

THE JO'S REFUSAL TO REASON

A Critical Examination of the Parliamentary Ombudsman's Non-Investigation of the Ministry for Foreign Affairs in the Case of Anthie and Alexandra Cheropoulou

Dnr 6918-2026 — Decision of the Riksdagens Ombudsmän (JO), 25 June 2026

Concerning the Refusal of the Utrikesdepartementet to Answer the Formal Ministerial Notifications of 22 April 2026 and 2 July 2026

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EXECUTIVE SUMMARY

On 9 May 2026, Nicolaos Cheropoulos submitted a formal complaint to Sweden's Parliamentary Ombudsman (Justitieombudsmannen, JO) against the Ministry for Foreign Affairs (Utrikesdepartementet), documenting a nine-year pattern of diplomatic inaction in the case of his two minor daughters, unlawfully retained in Belarus since 2017. The complaint was submitted through the JO's web platform and its receipt was confirmed on 12 May 2026.

On 25 June 2026, byråchefen Sara Johannesson issued a decision, registered under dnr 6918-2026, stating in substance that the JO would not proceed with the complaint. The decision offered no engagement with any of the specific legal questions the complaint had raised, none of the Hague Convention, Vienna Convention, or Convention on the Rights of the Child obligations identified were addressed, confirmed, or dismissed on their merits. When Mr. Cheropoulos sought clarification, the JO's office replied on 15 July 2026 that it has no obligation to give reasons for its decisions, and named a different official, byråchef Nils Västberg, as having decided not to take further action.

This examination argues that the deficiency in the JO's handling of this complaint is not merely stylistic. Properly analyzed, the correct criticism is not that the JO failed to explain its reasoning in the abstract, but that its decision gives no indication that the substance of the allegations was ever examined at all. That distinction carries legal weight, particularly because the Ministry itself referred Mr. Cheropoulos to the JO as the appropriate avenue for accountability, a referral that, once made, imposes on the JO a heightened expectation that a complaint built on that referral will be substantively engaged with, not summarily closed.

I. THE COMPLAINT AND ITS FACTUAL BASIS

A. Procedural History

- ✓ 22 April 2026 — First Formal Ministerial Notification sent to the Minister for Foreign Affairs, Maria Malmer Stenergård, setting out five specific demands concerning nine years of documented MFA inaction.
- ✓ 9 May 2026 — Formal complaint (JO-anmälan) against the Utrikesdepartementet submitted to the JO via its web platform.
- ✓ 12 May 2026 — JO confirms receipt of the complaint.
- ✓ 30 June 2026 — The Ministry replies to the April notification, sixty-nine days after receipt and three days beyond the twenty-one-day deadline set by Mr. Cheropoulos, stating it is "unable to provide" the requested response and referring him to the JO.

- ✓ 2 July 2026 — Second Formal Ministerial Notification, recording that the Ministry's two replies (30 June and 2 July) answer none of the five original demands and that the Ministry has stated it has "nothing further to add."
- ✓ 25 June 2026 — JO issues its decision under dnr 6918-2026, declining to proceed with the complaint. (Note: this decision predates the Ministry's own replies of 30 June and 2 July, and therefore could not have taken account of the Ministry's subsequent confirmation, in writing, that it did not intend to answer the substance of the underlying complaint.)
- ✓ 15 July 2026 — Following a request for the decision and an explanation, the JO's office forwards the 25 June decision and states that it has no duty to give reasons.

B. What Was Placed Before the JO

The complaint submitted on 9 May 2026 was not a general expression of dissatisfaction. It set out a specific factual and legal record, drawn from nine years of correspondence and formalized through the First Ministerial Notification of 22 April 2026, alleging that the Ministry had:

- ✓ filed no documented formal diplomatic protest to Belarus at any point in nine years, including after the Belarusian Supreme Court's rejection of the return application on 13 January 2020;
- ✓ failed to invoke Article 21 of the 1980 Hague Convention (the access-rights mechanism) for seven years, and then closed the resulting application administratively in April 2025 without a determination on its merits;
- ✓ never secured direct, independent, and unsupervised consular contact with the children, notwithstanding Sweden's obligations under Article 5(e) of the Vienna Convention on Consular Relations;
- ✓ admitted, through its own Special Adviser Erica Neiglick and Head of Section for the Central Authority on Child Abduction Cases, that **"there is no separate compilation"** of the actions it claimed to have taken; and
- ✓ closed the children's protection file on 2 April 2025 on a procedural technicality, without any finding as to their welfare.

These are not vague grievances. They are discrete, verifiable questions, whether specific documented steps were or were not taken, of the kind an oversight body exists to examine.

II. THE JO'S DECISION: ANATOMY OF A NON-EXAMINATION

A. The Decision of 25 June 2026

The operative text of the decision, addressed to Mr. Cheropoulos under dnr 6918-2026, states in substance that he complained against the Utrikesdepartementet, that the JO will not proceed with the complaint, that an accompanying information sheet gives examples of why complaints are not investigated, that complaints from individuals are nonetheless an important source of information for the JO and that the information provided may still be of significance to its supervisory work, and that the matter is closed. The decision was taken by byråchef Sara Johannesson, with the case having been presented by rättssakkunnig Anika Andreevska.

| *"Du har anmält Utrikesdepartementet. JO kommer inte att gå vidare med din anmälan."*

— JO decision, dnr 6918-2026, 25 June 2026 ("You have complained against the Ministry for Foreign Affairs. The JO will not proceed with your complaint.")

B. What the Decision Does Not Say

The decision does not state that the allegations were considered and found unsubstantiated. It does not state that the matters raised fall outside the JO's jurisdiction. It does not identify which, if any, of the specific factual claims in the complaint, the absence of a diplomatic protest, the seven-year delay in invoking Article 21, the "no compilation" admission, the administrative closure without a welfare finding, were reviewed. It does not distinguish between allegations rejected on the merits and allegations never reached. A reader of the decision, including Mr. Cheropoulos himself, cannot tell from its text whether the JO examined the substance of the complaint and found nothing warranting action, or whether the complaint was screened out without substantive review at all.

CRITICAL OBSERVATION

A decision that is consistent with both "we examined this and found no fault" and "we did not examine this" has not, in any meaningful sense, adjudicated the complaint. It has recorded only that the file is closed.

C. The 15 July 2026 Clarification — and Its Own Discrepancy

Asked for the reasoning behind the decision, the JO's office replied on 15 July 2026 that the JO is under no obligation to state reasons for its decisions, and that "byråchefen Nils Västberg" had decided to take no further action in response to what Mr. Cheropoulos had submitted. This is the first appearance of Nils Västberg's name in the case record. The decision of 25 June 2026 itself records that it was taken by byråchef Sara Johannesson. The JO's own account of who was responsible for closing this complaint is therefore not internally consistent between its two communications on the file.

This is a minor point on its own, but it compounds the difficulty identified above. ***A citizen seeking to understand why a documented, nine-year record of diplomatic inaction did not warrant JO scrutiny cannot establish even which official made the operative decision, let alone the basis on which it was made.***

III. THE CONSTITUTIONAL FUNCTION OF THE PARLIAMENTARY OMBUDSMAN

A. A Supervisory Body, Not an Ordinary Administrative Decision-Maker

The Riksdagens ombudsmän does not adjudicate individual rights disputes in the way a court or an administrative agency does. Its constitutional function is to supervise whether public authorities and their officials comply with the law and with the fundamental principles of good administration. Where a complaint alleges a prolonged failure to comply with international treaty obligations, possible maladministration by a ministry, systemic administrative deficiencies, and potential harm to children, a complainant may reasonably expect the resulting decision to show that those specific allegations were considered, not necessarily that they were investigated in full, but that the JO identified what issues were raised, which (if any) fell outside its competence, which were assessed, and why the complaint did not justify further action. The decision of 25 June 2026 does none of this.

B. The Ministry's Own Referral to the JO Changes the Context

On 30 June 2026, the Ministry's Desk Officer replied to the First Ministerial Notification by stating that the Ministry was ***"unable to provide"*** the requested response and directing Mr. Cheropoulos to the JO as

the appropriate avenue for accountability. That referral, from the very ministry under complaint, is significant. When a ministry expressly tells a citizen that the JO is the correct forum for examining alleged administrative failures, and the citizen submits a detailed, evidenced complaint accordingly, a bare dismissal by the JO without engagement with the essential issues becomes considerably harder to justify by reference to legal certainty (rättssäkerhet), objective examination (saklighet), the accountability of public administration, or the JO's own constitutional role. ***It is also worth noting that the Ministry's referral to the JO was itself issued after the JO's decision of 25 June 2026 had already been taken, meaning the JO closed the file before the Ministry's own confirmation, on 2 July 2026, that it had "nothing further to add" to nine years of inaction.*** The Ministry's most recent and most explicit admission of non-response therefore was never before the JO at all.

IV. THE LEGAL STANDARD THE JO'S DECISION FAILS TO MEET

A. Two Different Criticisms

It matters to distinguish two possible criticisms of the JO's conduct. The first, weaker formulation is that "the JO failed to give reasons for its decision." The JO's own 15 July 2026 reply anticipates and defeats that criticism by correctly noting that Swedish practice does not require the JO to motivate every decision not to investigate. The second, stronger formulation is different in kind: "the JO failed to demonstrate that the principal allegations contained in the complaint were ever examined." The absence of a general duty to give reasons does not answer this second criticism, because the question is not whether the JO explained its conclusion, but whether anything in the record, the decision itself, or any other document provided to Mr. Cheropoulos, shows that the substance of a complaint alleging systemic, nine-year treaty non-compliance affecting two children was actually engaged with, as opposed to administratively closed.

B. Rättssäkerhet and Saklighet

Swedish constitutional and administrative law is organized around the principles of legal certainty and objectivity in the exercise of public power. These principles apply with particular force to a body whose entire institutional purpose is to supervise other authorities' compliance with them. A decision that cannot be distinguished, on its face, from a decision taken without any substantive review sits uneasily with an oversight institution's own duty to model the standards it exists to enforce.

C. European Standards on Reasoned Decision-Making

Article 6 of the European Convention on Human Rights does not, as a general matter, apply to JO proceedings, since the JO does not determine civil rights and obligations in the manner of a court. That limitation is real and should not be overstated. It does not, however, empty the broader European consensus of relevance. The European Court of Human Rights has consistently treated the giving of reasons as a basic safeguard against arbitrary decision-making by public authorities. The European Code of Good Administrative Behavior, while not binding on the Swedish Riksdag or its Ombudsmen, reflects the same widely shared principle: that a decision should contain reasons sufficient to let the affected person understand why the authority reached the conclusion it did. These are not technical formalities. They exist because a decision that cannot be understood cannot be checked, and a decision that cannot be checked provides no assurance that the underlying allegations were taken seriously.

V. APPLYING THE STANDARD TO THIS CASE

The complaint of 9 May 2026 presented the JO with objectively identifiable, verifiable questions rather than generalized dissatisfaction, among them, whether the Ministry had lodged any diplomatic protest

against Belarus, whether it had initiated any inter-state action following the Belarusian Supreme Court's 2020 rejection of the return application, whether it had fulfilled its obligations under Article 7 of the Hague Convention, whether it had secured independent consular access to the children, and whether it had documented any international measures taken on their behalf. Each of these questions could, in principle, be answered by reference to the Ministry's own files. None of them appears, even implicitly, to have been addressed in the JO's decision.

If the JO's decision amounts, in substance, to a statement that no further action will be taken, without explaining why these specific, documentable allegations did not warrant even preliminary inquiry, there is a legitimate and narrow basis to criticize the decision, not for its brevity, and not for withholding a discretionary explanation the JO is entitled to withhold, but for leaving entirely unanswered whether the JO ever looked at what was, in fact, alleged.

VI. A PATTERN COMPLETED: FROM MINISTERIAL “MONITORING” TO OMBUDSMAN SILENCE

The nine-year record documented in the underlying complaint shows a Ministry whose characteristic response to escalating evidence was the repeated, near-verbatim assurance that it would “continue to follow and monitor” the case, a formula that, on examination, concealed rather than evidenced any substantive action. The JO's handling of the complaint against that Ministry follows a structurally similar pattern: a short, formulaic closure, unaccompanied by any indication that the specific, documented allegations were weighed. ***Where the Ministry substituted the language of monitoring for the substance of diplomatic escalation, the JO has substituted the discretion not to give reasons for any visible act of examination.*** Neither institution's conduct can be shown, on the documentary record, to have engaged with the central and repeated question this case presents: ***whether the Swedish State has taken the concrete steps that international law requires of it in respect of two of its own minor nationals.***

VII. FINAL DETERMINATION

On the documented record, the JO's decision of 25 June 2026, dnr 6918-2026, and its clarifying communication of 15 July 2026, do not demonstrate that the principal allegations set out in the complaint of 9 May 2026 were examined. The decision:

- ✓ engages with none of the specific treaty obligations identified in the complaint (1980 Hague Convention Articles 7 and 21; Vienna Convention on Consular Relations Article 5(e); UN Convention on the Rights of the Child);
- ✓ does not indicate whether any part of the underlying nine-year record was reviewed, or state which allegations, if any, fell outside the JO's competence;
- ✓ was issued before the Ministry's own subsequent confirmation, on 2 July 2026, that it had “nothing further to add” to the record, meaning the single clearest piece of evidence of continued non-response was never placed before the JO; and
- ✓ is attributed, across the JO's own two communications, to two different officials (byråchef Sara Johannesson in the decision itself; byråchef Nils Västberg in the 15 July clarification), without explanation of the discrepancy.

The correct criticism of the JO's conduct in this matter is accordingly not that it declined, within its discretion, to give reasons. It is that nothing in the record it has produced shows that the substance of a

complaint alleging systemic, nine-year non-compliance by the Kingdom of Sweden with binding international obligations toward two of its own minor citizens was ever examined at all. An oversight institution whose constitutional purpose is to supervise the objectivity and legality of public administration cannot discharge that purpose through a decision that is, on its face, indistinguishable from one made without review.

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