



Ministry for Foreign Affairs
Director-General for Legal Affairs

The Special Rapporteurs
signatories to the Joint
Communication AL SWE 1/2026

Office of the High Commissioner
for Human Rights
Palace of Nations
CH-1211 GENEVA 10
Switzerland

Communication from Special Procedures

Reference: AL SWE 1/2026

Dear Special Rapporteurs,

1. I have the honour of referring to your letter of 9 February 2026 in which the Swedish Government is invited to submit observations regarding matters pertaining to the termination of employment of a dockworker and trade union representative. In response to the invitation, I have the privilege to submit the following on behalf of the Swedish Government.

Additional information to the communication

2. According to the Swedish Constitution, authorities, including courts of law, are independent and separate from the Government in decision-making and adjudication. This principle of independence is fundamental to the Swedish form of government. Courts of law, administrative authorities and others performing public administration functions are required to pay regard in their work to the equality of all before the law and observe objectivity and impartiality. The rule of law applies. The Government is thus prevented from influencing the decisions of authorities or others in the individual cases that appear before them.

3. The police report mentioned in the communication was received by the Police Authority and handed over to the Chancellor of Justice, as it concerned an allegation of an offence falling exclusively within the prosecutorial mandate of that office. The allegation was that a newspaper had published an article in which an

interviewee made statements encouraging others to disclose information classified as secret.

4. In its assessment, the Chancellor of Justice determined that no exception to the constitutionally protected freedom to communicate information for publication in print or in certain other forms of media applied, which would have permitted holding the informant criminally liable for having disclosed the information to the newspaper. Against this background, no preliminary investigation was initiated.

5. At this juncture, the Government would like to emphasise that the objective of a preliminary investigation in criminal proceedings is to determine whether there is sufficient evidence and reasonable grounds to believe a crime was committed and that a suspect is responsible. To determine whether a person can be assumed to be loyal to Sweden's national security interests and otherwise reliable from a security standpoint, falls entirely outside of the scope and purpose of criminal proceedings. Hence, a decision not to initiate a preliminary investigation cannot prejudice the assessment required by law for an employee to take part in security-sensitive activities.

6. In Sweden, any operator – public or private – who, to any extent, conducts activities of significance to Sweden's national security is responsible for the security protection of their own organisation and has an ongoing responsibility to take all protective security measures required according to the Protective Security Act and the Protective Security Ordinance (*säkerhetskyddslagen [2018:585]; säkerhetskyddförordningen [2021:955]*).

7. The Government is not aware of whether the individual in the communication was engaged in security-sensitive activities or not. However, on a general note, the Government submits the following regarding such activities.

8. Only individuals who pass security vetting are permitted to engage in security-sensitive activities. Thus, to determine whether an individual can be trusted from a security perspective, anyone who, by virtue of employment or other circumstances, is to take part in security-sensitive activities must undergo security vetting. The vetting is usually performed by the employer, who shall consider all circumstances that may be assumed to entail vulnerabilities from a security perspective. The operator's assessment of whether the individual passes the

vetting or not is not appealable¹, or subject to further investigation by an external authority. If an employee fails the security vetting, they are not authorised to engage in or access security-sensitive activities. Employment related actions taken by the employer due to such an assessment fall outside of the scope of the Protective Security Act and the Protective Security Ordinance. Such actions are instead regulated by labour law.

9. Contrary to what is stated in the communication, an employer cannot unilaterally invoke the Protective Security Act, or the Protective Security Ordinance, as grounds for termination of an employee merely by asserting that the individual constitutes a “security risk”. Such an action would be prevented by the Employment Protection Act (*lagen [1982:80] om anställningskydd*; see further in the section below). A negative security vetting decision can however be relevant in a judicial proceeding before the Labour Court.

10. Given that judicial proceedings are pending before the Labour Court in a case concerning the termination of the individual’s employment, the Government is not in a position to comment on the circumstances that may have formed the basis for the termination or otherwise interfere in the judicial process. Accordingly, the Government will not speculate as to the employer’s grounds for termination or the alleged underlying intentions in relation thereto.

11. The Government would however like to emphasise that labour disputes, including terminations of employment, can be brought to court where an independent examination will take place, and both the employee’s and the employer’s point of view will be assessed. The Government has no authority to reconsider a court’s application of law in an individual case.

12. With regard to the attention given by the Special Rapporteurs to the applicable statute of limitations, the Government notes that the Labour Court’s decision in its interlocutory judgment, i.e. that the claim to invalidate the termination was time-barred, was supported by law and case law. Among the decisive factors in the Court’s decision was the fact that the collective agreement had been terminated, in this case by the trade union.

¹ A governmental inquiry into the issue of whether vetting decisions should be appealable is currently ongoing (Ju 2025:20).

Legislation in place to ensure the protection of trade union representatives who engage in human rights activities

13. The Government would like to emphasise that Swedish law contains a comprehensive set of statutory provisions that protect trade union representatives from employment termination or other reprisals due to their trade union activities. Additionally, trade union representatives are guaranteed access to an effective remedy if their termination is found unlawful, as will be expanded on below.

The Employment Protection Act

14. The employment protection in Sweden is strong. The Employment Protection Act provides general protection against unfair dismissals. The Act applies to employees, including employed trade union representatives.

15. According to the Employment Protection Act, a termination must be based on objective reasons. A termination is not considered to be based on objective reasons if the employer had other vacant positions to which the employee could have been redeployed. The burden of proof in this respect lies with the employer. Accordingly, the employer must substantiate that the alleged circumstances underlying the termination has taken place, and that those circumstances are of such gravity as to constitute objective reasons for termination.

16. In termination disputes, the court consistently conducts an independent and substantive assessment of the claims advanced, which includes an examination of whether the factual circumstances presented by the employer amounts to objective and legally valid grounds for termination. If the grounds invoked for termination lack in clarity or specificity, they cannot satisfy the legal threshold and, thus, the employer will not have discharged its burden of proof.

17. If a termination is found to be unlawful, the court may, upon the employee's request, declare the dismissal invalid. In the instance that an unlawful termination has taken place, the employee is also entitled to damages in compensation for economic loss, and non-pecuniary damages.

18. The limitation period for bringing an action before the court seeking to have a termination of employment declared invalid is two weeks from the conclusion of negotiations that has taken place, based on law or collective agreement. The

limitation period for bringing claims for damages is four months. The Government would like to underline that the mentioned limitation periods are not calculated from the date of termination, but from a later date, i.e. when negotiations have been concluded. In the notice of termination, the employer must include information about the employee's right to claim invalidity and damages, and the limitation period for such claims. The limitation periods are well established and have been in place for a long time.

The Co-Determination Act

19. The Co-Determination Act (*lagen [1976:580] om medbestämmande i arbetslivet*) provides, inter alia, a right for trade unions to take industrial action under certain circumstances. The Act further contains protective provisions as regards the right of association. Violations of the right of association are prohibited. Such conduct may give rise to an award of damages both to the individual employee and to the trade union concerned.

The Act on Union Representatives' Status at the Workplace

20. Trade union representatives are afforded special protection under the Act on Union Representatives' Status at the Workplace (*lagen [1974:358] om facklig företrädandes ställning på arbetsplatsen*). The Act applies to representatives of trade unions who are, or customarily is, bound by a collective agreement applicable on the employees affected by the representative's union activities. The Act prohibits employers from obstructing union representatives in the performance of their duties and provides explicit safeguards against any deterioration of working conditions. A violation of the Act may result in liability to pay damages to both the individual representative and the employee organisation concerned.

The Act on the Protection of Persons Reporting Irregularities

21. Protection for employees and other specified categories of individuals is provided in the Act on the Protection of Persons Reporting Irregularities (the 'Whistleblower Act', *lagen [2021:890] om skydd för personer som rapporterar om missförhållanden*). Under certain circumstances, the Whistleblower Act provides protection against reprisals where an individual has reported such irregularities.

Constitutional protection and the Swedish labour market model

22. The freedom of association, and the right to take industrial action enjoy constitutional protection. These rights form a cornerstone of the Swedish labour market model. The Government is firmly committed to safeguarding these rights and the Swedish model.

Other measures to ensure respect for Sweden's international human rights obligations

23. The Government's objective for its human rights policy is to ensure full respect for Sweden's international human rights obligations.

24. The Government's long-term efforts to ensure full respect for human rights permeates a range of policy areas and involve civil society. For this purpose, the Government has prepared and submitted to the Riksdag (the Swedish parliament) a strategy for its work with human rights at the national level in 2016, which remains valid open-endedly. With this strategy, the Government aims to increase awareness of and competence in human rights. Civil society is involved in this work. The Government actively consults and collaborates with civil society and other stakeholders in monitoring of the human rights situation and seeks the views of civil society stakeholders when reporting under the international conventions.

25. Moreover, in 2022, the Swedish Institute for Human Rights was established. Under the Act on the Institute for Human Rights (*lagen [2021:641] om Institutet för mänskliga rättigheter*), the Institute is required to monitor, investigate and report on how human rights are being respected and implemented in Sweden. The Government considers that the Institute has a key role to play in meeting the objective of ensuring full compliance with Sweden's international human rights obligations.

26. The Government remains at the disposal of the Special Rapporteurs, should any further information be requested.

Yours sincerely,



Therese Hydén
Director-General for Legal Affairs