses offered to other court employees and to all categories of staff. Examples include the induction course for newcomers and courses on dealing with the public, on the media, the GDPR, the use of interpreters' services and equality as well as publicity and confidentiality.

Tools that help better understand the Charter and when it applies

- for practitioners (legislator, administration, law enforcement, judiciary, legal practitioners)
- for citizens

Use and promotion of Charter tools developed by other EU countries or by other stakeholders in the EU

The manual "Fundamental Rights Training for Border Guards" (Frontex, 2013), which cites the Charter as a tool to reinforce mutual respect and cooperation, is used in Frontex training for border police staff.

Cooperation with stakeholders to promote the use and awareness of the EU Charter of fundamental rights

Examples of cooperation between rights defenders and national authorities that contribute to better awareness and use of the Charter

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Examples of cooperation between national authorities and academia that contribute to better awareness and use of the Charter

As mentioned above, Uppsala University has been tasked with preparing skills development activities for state employees. As part of this task, the university offers operational training to public authorities. The university develops this training in close consultation with the relevant authority. More information on the training offered by Uppsala University can be found at <https://mr-forum.se/>

Examples of non-governmental initiatives that promote the use and awareness of the Charter in your country

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