

Committee Chairman's Welcome

Berit Andnor, Chairman of the Committee on the Constitution

Opening ceremony
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Sweden's Parliamentary Ombudsman was established at the same time as its Committee on the Constitution, 200 years ago. Together, the two institutions foster and protect the rule of law. Although many other countries have been inspired by the Swedish model, it remains unique in any respects, reviewed briefly in this address.

Since 1809, the Swedish Parliament has had a permanent committee for constitutional matters – the Committee on the Constitution. This committee was formed after the abolition of autocratic royal power earlier in the same year. A new order was created with the aim of sharing power between the king and the *Riksdag*. The first Committee on the Constitution prepared the new Constitution, the Instrument of Government of 1809, which was adopted once the autocratic monarchy had been abolished. At the same time, the Office of Ombudsman to the Riksdag was established.

The Ombudsman was to ensure that royal state officials did not exceed their statutory powers. The Committee of the Constitution and the Parliamentary Ombudsman are still with us today. Nowadays, the committee has wide-ranging responsibilities regarding constitutional matters including those relating to the election of the parliamentary ombudsmen.

The Chairman of the first Committee of the Constitution was Lars August Mannerheim. He was a well-known opponent of autocratic royal power. As Chairman of the Committee, he played an important role in creating the new order. He was known for his keen mind and his practical approach. Later, in 1809, he was elected as the first Ombudsman to the Riksdag.

Today such a career would be impossible. Nowadays we select our ombudsmen from the country's leading lawyers. It is of course desirable for them to have a keen mind and a practical approach. And it is no disadvantage if they have a distinct personal profile.

Those proposed for the office now are expected to obtain the unanimous support of Parliament. According to our constitutional heritage, which is incorporated in the 1974 Instrument of Government currently in force, Parliamentary Ombudsmen are to act independently of political pressure. They are only governed by instructions set down in legislation adopted unanimously by Parliament.

The Office of the Parliamentary Ombudsmen and the Committee of the Constitution form part of the system of parliamentary control. It is frequently said that control after the event is a parliamentary responsibility of growing significance. The system we have involves the Committee on the Constitution examining both the manner in which ministers of government perform their

duties, and the handling of government business; that is, it scrutinizes the government. The Office of the Parliamentary Ombudsmen scrutinizes public officials, i.e., the courts and public administration.

This system is distinct from the approach used in many other countries. In Sweden, government ministers are not allowed to steer public administration as they themselves see fit. With respect to the implementation of the law, no ministerial intervention whatever is permitted. Any operational direction given by the government must be in the form of collective and officially recorded decisions. Administrative officials act on their own responsibility within the framework of the laws and regulation currently in force. And officials have their own responsibility under penal law.

A significant element in the Swedish system, both for individuals and the media, is the principle of public access to official documents. This means that in principle, all official documents received or drawn up by a public authority or agency are publicly accessible. This applies both to government decisions and to my travel expenses as a Member of Parliament. In addition to this, we have an unusually comprehensive and detailed code of rules at the constitutional level for the protection of freedom of the press and freedom of expression.

The Committee on the Constitution and the Parliamentary Ombudsmen share a long history, and both have contributed greatly to the constitutional development of the law in our country. In addition, the Office of the Parliamentary Ombudsmen has been emulated in many other countries, as we can see here today. It is evident that this cannot be claimed for the Committee on the Constitution, but the deep-seated correlation between our two institutions – that of fostering and protecting the rule of law – is something we share with all of you assembled here today.

I wish you success in your important deliberations, both in the matters you will be considering in detail and in the the broader issues of organizing international cooperation between ombudsmen throughout the world.