Questionnaire

The principle that human rights apply online as well as offline is a cornerstone of Sweden’s national work in the field described below. Furthermore our international engagement in the dossier of freedom of expression and opinion is guided by this principle, which was established in the Human Rights Council Resolution on the promotion, protection and enjoyment of human rights on the Internet (HRC/RES/20/8), initiated by Sweden. The key paragraph states that the same rights that persons have offline must also be protected online, in particular freedom of expression.

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The general rules about freedom of expression, freedom of information, freedom of assembly, freedom to demonstrate and freedom of association can be found in the Instrument of Government, which is one of the fundamental laws making up our Constitution. According to Chapter 2, article 1 of the Instrument of Government everyone (i.e. including judges and prosecutors) shall be guaranteed the following rights and freedoms in his or her relations with the public institutions:

1. freedom of expression: that is, the freedom to communicate information and express thoughts, opinions and sentiments, whether orally, pictorially, in writing, or in any other way;

2. freedom of information: that is, the freedom to procure and receive information and otherwise acquaint oneself with the utterances of others;

3. freedom of assembly: that is, the freedom to organise or attend meetings for the purposes of information or the expression of opinion or for any other similar purpose, or for the purpose of presenting artistic work;

4. freedom to demonstrate: that is, the freedom to organise or take part in demonstrations in a public place;

5. freedom of association: that is, the freedom to associate with others for public or private purposes; and

6. freedom of worship: that is, the freedom to practise one’s religion alone or in the company of others.

The freedom of expression, the freedom of information, the freedom of assembly, the freedom to demonstrate and the freedom of association can only be limited by means of law. The Instrument of Government sets out in general terms certain requirements that must be taken into account when limiting the rights and freedoms (Chapter 2 articles 20 and 21). A restriction may be imposed only to satisfy a purpose which is acceptable in a democratic society. The restriction may not go beyond what is necessary with respect to the purpose that occasioned it and may not be carried so far as to constitute a threat to the free formation of opinion as one of the fundaments of democracy. The Instrument of Government furthermore stipulates that no restriction may be imposed solely on grounds of a political, religious, cultural or other such opinion.

Further rules concerning the freedoms of expression and information, and the freedoms of assembly and demonstration are set out in more detail in the Instrument of Government (Chapter 2 articles 23 and 24). Freedom of expression and freedom of information may be limited with regard to the security of the Realm, the national supply of goods, public order and public safety, the good repute of the individual, the sanctity of private life, and the prevention and prosecution of crime. Freedom of expression may also be limited in business activities. Freedom of expression and freedom of information may otherwise be limited only where particularly important grounds so warrant. In judging what limitations may be introduced, particular attention shall be paid to the importance of the widest possible freedom of expression and freedom of information in political, religious, professional, scientific and cultural matters.

Freedom of assembly and freedom to demonstrate may be limited in the interests of preserving public order and public safety at a meeting or demonstration, or with regard to the circulation of traffic. These freedoms may otherwise be limited only with regard to the security of the Realm or in order to combat an epidemic. Freedom of association may be limited only in respect of organisations whose activities are of a military or quasi-military nature, or constitute persecution of a population group on grounds of ethnic origin, colour, or other such conditions.

The Instrument of Government also provides for a special procedure in the Swedish parliament for deciding on limitations of the freedoms and rights (Chapter 2 article 22).

In another of the fundamental laws, The Freedom of the Press Act, there are special rules which provide particularly strong and detailed protection for freedom of expression in printed matters, for example books, newspapers and magazines. A similar protection is given to, inter alia, television and sound radio transmissions according to the Fundamental Law on Freedom of Expression.

An employer cannot intervene with sanctions against **a judge or a prosecutor** that exercises his or her rights and freedoms according to the Constitution. In their work, judges or prosecutors must follow rules regarding confidentiality. There are also rules regarding conflicts of interest. Within the judiciary there is a continuous discussion regarding ethical issues and how to act so that the independence and impartiality cannot be questioned.

The Swedish National Courts Administration and the Swedish Association of Judges has published several documents regarding good judicial practice for judges [(www.domstol.se/Publikationer/Rapporter/god\_domarsed-grundsatser\_och\_fragor\_eng.pdf](http://(www.domstol.se/Publikationer/Rapporter/god_domarsed-grundsatser_och_fragor_eng.pdf)). These documents are used in the training of judges and seeks to provide judges with guidance when dealing with ethical dilemmas and problems they encounter in their day-to day work.

The Prosecutor-General has published ethical guidelines regarding prosecutors’ conduct in different matters. According to these, prosecutors should not express themselves in ways which may result in questionings of their objectivity and impartiality. Neither should a prosecutor cause unnecessary harm to individuals by making statements. It is acknowledged that a prosecutor’s fundamental freedom of expression and opinion must sometimes be weighed against an objective to maintain the public’s trust and stressed that prosecutors, consequently, must exercise their fundamental freedoms thoughtfully.