

European Rule of Law Mechanism: input from Sweden 2024 Rule of Law Report

Introduction

The following constitutes a brief summary to highlight major developments since January 2023.

The Committee of Inquiry on the Constitution, set up by the Government in February 2020 has submitted its final report. It proposes a series of measures to strengthen the independence of courts and judges. The report is currently under consideration within the Government Offices.

In relation to the first recommendation given to Sweden in the 2023 Rule of Law Report, several steps have been taken.

- The Swedish Courts Administration carried out an information campaign for prospective lay judges, as well as for bodies nominating and selecting new such judges. The outcome of the campaign will be reported in March 2024.
- A special inquiry was assigned to examine the possible need for further measures to ensure the suitability and competence of lay judges, and to emphasise that the assignment is non-political. The inquiry presented its conclusion before the summer and the result is currently analysed within the Government Offices.
- The Minister of Justice invited representatives of the parties in the Riksdag and the National Association of lay judges to discuss the nomination procedure for lay judges. The meeting provided a valuable opportunity to exchange experiences, and the participants agreed on the importance of independent and impartial judges and on the need to continue the discussion.

Work continues in the area of anti-corruption in view of the framework, prevention as well as repressive measures. The Government will initiate work on a new broader action plan which also will include policies directed at threats, harassment, and other forms of undue influences. The Swedish Agency for Public management has developed an introductory training course to enhance integrity in the public sector and an all-party parliamentary inquiry has been appointed to review the regulation on transparency in the financing of parties.

In accordance with the second recommendation given to Sweden, the inquiry on transitional restrictions in the event of a transfer from certain employment or assignments in the public sector to the private sector has evaluated the rules on 'revolving doors' that cover top executive functions in the Government. Among its findings is that the 2018 Act on restrictions when ministers and state secretaries transition to non-state activities has had certain self-regulating effects and thus can be deemed to have fulfilled its purpose. After being presented to the Government in August 2023, the report is now referred for consideration to relevant bodies.

Preventing bribery nationally and abroad is a continuous priority for the Government and its agencies. The Government will shortly appoint an inquiry on anti-corruption criminal law measures to strengthen the fight against bribery, which will include consideration of recommendations in line with our international commitments with relevance to the third recommendation given to Sweden. It should also be mentioned that in December 2023 the Government presented a new Strategy for foreign trade, investment and global competitiveness, which i.a. aims at preventing sustainability risks such as corruption.

In order to provide stronger protection under criminal law for persons exercising their freedom of

expression, in particular within journalism, a provision on more severe penalties for offences committed against journalists came into effect in August. When deciding on penalties, courts are now instructed to, in addition to what applies for each specific offence, consider it an aggravating circumstance if the offence was committed against a person on grounds of them or a family member having engaged in a news service or other journalism.

The Institute for Human Rights' annual report highlights events that challenges the protection of human rights, nationally and internationally, as well as summarises key reports and studies issued by the Institute as well as the Institute's stance on current public inquires and legislative proposals.

With the aim to strengthen the independence of the Parliamentary Ombudsmen (JO), legislative changes have been introduced in relation to the terms of office of the Ombudsmen. The process of introducing a new quorum provision in the Constitution regarding a decision by the Riksdag to discharge an Ombudsman is ongoing.

An independent and free civil society is a prerequisite for democracy and should have access to possible funding based on predictability and legal certainty. As stated before, work within the Government Offices to prepare a uniform democracy condition is ongoing in order to ensure that eligibility for public funding is linked to the respect of fundamental values. In accordance with the fourth recommendation given to Sweden, any proposed legislation on this matter will not unduly affect civil society engagement.

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

Recommendation 1: Ensure that the nomination system of lay judges safeguards their independence, taking into account European standards on judicial independence.

To clarify that the assignment as lay judge is non-political, the occasion for the election of lay judges was separated from the general elections in 2015. Since January 2016 it is also mandatory for all lay judges to take part in an introductory and continued training by the courts. One of the topics is to underline that the assignment as a lay judge is a non-political assignment and that the lay judges shall be objective and independent.

To broaden the recruitment of lay judges, for example outside the political parties, the Government assigned the Swedish Courts Administration in July 2022, to carry out an information campaign for prospective lay judges and nominating and selecting bodies. The campaign was carried out in spring 2023 before the new election of lay judges took place during the autumn. The outcome of the campaign will be reported in March 2024.

In March 2023 a special inquiry officer was assigned to examine the need for further measures to ensure the suitability and competence of lay judges and the need for further measures to make it clear that the assignment is non-political. The inquiry presented its conclusion before the summer. In the report the inquiry officer concludes that there is no need for further measures to clarify that the assignment as a lay judge is non-political. The inquiry officer states, that based on today's regulations, it is already possible to weaken the political connection without making any changes in the Swedish legislation. For example, it is possible for the political parties to take a greater responsibility to nominate persons that are not members of the party. The inquiry has been referred for consultation and is now being analysed within the Government Office.

Following the Commission's recommendation to ensure that the nomination of lay judges safeguards their independence the Minister of Justice invited representatives of the parties in the Riksdag and the National Association of lay judges during the autumn to discuss the nomination procedure for lay judges. The meeting took place in October 2023. The meeting was a valuable opportunity for the participants to exchange experiences of the nomination procedure of lay judges. During the meeting there was a consensus among the participants regarding the importance of independent and impartial judges and the importance of continuing the discussion.

A. Independence

2. Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

Our input to the 2023 Rule of Law report is still relevant.

Update

It can be mentioned that the all-party parliamentary Committee of Inquiry on the Constitution has now submitted the final report, proposing a series of measures to strengthen the independence of courts and judges ([SOU 2023:12](#)). The proposals are currently under considerations in the Government Office.

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

Our input to the 2023 Rule of Law report is still relevant.

Update

It can be mentioned that the all-party parliamentary Committee of Inquiry on the Constitution has now submitted the final report, proposing a series of measures to strengthen the independence of courts and judges (SOU 2023:12). The proposals are currently under considerations in the Government Office.

4. *Promotion of judges and prosecutors (incl. judicial review)*

Our input to the 2023 Rule of Law report is still relevant.

Update

It can be mentioned that the all-party parliamentary Committee of Inquiry on the Constitution has now submitted the final report, proposing a series of measures to strengthen the independence of courts and judges (SOU 2023:12). The proposals are currently under considerations in the Government Office.

5. *Allocation of cases in courts*

Our input to the 2023 Rule of Law report is still relevant.

6. *Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)*

Our input to the 2023 Rule of Law report is still relevant.

Update

It can be mentioned that the all-party parliamentary Committee of Inquiry on the Constitution has now submitted the final report, proposing a series of measures to strengthen the independence of courts and judges (SOU 2023:12). The proposals are currently under considerations in the Government Office.

7. *Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)*

Our input to the 2023 Rule of Law report is still relevant.

Update

It can be mentioned that the all-party parliamentary Committee of Inquiry on the Constitution has now submitted the final report, proposing a series of measures to strengthen the independence of courts and judges (SOU 2023:12). The proposals are currently under considerations in the Government Office.

8. *Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information*

Our input to the 2023 Rule of Law report is still relevant.

9. *Independence/autonomy of the prosecution service*

Our input to the 2023 Rule of Law report is still relevant.

10. *Independence of the Bar (chamber/association of lawyers) and of lawyers*

Our input to the 2023 Rule of Law report is still relevant.

11. *Significant developments capable of affecting the perception that the general public has of the independence of the judiciary*

Our input to the 2023 Rule of Law report is still relevant.

Update

It can be mentioned that the all-party parliamentary Committee of Inquiry on the Constitution has now submitted the final report, proposing a series of measures to strengthen the independence of courts and judges (SOU 2023:12). The proposals are currently under considerations in the Government Office.

B. Quality of justice

12. *Accessibility of courts (e.g. court/legal fees, legal aid, language)*

Our input to the 2023 Rule of Law report is still relevant.

Update

The National Courts Administration has in recent years worked to strengthen the process for the use and coordination of interpreters, with specific focus on the technical development in courts.

13. *Resources of the judiciary (human/financial/material)*

Our input to the 2023 Rule of Law report is still relevant.

Update

The Swedish government has proposed significant increases to the budget of the Swedish courts. From 2023 through 2026, the budget will increase from 7 to 8,2 billion SEK. The purpose of the increased budget is to ensure fair trials and public confidence in the courts, despite an increased workload.

14. *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

Our input to the 2023 Rule of Law report is still relevant.

Update

In addition to previous contributions, the following can be added regarding training of clerks/trainees. Clerks at both District and Administrative Courts have specially appointed judges as supervisors guiding them in their work. They must also attend mandatory courses provided by the Swedish National Courts Administration as well as training locally offered by the employment court.

15. *Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)*

Our input to the 2023 Rule of Law report is still relevant.

Update

Case management in Swedish courts is digitalized to a great extent. For the last few years, the Swedish National Courts Administration has been working on the implementation of a project called DBM (digitalization of the case management system for criminal cases). The main purpose for this project is to create a new operational support for criminal case management. The project, which is led by the Swedish National Courts Administration, is conducted in close cooperation with the Swedish Police Authority, the Swedish Prosecution Authority and the Swedish Prison and Probation Service.

The new system was launched in October 2022. The system allows for the district courts to have their judgments in criminal cases written/issued in a digital format (XML) and signed with an electronic signature. Information on criminal cases is, to a large extent, sent between the Swedish Prosecution Authority and the courts digitally and in a structured

way. The structured data are then reused in the judgments. The judgments in criminal cases are reported in a structured manner to, among others, the Swedish Prosecution Authority and the Swedish Prison and Probation Service.

16. *Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)*

Our input to the 2023 Rule of Law report is still relevant.

Please also see under question 15 about the project called DBM (digitalization of the case management system for criminal cases).

17. *Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.*

Our input to the 2023 Rule of Law report is still relevant.

C. Efficiency of the justice system

18. *Length of proceedings*

Our input to the 2023 Rule of Law report is still relevant.

Other – please specify

II. Anti-corruption framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Our input to the 2023 Rule of Law report is still relevant.

Update

The [second compliance report](#) in the GRECO Fifth Evaluation Round regarding Sweden was published in November 2023 and includes updated information on the implementation of the recommendations to Sweden, i.e. recommendations ii, iii and vi.

19. *Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)*

Recommendation 2: Evaluate the scope, impact and implementation of the rules relating to revolving doors that cover top executive functions in the Government.

Our input to the 2023 Rule of Law report is still relevant.

Update

To reduce the risk of corruption and conflicts of interest in the public sector, the Government decided, on 7 June 2022, to appoint an inquiry on transitional restrictions in the event of a transfer from certain employment or assignments in the public sector to the private sector (Dir. 2022:71). The report of the inquiry ([SOU 2023:45](#)) was presented to the Government in August 2023. The report was referred for consideration to relevant bodies in November 2023. The statements of opinion should be submitted to the Government Offices in February 2024 at the latest.

The inquiry was tasked with deciding which public sector employments and assignments should be subject to transitional restrictions and present a proposal on a regulation on

transitional restrictions.

The inquiry also evaluated the rules on ‘revolving doors’ that cover top executive functions in the Government, i.e., Act concerning restrictions when ministers and state secretaries transition to non-state activities (Act 2018:676). The inquiry found, inter alia, “that the Act has had certain self-regulating effects and that the duty of notification appears to have been complied with. Up to May 2023, the Board for the Examination of Transitional Restrictions for Ministers and State Secretaries had examined 59 cases and imposed restrictions in ten of them, thus preventing sensitive information and knowledge being used in a way that would entail the kind of risks outlined in the Act. The Act can thus be deemed to have fulfilled its purpose (SOU 2023:45 p. 22).”

In 2022 the examination Board received 21 reports and considered 20 reports. The examination Board issued 3 thematic restrictions and 1 cooling-off period.

Recommendation 3: Strengthen the fight against foreign bribery, by amending the existing legal definitions to improve on the prosecution of, and final judgments in foreign bribery cases.

Our input to the 2023 Rule of Law report is still relevant.

Update

The Government will shortly appoint an inquiry on anti-corruption criminal law legislative measures to put forward proposals that ensure that the criminal law concerning corruption is effective and efficient, and that recommendations relating to our international commitments in this area are duly considered which will include the recommendation on foreign bribery given to Sweden.

It should also be mentioned that in December 2023, the Government presented a new Strategy for foreign trade, investment and global competitiveness, which i.a. aims at preventing sustainability risks such as corruption.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

20. *List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.*

Our input to the 2023 Rule of Law Report is still relevant.

Update

National Anti-Corruption Unit

The National Anti-Corruption Unit (NACU) within the Prosecution Authority, responsible for criminal investigations related to corruption and foreign bribery, has expanded, and there are now 11 prosecutors at the NACU. There is now 1 accountant, and the analyst is now a permanent employee.

National Anti-Corruption Police Unit

The National Anti-Corruption Police Unit (NACPU) has a preventive role supporting public agencies and other organisations by offering training on anti-corruption, carrying out risk assessments concerning high risk for corruption and collects statistics on reported cases of

corruption.

Swedish Economic Crime Authority

The Swedish Economic Crime Authority cooperates with the EPPA in investigations regarding complex economic crimes. In one recent case that was done by setting up a joint investigation team with the support of Eurojust. The investigation was successful thanks to a fruitful cooperation.

21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

Our input to the 2023 Rule of Law Report is still relevant.

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

Our input to the 2023 Rule of Law Report is still relevant.

Update

As part of the Action Plan against Corruption 2021-23, the Swedish Agency for Public Management has been tasked to evaluate on an aggregate level how national-level public agencies work against corruption is developing. The second report has recently been published (see link below). The overall conclusion is that the work is progressing, albeit slowly.

[Steg för steg – myndigheternas arbete mot korruption är under utveckling. Slutrapport \(statskontoret.se\)](https://statskontoret.se/steget-for-steg-myndigheternas-arbete-mot-korruption-ar-under-utveckling-slutrapport)

B. Prevention

23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training).

Our input to the 2023 Rule of Law report is still relevant.

Update

Training course for government employees

The Swedish Agency for Public Management is tasked by the Government to develop and provide an introductory training course for Government employees (Fi2018/01688

Fi2020/02978, Fi2022/00504, [Uppdrag om introduktionsutbildning för statligt anställda - Regeringen.se](https://statskontoret.se/uppdrag-om-introduktionsutbildning-for-statligt-anstallda-regeringen)). Since 1 July 2023, the introductory training course is publicly available on the website of the Swedish Agency for Public Management ([Din roll i staten - gemensamma spelregler](https://statskontoret.se/din-roll-i-staten-gemensamma-spelregler) (statskontoret.se)).

The training course provides employees with knowledge of the common rules and conditions that apply to all employees in central government authorities. The purpose is to strengthen employees' ability to manage the particular role of central government employment. The course is based on the Basic values of central government authorities, including rule of law, objectivity, democracy, free formation of opinion, respect and efficiency and service (Basic values of central government authorities - common principles for a good administrative culture ([forvaltningskultur.se](https://statskontoret.se/forvaltningskultur))).

Inquiry on transitional restrictions

To reduce the risk of corruption and conflicts of interest in the public sector, the Government decided, on June 7, 2022, to appoint an inquiry on transitional restrictions in

the event of a transfer from certain employment or assignments in the public sector to the private sector (Dir. 2022:71). The inquiry was tasked with, inter alia, deciding which public sector employments and assignments should be subject to transitional restrictions and present a proposal on a regulation on transitional restrictions. The report of the inquiry (SOU 2023:45) was presented to the Government in August 2023. The report was referred for consideration to relevant bodies in November 2023. The statements of opinion should be submitted to the Government Offices in February 2024 at the latest.

GRECO – compliance report on Sweden

The [Fifth Evaluation Round Second Compliance Report on Sweden](#), which deals with preventing corruption and promoting integrity in the central government (top executive functions) and law enforcement agencies, was adopted by GRECO at its 94th Plenary Meeting (Strasbourg, 5-9 June 2023). Among other things and in line with the recommendations ii and iii of the report the Government Offices have revised the document “Information for politicians in the Government Offices” and published it on the external website of the government. The document provides thorough guidance to top executive functions in the Government Offices in several situations linked to the exercise of their functions such as for example, rules regarding conflict of interest, restrictions applicable to ministers and state secretaries when leaving government, rules regarding travel, receiving gifts and more. Furthermore, a new online training on ethical dilemmas for politicians in the Government Offices has been launched as a complement to the on-site in person training activities on ethical issues.

24. *General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)*

Our input to the 2023 Rule of Law report is still relevant.

Update

On 15 June 2023, the Government appointed an all-party parliamentary inquiry to review the regulation on transparency in the financing of political parties and to consider whether the regulation needs to be clarified or supplemented. The committee's mandate also includes considering whether there is a need to strengthen transparency in political decision-making through a regulation that requires transparency regarding contacts between political decision-makers and lobbyists. The committee must report on its work by 15 February 2025 at the latest.

25. *Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)*

Our input to the 2023 Rule of Law report is still relevant.

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26. *Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given*

Our input to the 2023 Rule of Law Report is still relevant.

Update

The Swedish Agency for Public Management has produced a report with guidelines on the Whistleblower Act, Reporting channels under the Whistleblower Act - considerations and practical advice, mars 2022. The main purpose is to provide practical advice to authorities and to provide support to authorities when setting up a reporting channel and managing reports.

[Rapporteringskanaler enligt visseblåsarlagen – överväganden och praktiska råd. \(forvaltningskultur.se\)](#)

27. Sectors with high risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement

Update

Public procurement and serious suppliers

An investigation has submitted a report with proposals for coordinated register control, which means that procuring organisations should be able to check information about suppliers quickly and easily from registers with the Swedish Companies Registration Office who gather information from the Police Agency, the Tax Agency, the Enforcement Authority and the county administrations. The Government has also organised new roundtable discussions in the work to develop and make public procurement more attractive to serious suppliers. Various measures to shut out rogue actors and increase transparency were discussed.

[En samordnad registerkontroll för upphandlande myndigheter och enheter - Regeringen.se](#)

Public procurement damages

New legislation has also been adopted which means that the Swedish Competition Authority may take decisions on procurement damages as the first instance, i.e. without an application procedure to a general administrative court. In addition, the deadline for deciding on procurement damages is extended to two years and the fee's ceiling is raised from SEK 10 million to SEK 20 million. Documentation obligations that appear in the procurement laws must with the new legislation be fulfilled no later than 30 days after an agreement has been concluded or a decision to cancel the procurement has been made.

[En effektivare upphandlingstillsyn \(regeringen.se\)](#)

- list other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen/residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

Our input to the 2023 Rule of Law Report is still relevant.

Update

The Swedish National Council for Crime Prevention, Brå, has been commissioned by the Government to study unauthorized influence (unlawful threats or assault or pressure that is not formally illegal but still has a negative impact on the official's professional practice, such as social pressure or certain harassment) exerted by system-threatening actors and groups in Sweden against individual elected officials, political parties, and decision-making assemblies at all levels. Brå shall particularly focus on unauthorized influence exerted by actors and groups within organized crime and in criminal networks. In addition, Brå shall provide an overview of some parts of the municipal areas that are particularly vulnerable to unauthorized influence. Brå shall also submit proposals for preventive and counteracting measures that can be used by relevant actors. The results of the study will be presented to the Government no later than April 1, 2025.

[Uppdrag att studera otillåten påverkan som utövas av systemhotande aktörer och grupperingar \(regeringen.se\)](#)

28. Any other relevant measures to prevent corruption in public and private sector

Our input to the 2023 Rule of Law Report is still relevant.

Update

The Government announced in the Budget Bill, which was handed over to the Riksdag in September 2023, that the Government will develop a new action plan against corruption which will have a broad approach and include anti-corruption measures as well as policies directed at threats, harassment, and other forms of undue influence. To inform about the work of developing the action plan, the Government organised in November 2023 a round table that included heads of public agencies, experts, and representatives of civil society.

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.

Our input to the 2023 Rule of Law report is still relevant.

As mentioned above (point 19), the Government will shortly appoint an inquiry on anti-corruption criminal law legislative measures to ensure that the fight against corruption, including foreign bribery, is strengthened.

30. Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible), including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds.

Our input to the 2023 Rule of Law report is still relevant.

Update

Available data from 2022 provided by the Swedish National Council for Crime Prevention presented below includes the number of reported offences, investigated offences and offences resulting in a conviction for the following crimes:

Taking of a bribe

reported offences: 80

investigated offences: 336

offences resulting in a conviction: 17

Giving of a bribe

reported offences: 90

investigated offences: 109

offences resulting in a conviction: 29

Trading in influence/ negligent financing of bribery

reported offences: 3

investigated offences: 1

offences resulting in a conviction: 0

Official misconduct

reported offences: 7 845

investigated offences: 1724

offences resulting in a conviction: 21

Breach of the duty of confidentiality

reported offences: 282

investigated offences: 215

offences resulting in a conviction: 4

31. *Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning) _*

Our input to the 2023 Rule of Law Report is still relevant.

Update

The legislative process following the national inquiry (En översyn av den straffrättsliga regleringen om preskription, [SOU 2021:90](#) (regeringen.se)) is still in process. Work has been initiated on a draft legislative bill based on the report of the committee of inquiry regarding the statute of limitations in Swedish criminal law. The draft bill will be scrutinised by the Council on Legislation before it is presented to the Riksdag.

32. *Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.*

Our input to the 2023 Rule of Law Report is still relevant.

Update

Administrative sanctions regarding professors

The Government inquiry report [SOU 2022:8](#) included a proposed change to the administrative sanction process regarding university professors. Currently, cases concerning e.g. disciplinary action and dismissal of professors are processed and decided by the Government Disciplinary Board for Higher Officials (in Swedish: Statens Ansvarsnämnd). In the report, it is proposed that such cases instead be handled locally by the employing university or university college. This would reflect the increase in the number of professors and be in line with the process concerning other categories of higher education professionals. The report has been referred for consultation and the proposal is under consideration in the Government Offices.

Recovery measures

A draft legislative bill on new rules on recovery was submitted to the Council on Legislation on 21 December 2023 and the Government intends to present the bill to the Riksdag in the spring of 2024. The aim of the bill is to ensure that crime does not pay. The bill proposes, inter alia, that a new form of confiscation – non-conviction-based confiscation of the proceeds of crime – should be introduced. The new rules are to come into effect in June 2024.

[Lagrådsremiss En översyn av förverkandelaqstiftningen \(regeringen.se\)](#)

Other – please specify

III. Media pluralism and media freedom

33. *Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)*

Not applicable.

A. Media authorities and bodies

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

Our input to the 2023 Rule of Law Report is still relevant.

35. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

Our input to the 2023 Rule of Law Report is still relevant.

Update

Changes in the composition of the Swedish Media Subsidy Council

A new media aid scheme enters into force on 1 January 2024 (SA.106019 (2023/N)). The aid is administered by the Swedish Media Subsidy Council, an independent body within the Swedish Agency for the media (formerly the Swedish Press and Broadcasting Authority). The composition of the Council is now regulated in an act of law, stating who may not be a member or substitute of the Council. The purpose is to strengthen the independence of the Council. According to the Act on Media Aid, the Media Subsidy Council shall consist of a chairman and at least four, at most seven, other members. For the members, there shall be substitutes to the number determined by the Government. At least one of the members or substitutes shall be vice-chairman. The chairman and vice chairman must be or have been permanent judges. Anyone who is a member of the Parliament, a minister or an employee of the Parliament Administration or the Government Offices may not be a member or substitute of the Council. Nor can anyone who fulfils a position of trust full-time or a significant part of full-time within a municipality or a region be a member or substitute of the Council.

[Lag \(2023:664\) om mediestöd | Sveriges riksdag \(riksdagen.se\)](#)

[Ett hållbart mediestöd för hela landet 2022/23:133 \(regeringen.se\)](#)

36. Existence and functions of media councils or other self-regulatory bodies

Our input to the 2023 Rule of Law Report is still relevant.

B. Safeguards against government or political interference and transparency and concentration of media ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

Our input to the 2023 Rule of Law Report is still relevant.

38. Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)

- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance

Our input to the 2023 Rule of Law Report is still relevant.

Update

Changes in the public service companies' articles of association

In October 2023 a change was made in the Swedish public service companies' (Sveriges Radio AB, Sveriges Television AB and Sveriges Utbildningsradio AB) articles of association to further ensure their independence. The changes entail that the members of the boards may not have any assignments related to political parties. Even if this was in fact already established practise when appointing members of the board, the changes are meant to be a formal clarification and a confirmation of the public service companies' independence.

Pre-assessment of significant new services from public service-media

On 1 July 2023 changes in the Ordinance regulating pre-assessment of services from the public service companies entered into force. The final decision of a pre-assessment is now made by the Swedish Agency for the media instead of by the Government. The purpose of the regulation is to further strengthen the independence of public service from political influence.

[*Förordning \(2019:1256\) om förhandsprövning av tjänster hos public service- företagen | Sveriges riksdag \(riksdagen.se\)*](#)

Possibilities to intervene against broadcasts with regard to Swedish national security

In June 2022 the Government appointed an inquiry to suggest regulation for interventions against radio and television broadcasts via satellite in case of a risk to national security, while protecting the freedoms of expression and information. In March 2023 the remit of the Inquiry was extended to include suggestions on regulation for interventions against radio and television broadcasts in the terrestrial network in case of a risk to national security. Broadcasts from public service was not included in the remit. The inquiry was also tasked to analyse if and when it should be possible to revoke a licence to broadcast radio and television issued by the Swedish Agency for the media, due to freedom of expression offences. The extended remit of the inquiry followed from the results of a public consultation of the ministry memorandum Återkallelse av sändningstillstånd med hänsyn till Sveriges säkerhet (Ds 2022:20).

The intentions of the new and expanded remit was to make it possible to create a clear, coherent, and consistent regulatory framework for interventions against radio and television broadcasts in terrestrial networks and via satellite, if the inquiry chair deemed it appropriate. The inquiry submitted its proposals in a report, Sveriges säkerhet i etern (SOU 2023:63), to the Minister for Culture in October 2023. In short, the inquiry suggests introducing a requirement for licences from the Swedish Agency for the media for radio and television broadcasts via satellite for all except public service. A licence may be revoked if the holder materially breaches certain provisions in the Radio and Television Act or licence conditions. The inquiry also suggests that it should be possible to revoke a licence to broadcast radio or television in case of some specified freedom of expression offences related to national security.

[*Sveriges säkerhet i etern, SOU 2023:63 \(regeringen.se\)*](#)

A public consultation of the report is currently prepared within the Government Offices.

Amendments to the Radio and Television Act

The Swedish Press and Broadcasting Authority's (now the Swedish Agency for the media) report on amendments to the terms of licensing of analogue and digital commercial radio, submitted in December 2022, is currently being analysed within the Government Offices.

[*En långsiktigt hållbar kommersiell radioverksamhet - rapport \(mprt.se\)*](#)

39. *Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter*

Our input to the 2023 Rule of Law Report is still relevant.

C. Framework for journalists' protection, transparency and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.

Our input to the 2023 Rule of Law Report is still relevant.

Update

Stronger protection under criminal law for journalists

A new special ground for more severe penalties for offences committed against journalists came into effect on 1 August 2023. The provision states that the courts, as an aggravating circumstance when assessing penalty value, in addition to what applies for each specific type of offence, should give particular consideration to whether the offence was committed against a person on grounds of them or a family member having engaged in a news service or other journalism. The purpose is to provide stronger protection under criminal law for persons exercising their freedom of expression, in particular within journalism.

During 2023, the Swedish Police Authority and the Swedish Media Publishers' Association initiated a project to enable cooperation on crime prevention aimed at local news desks and journalists. There has been concrete effect observed on local level and the working methods developed during the project will be integrated in work routines during 2024.

Work on hate crimes

The Police Authority received an assignment in 2021 to develop and improve the work to combat hate crimes and other crimes that threaten democracy. In the final report which was presented to the Ministry of Justice on 15 December 2023, the Police Authority describes an enhanced knowledge and ability to investigate hate crimes. The specialized hate crime investigators are well established within the organisation and the Authority has strengthened its dialogue with vulnerable groups. Focus for further development will be on internet related hate crimes and how to better identify hate crime already during the reporting of a crime.

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

Our input to the 2023 Rule of Law Report is still relevant.

42. Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

Our input to the 2023 Rule of Law Report is still relevant.

43. Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

Our input to the 2023 Rule of Law Report is still relevant.

Other – please specify

IV. Other institutional issues related to checks and balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

Recommendation 4: Continue efforts to ensure that the on-going reforms to the legal framework for the funding and operation of civil society organisations do not unduly affect civil society engagement.

Our input to the 2023 Rule of Law Report is still relevant.

Any future proposed legislation on this matter will not unduly affect civil society engagement.

A. The process for preparing and enacting laws

45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.

Our input to the 2023 Rule of Law Report is still relevant.

46. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions).

Our input to the 2023 Rule of Law Report is still relevant.

Update

The all-party parliamentary committee of inquiry assessing, inter alia, whether there is a need to extend the Government's competence to adopt provisions in severe peacetime crises has continued its work. In November 2023, it presented its report to the Government. In its report, the committee proposes specific rules on adopting provisions in severe peacetime crises to be introduced in the Instrument of Government. The Government will refer the report to the relevant bodies for consideration.

The report, including a summary in English, can be accessed on the website of the Government Offices ([Stärkt konstitutionell beredskap - Regeringen.se](https://www.starkonstitutionellberedskap.se)).

47. Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight.

Sweden does not have any rules on states of emergency. Our input to the 2021 Rule of Law Report is still relevant (Question 39).

As regards proposals for rules on adopting provisions in severe peacetime crises, see above under Question 46.

48. Regime for constitutional review of laws

Our input to the 2023 Rule of Law Report is still relevant.

B. Independent authorities

49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

Our input to the 2023 Rule of Law Report is still relevant.

Update

In May 2022 the parliamentary inquiry appointed to review the constitutional status, remit and activities of the Parliamentary Ombudsmen presented its report. Based on the report, the Committee on the Constitution found that the Parliamentary Ombudsmen over-all are well-functioning as an institution. In the report, a modernised Act with instruction for the Parliamentary Ombudsmen was proposed according to which the remit and activities of

the Ombudsmen remains mainly unaltered. With the aim to strengthen the independence of the Ombudsmen, some changes to other legislative acts were proposed. To that end, it was proposed to prolong the terms of office of the Ombudsmen from four to six years when a new Ombudsman is appointed, and to three years in cases of re-election. It was also proposed that a decision by the Riksdag to discharge an Ombudsman cannot be adopted unless it has the support of at least three fourths of the voting and more than half of the members of the Riksdag (a quorum provision). The proposal of an act with an instruction and the proposal regarding terms of office were enacted by the Riksdag in June 2023 and entered into force on 1 September 2023. The quorum provision is to be introduced to the Instrument of Government. In accordance with the procedure for enacting fundamental law, in June 2023 the Riksdag adopted the proposal for enactment as being held in abeyance. A second decision is foreseen to be taken in the fall of 2026.

The Parliamentary Ombudsmen are allocated SEK 130,4 million for the full year of 2024.

The Equality Ombudsman is allocated SEK 138,5 million for the full year 2024.

The Swedish Institute for Human Rights is allocated SEK 51,8 million for the full year 2024.

50. *Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.*

Our input to the 2023 Rule of Law Report is still relevant.

Update

Equality Ombudsman

In 2022 the Equality Ombudsman received 3 594 reports of discrimination. Discrimination related to disability and ethnicity were the most common grounds for the reporting. The most common areas for reporting discrimination are working life, education and access to goods and services.

The Equality Ombudsman has published different reports on discrimination. For example, a report investigating how government agencies are using AI and automated decision-making and the extent to which they are taking into account risks of discrimination. Another example is a publication to contribute knowledge about the living conditions of persons with intersex variation from a discrimination perspective.

The Swedish Institute for Human Rights

Pursuant to the legislation establishing the Institute for Human Rights, one of the tasks of the Institute is to submit a report to the Government of Sweden by 1 April each year on its activities and observations relating to developments in the field of human rights during the immediately preceding calendar year. The Institute for Human Rights' report under this provision was submitted by 1 April 2023. In the report the Institute highlight events that challenges the protection of human rights, nationally and internationally. The report also summarises some key reports and studies issued by the Institute as well as the Institute's stand on current public inquires and legislative proposals. For instance, in 2022, the Institute submitted its first supplementary report to the Committee on the Rights of the Child and conducted a survey on public perception of human rights.

One primary purpose of the formation of the Swedish Institute for Human Rights is to establish an entity in Sweden that fulfils the internationally recognised requirements of the Paris Principles relating to the Status of National Human Rights Institutions (NHRIs). And in April 2023 the Institute applied for accreditation status with The Global Alliance of National Human Rights Institutions (GANHRI).

C. Accessibility and judicial review of administrative decisions

51. *Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)*

Our input to the 2023 Rule of Law Report is still relevant.

52. *Judicial review of administrative decisions:*

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).

Our input to the 2023 Rule of Law Report is still relevant.

53. *Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)*

The possibility and obligation for national courts to request a preliminary ruling from the European Court of Justice (CJEU) pursuant to art. 267 TFEU is in Sweden complemented by provisions in [lagen \(2006:502\) med vissa bestämmelser om förhandsavgöranden från Europeiska unionens domstol \(SFS 2006:502\)](#). Under this law, the supreme courts are obliged in certain circumstances to state reasons for their decisions not to refer a case to the CJEU.

Preliminary rulings requested by Sweden are most often made by the Supreme Court, the Supreme Administrative Court and by the courts that carry a particular responsibility for special categories of cases, i.e., intellectual property law and migration law.

54. *Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation*

Our input to the 2023 Rule of Law Report is still relevant.

D. The enabling framework for civil society

55. *Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)*

Our input to the 2023 Rule of Law Report is still relevant.

Update

The Riksdag decided 26 January 2022 that the Government and state authorities should be obliged to consult the Sami Parliament before making decisions on matters that may be of particular importance to the Sami people. The legislative amendment entered into force 1 March 2022 and from 1 March 2024, the obligation to consult also applies to municipalities and regions.

56. *Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.*

Our input to the 2023 Rule of Law Report is still relevant.

57. *Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)*

Our input to the 2023 Rule of Law Report is still relevant.

58. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

Our input to the 2023 Rule of Law Report is still relevant.

E. Initiatives to foster a rule of law culture

59. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

Our input to the 2023 Rule of Law report is still relevant.

Update

Swedish Agency for Public Management – training course

As stated under point 23, since 1 July 2023, the Swedish Agency for Public Management provides an introductory training course for Government employees (Fi2018/01688, Fi2020/02978, Fi2022/00504, [Uppdrag om introduktionsutbildning för statligt anställda - Regeringen.se](#)). It is publicly available on the website of the Agency for Public Management ([Din roll i staten - gemensamma spelregler \(statskontoret.se\)](#)). The course is based on the Basic values of central government authorities, including rule of law, objectivity, democracy, free formation of opinion, respect and efficiency and service ([Basic values of central government authorities - common principles for a good administrative culture \(forvaltningskultur.se\)](#)).

Testimony

It is important that witnesses testify and that more witnesses participate in criminal investigations. Knowledge of how the criminal process works and what rights and obligations a witness has needs to increase so that witnesses do not feel anxious about giving their statement before the police or court. The Government therefore intends to task the Crime Victims' Authority to inform about how important it is to testify.

Other – please specify

The Swedish Council Presidency organised The Stockholm Symposium on Democracy and the Rule of Law which brought together representatives from Member States, institutions, civil society, academia, journalists/media and others. We highlight the event in different contexts as we found it a useful format to discuss democracy and the rule of law and how to further strengthen these values in the EU. It was therefore welcomed that the 2023 Presidency conclusions on the evaluation of the rule of law dialogue called on Presidencies to consider the organisation of such events, and that the Spanish Presidency itself responded positively by arranging the much appreciated seminar in Segovia.