

# European Rule of Law Mechanism: input from Sweden

## 2023 Rule of Law Report

### Introduction

Brief summary to highlight developments since January 2022.

The Committee of Inquiry on strengthening the protection of democracy and the independence of the judiciary, set up by the Swedish Government in February 2020, continues its work. The 2020 Committee of Inquiry on the Constitution, an all-party committee chaired by the President of the Supreme Court, is examining several aspects of the Swedish framework for judicial independence in order to present proposals for legislative and constitutional amendments. In accordance with the first recommendation given to Sweden this committee will continue its work and is planning to present its findings in early 2023. After that the Government will refer it to the relevant bodies for consideration.

In accordance with the second recommendation given to Sweden, an evaluation of the legal framework on revolving doors was initiated in 2022, as is mentioned in the Commission's Rule of Law report. The evaluation will, among other things, examine if the objectives of the legislation from 2018 are fulfilled, and if not propose necessary changes in the legal framework.

Preventing bribery is a priority for the Swedish Government and Swedish authorities, both nationally and abroad. Both the Swedish Police Authority and the Swedish Prosecution Authority participate in international co-operation in the area of foreign bribery, for example in OECD. To provide for the necessary conditions for effective prosecution against foreign bribery while simultaneously safeguarding rule of law principles such as legal certainty can be a balancing act. Taking these aspects into account new legislation was introduced in 2019. This legislation was based on OECD recommendations. The Swedish government will continue to monitor the effectiveness of the new legislation to ensure the fight against foreign bribery is strengthened, in accordance with the third recommendation given to Sweden.

An independent and free civil society is a prerequisite for democracy. Civil society should be provided with a funding scheme that is based on predictability and legal certainty. Organisations that do not support fundamental values, such as equal value of all people, should however not be eligible for public funding. The most extreme example is of course terrorist organisations. Consequently, for a number of years, a so-called democracy condition has been applicable for civil society organisations applying for state grants. Following criticism that this condition differed depending on the situation as well as application difficulties, the Government has commissioned an investigation into the question of introducing a new uniform democracy condition. The issue of a new uniform democracy condition is now being prepared within the Government Offices. In accordance with the fourth recommendation given to Sweden, any proposed legislation on this matter will not unduly affect civil society engagement.

On 14 November 2019, the Swedish Government decided to appoint a commission of inquiry to analyse and propose legislative amendments and other measures needed for Sweden's participation in the European Public Prosecutor's Office (EPPO). The inquiry presented its report in mid-December 2020. On the 25th of October a report was published regarding how European Delegated Prosecutors' rights relating to social security, pension and insurance coverage under the national scheme should be maintained. The report contains proposals for the legislation needed to resolve these issues. The Government is currently working on a proposal containing the necessary legislation to enable Sweden to join the Eppo as soon as possible, provided endorsement from Parliament.

A special inquiry has been commissioned to consider whether there is need for stronger protection under criminal law for persons exercising their freedom of expression, in particular within journalism, and how such stronger protection should be designed. The inquiry proposes, inter alia, a new special ground for more severe penalties for offences committed against journalists. According to the proposed provision the courts, as aggravating circumstances when assessing penalty value, 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.

An Institute for Human Rights that fulfils the requirements of the Paris Principles relating to the Status of National Human Rights Institutions has been established in Sweden and commenced operations on 1 January 2022. The purpose of the Swedish Institute for Human Rights is to promote and protect human rights in Sweden.

## **I. Justice System**

- 1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)**

***Rec 1. Continue the work of the Committee of Inquiry on strengthening the protection of democracy and the independence of the judiciary, taking into account European standards on judicial independence***

Our input to the 2022 Rule of Law Report is still relevant. In accordance with the first recommendation given to Sweden this committee will continue its work and is planning to present its findings in early 2023. After that the Government will refer it to the relevant bodies for consideration.

### **A. Independence**

- 2. *Appointment and selection of judges, prosecutors and court presidents (inclu. judicial review)***

Our input to the 2022 Rule of Law Report is still relevant.

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

Our input to the 2022 Rule of Law Report is still relevant.

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

Our input to the 2022 Rule of Law Report is still relevant.

- 5. *Allocation of cases in courts***

Our input to the 2022 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 2022 Rule of Law Report is still relevant.

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

Our input to the 2022 Rule of Law Report is still relevant.

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

Our input to the 2022 Rule of Law Report is still relevant.

**9. Independence/autonomy of the prosecution service**

Our input to the 2022 Rule of Law Report is still relevant.

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

Our input to the 2022 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 2022 Rule of Law Report is still relevant.

**B. Quality of justice**

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

Our input to the 2022 Rule of Law Report is still relevant.

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

Our input to the 2022 Rule of Law Report is still relevant.

Update:

In the budget bill for 2023, the Swedish courts are given 170 million more (approx. 17 million EUR), spread out over three years.

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

Our input to the 2022 Rule of Law Report is still relevant.

**15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)**

Our input to the 2022 Rule of Law Report is still relevant.

**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 2022 Rule of Law Report is still relevant.

**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 2022 Rule of Law Report is still relevant.

**C. Efficiency of the justice system**

**18. Length of proceedings**

Our input to the 2022 Rule of Law Report is still relevant.

**Other – please specify**

Our input to the 2022 Rule of Law Report is still relevant.

The Swedish government is working on a proposal containing the necessary legislation to enable Sweden to join the Eppo. On the 25th of October a report was published regarding how European Delegated Prosecutors’ rights relating to social security, pension and insurance coverage under the national scheme should be maintained. The report contains proposals for the legislation needed to resolve these issues.

## **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 2022 Rule of Law Report is still relevant.

### ***19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)***

#### ***Rec 2. Evaluate the scope, impact and implementation of the rules relating to revolving doors that cover top executive functions in the government***

In accordance with the second recommendation given to Sweden, an evaluation of the legal framework on revolving doors was initiated in 2022, as is mentioned in the Commission's Rule of Law report. The evaluation will, among other things, examine if the objectives of the legislation from 2018 are fulfilled, and if not propose necessary changes in the legal framework

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 shall regard which positions in the public sector a regulation on transitional restrictions should apply to, present a proposal on a regulation on restrictions and, if judged necessary, draft a statute.

The inquiry will also evaluate 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 should be completed by the end of 2023.

Since the Acts entry into force in 2018 the examination body has considered 32 reports and issued 2 waiting restrictions and 2 subject restrictions.

#### ***Rec 3. Strengthen the fight against foreign bribery, including through amending existing legal definitions and improving on prosecution and final judgments of cases.***

Our input to the 2022 Rule of Law Report is still relevant.

The Swedish Police Authority works actively with crime prevention to counteract bribery abroad against various industries, both linked to domestic and international corruption. The Police Authority also participates in international networks that work to combat corruption,

such as The Global Operational Network of Anti-Corruption Law Enforcement Authorities (GlobE Network) and the Global Law Enforcement Network against Transnational Bribery (GLEN). However, the Police Authority's work against bribery first and foremost takes place by operationally investigating bribery offenses in the preliminary investigations they handle.

The National Anti-Corruption Unit (NACPU) has an ongoing cooperation with the Financial Intelligence Unit (FIU), in which NACPU provides case examples and indicators to the FIU on a regular basis. The purpose is to enhance efficiency of capturing relevant Suspicious Transactions Reports (STR) with possible corruption as a predicate crime. The FIU also uses the information to provide guidance to obliged entities that file STR:s.

The international co-operation regarding foreign bribery is extensive and Swedish prosecutors cooperate with other countries on regular basis regarding suspicions about foreign bribery committed by Swedish persons or companies. At the same time other countries turn to Sweden with requests for legal assistance regarding their investigations about foreign bribery. The Swedish Prosecution Authority also participate in international co-operation networks, such as the GlobE Network.

The Swedish government will continue to monitor the effectiveness of the new legislation to ensure the fight against foreign bribery is strengthened, in accordance with the third recommendation given to Sweden.

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

***20. List of 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 authorities. Indicate any relevant measure taken to efficiently and timely cooperate with OLAF and EPPO (where applicable)***

Our input to the 2022 Rule of Law Report is still relevant.

As previously stated, the Swedish government is working on a proposal containing the necessary legislation to enable Sweden to join the Eppo. On the 25th of October a report was published regarding how European Delegated Prosecutors' rights relating to social security, pension and insurance coverage under the national scheme should be maintained. The report contains proposals for the legislation needed to resolve these issues

Unfortunately, the new statistics for 2022 have not been published yet. The updated statistics for 2022 are expected during the first half of 2023.

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

Our input to the 2022 Rule of Law Report is still relevant with the exception that the Finance Police should be replaced with the Financial Intelligence Unit (FIU).

**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 2022 Rule of Law Report is still relevant.

Update:

The Swedish Agency for Public Management has as part of the national action plan against corruption produced two manuals on best practice for public agencies in relation to analyses of corruption risks. The manuals focus on how to identify corruption risks and how to work within an organisation to combat corruption. In addition, the Agency has produced a manual on how to set up whistle blower functions in accordance with the EU directive and the Swedish law on whistle blowers.

Although the Swedish system of local government is set up in a way that makes the municipalities and regions responsible for how the work to combat and prevent corruption is conducted, it is the state's responsibility to make sure they have sufficient conditions to do so. The Government has assigned the Swedish Agency for Public Management to make a national survey of corruption within municipalities and regions and analyse and improve the conditions to prevent corruption within municipalities and regions. The purpose of the assignment is to increase the knowledge nationally about corruption risks within municipalities and regions and improve the municipalities and regions abilities to prevent corruption. The assignment also includes local government enterprises, foundations, and associations. It is important, not least because corruption cases involving local government enterprises have historically been overrepresented in the statistics. The assignment also includes private providers to whom management of a local government concern has been delegated to and the municipality or region must check and monitor the provider's activities.

**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). Please provide figures on their application. Our input to the 2021 Rule of Law Report is still relevant.**

Our input to the 2022 Rule of Law Report is still relevant.

Update:

A new introductory training course for government employees

The Delegation for Trust-Based Governance (Tillitsdelegationen) was in 2019 tasked by the Swedish Government with mapping and analysing the introductory courses that government authorities (i.e. government agencies and the courts) offer their employees, and presenting proposals for how and when a common, introductory training course for government employees can be introduced. The background to this remit was an announcement by the Swedish Parliament (Riksdagen). With the assistance of a large number of authorities, the Delegation obtained knowledge about how the authorities currently work on their introductory courses, what specific needs they have for common training and how the content and format of such training should be designed to meet their needs. The Delegation recommended that training should include the following component: the role of government employees in a democracy under the rule of law.

In 2022, the Swedish Government gave the Swedish Agency for Public Management the task to produce and eventually permanently provide an introductory training course for government employees. The introductory training course shall be available from June 1st, 2023.

***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 2022 Rule of Law Report is still relevant.

***25. Rules and measures on preventing conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned, etc.)***

Our input to the 2022 Rule of Law Report is still relevant.

***26. Measures in place to ensure whistleblower protection and encourage reporting of corruption***

Our input to the 2022 Rule of Law Report is still relevant.

**27. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, citizen investor schemes, 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 2022 Rule of Law Report is still relevant.

Update:

The Swedish National Council for Crime Prevention, *Brå*, has been commissioned by the Government to study the role and function of so-called enablers or insiders in criminal activities committed by criminal networks. Previous research has shown that actors within criminal networks use enablers or insiders to facilitate crime, carry out crimes, avoid detection, avoid or reduce criminal justice sanctions or other sanctions, as well as to convert criminal profits into legal sectors. There is no deeper and wider analysis of the role and function of the enabler or insider for criminal activities committed by criminal networks. *Brå* shall also identify and submit proposals for preventive and counteracting measures. The results of the study will be presented to the Government no later than March 1, 2024.

During spring 2022, the government held three round-table discussions with industry representatives for construction, cleaning and the transport industry. Areas that are assessed as risk areas. Relevant authorities also participated in the discussions. The purpose of the talks was to raise problems around labor crime and irregularities in procurement-related matters.

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

Our input to the 2022 Rule of Law Report is still relevant.

Update:

A special investigator is given the task of proposing an efficient and reliable system for supplier control in connection with public procurement and when applying to participate in a freedom of choice system. The purpose of the investigation is to strengthen democratic control over welfare, promote healthy competition and counter crime at work by preventing unscrupulous or unsuitable suppliers from being awarded public contracts.

The investigator shall, among other things,

- propose an efficient and reliable system for supplier control in connection with public procurement and when applying to participate in a freedom of choice system,
- assess whether the rules on the exclusion of suppliers from participation in freedom of choice systems should be tightened,
- take a position on whether mandatory requirements for labor law conditions should be introduced in non-directive procurements,

- analyze the legal conditions for introducing restrictions on the number of subcontractors in public procurement, and assess whether there are grounds for such a restriction, and
- submit the necessary constitutional proposals.

### **C. Repressive measures**

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

Our input to the 2022 Rule of Law Report is still relevant.

#### **30. Data on investigation and application of sanctions for corruption offences (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 2022 Rule of Law Report is still relevant.

#### **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, procedure rules, statute of limitations, cross-border cooperation, pardoning, etc)**

Our input to the 2022 Rule of Law Report is still relevant.

Update:

The legislative process following the national inquiry is still in process.

#### **32. Information on the effectiveness of non-criminal measures and of sanctions (eg. recovery measures and administrative sanctions on both public and private offenders.**

Our input to the 2022 Rule of Law Report is still relevant.

### **III. Media pluralism**

**33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)**

Not applicable.

#### **A. Media authorities and bodies**

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

Our input to the 2022 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 2022 Rule of Law Report is still relevant.

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

Our input to the 2022 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 2022 Rule of Law Report is still relevant

**38. Safe guards against state/political influence, 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 (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting operations and the allocation of resources), and safeguards for plurality of information and opinions**
- **-information om 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 2022 Rule of Law Report is still relevant.

Update:

Inquiry into the system for pre-assessment of significant new services from public service-media

An inquiry chair was in 2021 appointed by the government to review the system as to whether the final decision of a pre-assessment of services from public service-media should remain with the Government. The inquiry chair report was presented in February 2022 suggesting that the Swedish Press and Broadcasting Authority shall make the final decision. The purpose of the proposal is to further strengthen the independence of public service. The report has been circulated for consultation and comments on the report has been received from relevant public agencies, organisations and stakeholders. A proposal is currently being prepared in the Government Offices.

<https://data.riksdagen.se/fil/33277C18-56F3-4A40-B458-E848B252F68B>

Possibilities to intervene against broadcasts with regard to Swedish national security

In June 2022 the Government appointed an inquiry chair to suggest regulation for interventions against radio and television broadcasts via satellite that presents a risk of prejudice to the Swedish national security while protecting the freedoms of expression and information. The inquiry chair shall submit its proposals in a report to the Government in June 2023, at the latest.

[ingripande-mot-satellitsandningar-med-hansyn-till-sveriges-sakerhet-dir.-202281.pdf](http://ingripande-mot-satellitsandningar-med-hansyn-till-sveriges-sakerhet-dir.-202281.pdf)  
([regeringen.se](http://regeringen.se))

In August 2022 a ministry memorandum (Ds 2022:20) was circulated for consultation. In the memorandum changes in the Swedish Radio and Television Act (SFS 2010:696) are proposed in order to make it possible to revoke a licence to broadcast, if the broadcast presents a risk to national security. Comments on the proposal in the memorandum has been received from relevant public agencies, organisations and stakeholders. The result from the public consideration is currently being analysed within the Government Offices.

<https://www.regeringen.se/4a4c62/contentassets/e67d0258de644d66b95dd6b2a14ad03a/aterkallelse-av-sandningstillstand-med-hansyn-till-sveriges-sakerhet-ds-202220.pdf>

Amendments to the Radio and Television Act

New regulation on the licensing period for television broadcasts in the terrestrial network, commercial advertising in radio and a synchronisation of the licensing periods for analogue and digital commercial radio entered into force on 1 July 2022.

The changes made it possible for radio companies holding a license to broadcast digital commercial radio to apply for an extension of their licenses for four years. With this the licensing periods for analogue and digital radio are synchronized, expiring on 31 July 2026. Licenses to broadcast television issued by the Press and Broadcasting Authority shall, as for public service-media, be valid for eight years.

The possibility to revoke licences to broadcast radio and television in cases of serious breaches of the rules for commercial communication is repealed. Sanctions in form of fines is still possible in these cases.

The Radio and Television Act: [https://riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/radio--och-tv-lag-2010696\\_sfs-2010-696](https://riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/radio--och-tv-lag-2010696_sfs-2010-696)

The Press and Broadcasting Authority was in 2021 commissioned to investigate the need for further amendments to the terms of licensing analogue and digital commercial radio. The Authority submitted its report on the assignment in December 2022. To promote better conditions for broadcasting radio long-term the Authority suggests that licenses to broadcast commercial radio, analogue and digital, shall be issued after a selection procedure based on the present licensing procedure for digital commercial radio and terrestrial television. In this procedure considerations should be given to content in the service applying for a license and in relation to content in other services, preferences of listeners and the applicants' relations to other actors in respect of ownership and influence.

See also below, question 39.

***39. Rules governing transparency of media ownership and public availability of media ownership information, including direct, indirect and beneficial owners (as well as any rules regulating the matter).***

Our input to the 2022 Rule of Law report is still relevant.

Update:

New regulation on transparency of media ownership enters into force on 1 March 2023. The purpose of the regulation is to give users of media services easy access to information on owners and ownership structures. With this information users have the possibility to form well-founded opinions on the content in the media services.

The regulation stipulates that audiovisual media and radio service providers, including public service, shall inform recipients of their owners and ownership structure. The service provider must ensure that recipients always and in an easy way have access to such information.

The new obligation applies to service providers broadcasting television, searchable teletext, commercial radio and radio where no license is required (for example via internet). The obligation also applies on providers of on demand television. As for on demand radio the obligation only applies to public service.

The Press, and Broadcasting Authority will be responsible for supervising compliance with the regulation. The authority may decide that a service provider shall follow the regulation. A decision may include an injunction with a conditional fine.

Government bill: <https://data.riksdagen.se/fil/1CBF1497-D154-404B-B4D1-D754046D91FC>

### ***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***

Our input to the 2022 Rule of Law Report is still relevant

##### Update:

A special inquiry has been commissioned to consider whether there is a need for stronger protection under criminal law for persons exercising their freedom of expression, in particular within journalism. The inquiry proposes a new special ground for more severe penalties for offences committed against journalists. According to the proposed provision the courts, as aggravating circumstances 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 Police Authority are cooperating with the trade association for Sweden's newspapers and other media companies and the Swedish Media Publishers' Association (TU). They cooperate on national, regional, and local level to raise awareness regarding journalist's important role in the Swedish democracy and in order to prevent crimes committed against journalists. During the autumn/winter of 2022-2023 the Police Authority and TU perform several seminars with the aim to prevent crimes committed against journalists. The long-term goal is to establish robust liaison between the Police on local and regional level and newspapers in the same geographical area, both regarding preventing and investigating such crimes.

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

Our input to the 2022 Rule of Law Report is still relevant.

Crimes committed against journalists are perceived as severe and investigated by specific investigation units in the big-city regions of Malmö, Gothenburg, and Stockholm. In the remaining four police regions these investigations are handled by specially appointed investigators and investigation leaders.

The Police Authority received the assignment Hate crimes and other crimes that threaten democracy in its regulatory letter in the fall of 2021 from the previous government. The assignment means that the Police Authority must continue to develop and improve the work to combat hate crimes and other crimes that threaten democracy. Within the scope of the assignment, the Police Authority must, among other things, carry out competence-enhancing initiatives within the authority. The Police Authority must report the results of the work carried out to strengthen the criminal investigation capacity and the investigation of these crimes. The report must also include a description of the work against IT-related hate crimes and other crimes that threaten democracy. The authority must describe what is being done to create conditions for cooperation with other authorities and organizations and how a structured dialogue is ensured vis-à-vis groups that are exposed to this type of crime.

In the first partial report of the mission, which was presented to the previous government on March 1, 2022, an overall picture of the Police Authority's work against hate crimes and other crimes that threaten democracy was given and contained some examples of development. The Police Authority particularly highlighted the importance of competence in these crimes and that the treatment of crime victims is strongly linked to citizens' trust in the authority. Furthermore, it was highlighted that expertise in these crimes creates the conditions for effective investigation, stable follow-up of the crimes and better feedback to crime victims.

In partial report two, which must be reported no later than March 1, 2023, a short- and long-term action program will be presented. At the final report, which must take place no later than December 16, 2023, the measures taken and a long-term plan for the authority's continued work will be presented.

***42. Access to information and public documents (incl. transparency authorities where they exist, procedures, cost/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 2022 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 safeguards against manifestly unfounded and abusive lawsuits.***

Our input to the 2022 Rule of Law Report is still relevant.

## **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 2022 Report regarding the system of checks and balances (if applicable)***

***Rec 4: Ensure that on-going reforms to the legal framework for the funding and operation of civil society organisations do not unduly affect civil society engagement***

The former Swedish Government presented a proposal (prop. 2021/22:272) concerning state grants to religious communities and democracy conditions for state grants to civil society, during the summer of 2022. However, during the autumn of 2022, the current Swedish Government revoked the proposal. Civil society has raised concerns about the proposal and the Government believes that a comprehensive approach to the issue is required. The issue of a new uniform democracy condition is being prepared within the Government Offices. It remains a priority to ensure that funds do not go to organisations or associations that promote extremism, undermine democracy and act contrary to the fundamental values of society. In accordance with the fourth recommendation given to Sweden, any 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 (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process***

Our input to the 2022 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 2022 Rule of Law Report is still relevant.

***47. Regime for constitutional review of laws***

Our input to the 2022 Rule of Law Report is still relevant.

**48. COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic**

- **judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic**
- **oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic**
- **processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances**

Our input to the 2022 Rule of Law Report is still relevant.

The validity of the relevant laws was repealed 1 April 2022.

**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 2022 Rule of Law Report is still relevant.

Updates:

The Equality Ombudsman is allocated SEK 134 million for the full year 2023.

The Swedish Institute for Human Rights is allocated SEK 50,5 million for the full year 2023. The Swedish Institute for Human Rights is a Swedish national agency which was formally established in January 2022 in accordance with the Swedish Act on the Institute for Human Rights (2021:642). The purpose of the Institute is, according to the legislative act, to promote the safeguarding of human rights in Sweden. Included in this task is also the promotion, protection, and monitoring of the implementation of the Convention on the Rights of Persons with Disabilities.

**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 2022 Rule of Law Report is still relevant.

Update:

In 2021 the Equality Ombudsman received 3 278 reports of discrimination. Discrimination related to disability and ethnicity were the most common grounds for the reporting. The most common areas for reporting discrimination is working life, education and access to

goods and services.

The Equality Ombudsman has published different reports on discrimination. For example a research study has been conducted on factors that influence social secretary's assessments and decisions within social child and youth care. Another example is a report on the discrimination on the ground of religion.

The Swedish Institute for Human Rights commenced operations on 1 January 2022. Pursuant to the legislation establishing the Institute, one of the tasks of the Institute for Human Rights 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' first report under this provision was submitted by 1 April 2022. Considering that the legislation specifies that the report is to refer to the previous calendar year, i.e. 2021, when the Institute had not yet been established, the first report was somewhat brief. There have been no activities from NHRI as this has started its operations in January 2022.

### ***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 2022 Rule of Law Report is still relevant.

#### ***52. Judicial review of administrative decisions - short description of the general regime (in particular competent courts, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)***

Our input to the 2022 Rule of Law Report is still relevant.

#### ***53. Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation***

Our input to the 2022 Rule of Law Report is still relevant.

### ***D. The enabling framework for civil society***

**54. 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 2022 Rule of Law Report is still relevant.

Update:

The Parliament 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 (*En konsultationsordning i frågor som rör det samiska folket Konstitutionsutskottets Betänkande 2021/22:KU4*). This procedure is a step towards strengthening the ability of the Sami people to influence and participate in decisions on matters that affect them. The legislative amendment entered into force 1 March 2022. (

As mentioned in the country chapter in the 2022 Report regarding the system of checks and balances, in May 2022 the Government submitted a proposal to the Council of Legislation which included introduction of so-called ‘democracy conditions’ to the support from the General Inheritance Fund and to the support for religious communities. In August 2022, the Government submitted the proposal Prop. 2021/22:272 concerning democracy conditions to the support from the General Inheritance Fund and to the support for religious communities to the Parliament. In November 2022, however, the Government revoked the proposal prop. 2021/22:272 and the issue of a new uniform democracy condition is now being prepared within the Government Offices. In accordance with the fourth recommendation given to Sweden, any proposed legislation on this matter will not unduly affect civil society engagement.

**55. 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 2022 Rule of Law Report is still relevant.

**56. 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 2022 Rule of Law Report is still relevant.

Update:

State support to civil society is channeled through various types of public grants. Grants to civil society organisations are usually divided into general grants and targeted grants, where general grants such as organisational and operating grants account for a larger share and are more long-term, while targeted grants, such as project grants, are usually for shorter-term activities. Organisational grants aim at ensuring the very existence of the organisation and are in many cases essential for the regular activities of civil society organisations.

According to the latest budget bill (prop. 2022/23:1 utg.omr.17), the Government distributes 26,4 billion SEK to civil society. Some of it goes directly to specific organizations, but most of it is distributed by different agencies, such as the Agency for Youth and Civil society, the National Board of Health and Welfare, the Agency for Education and the Environmental Protection Agency. Currently, grants are distributed by approximately 40 agencies and with the support of around 80 ordinances. The ordinances state the conditions for each grant.

**57. 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.)**

The objective of civil society policy is to improve the conditions for civil society as an integral part of democracy. This is to be done in dialogue with civil society organizations by: developing opportunities for civil society to help people become involved based on commitment and a desire to influence their own lives or society in general; strengthening the opportunities for civil society to contribute to the development of society and welfare as a collective voice and opinion-maker, and with a variety of activities; and deepening and spreading knowledge about civil society.

Dialogue between the Government and civil society organisations is an important basis for the civil society policy. As mentioned in the report 2020, the Government has developed and implemented a specific method for dialogue with civil society known as “sagråd” (thematic consultation forum), i.e. a focused discussion seeking to improve the Government’s underlying decision-making data and improve coordination between ministries in dialogue with civil society. The Government has also worked with civil society organisations to reach agreement on dialogue and consultation between the Government and civil society organisations at national level. The agreement operates under the name “Nationellt organ för dialog och samråd mellan regeringen och det civila samhället”(National body for dialogue and consultation between the Government and civil society). The national body

aims to solve problems together and supplement existing dialogue structures, including a formalised dialogue known as joint forums (“*Partsgemensamt forum*”). In joint forums the dialogue itself is key. The intention is for the discussions to help to develop political action to improve conditions for civil society organisations so that they can give people a voice, provide services to their members and provide welfare services.

***E. Initiatives to foster a rule of law culture***

***58. 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, etc.)***

Our input to the 2022 Rule of Law Report is still relevant.

Update:

A new introductory training course for government employees (see question 23 above).