



Permanent Mission of Sweden

Geneva

The Permanent Mission of Sweden to the United Nations Office and other International Organizations in Geneva presents its compliments to the Secretariat of the Special Procedures Branch and with reference to the latter's note ref OL SWE 2/2023 from 24 July 2023, has the honour to provide a response from the Swedish Government to above communication as per attachment.

The Permanent Mission of Sweden avails itself of this opportunity to renew to the Secretariat of the Secretariat of the Special Procedures Branch the assurances of its highest consideration.

Geneva, 26 July 2023



Secretariat of the Special Procedures Branch
GENEVA



Ministry for Foreign Affairs
Director-General for Legal Affairs

The Special Rapporteurs to the
Joint Communication
OL SWE 2/2023

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

Joint communication from Special Procedures

Reference: OL SWE 2/2023


Dear Special Rapporteurs,

1. I have the honour of referring to your letter of 24 July 2023 in which the signing Special Rapporteurs offer their comments on the Government's Bill 2022/23:73, which proposed the introduction of a new offence in the Terrorist Offences Act (2022:666), namely participation in a terrorist organisation. As mentioned in the letter, the Riksdag voted in favour of the Bill in May 2023 and the amendments have come into force as of 1 June 2023.
2. In response to the invitation from the Special Rapporteurs to submit observations on certain questions related to the issues mentioned above, I have the privilege, on behalf of the Swedish Government, to submit the following.
3. The Swedish Government would like to refer to the assessment presented in the preparatory work for the reform. As stated there, the compatibility of the proposals with fundamental rights and freedoms has been carefully analysed. I refer you in particular to sections 4.1.2, 4.2.1 and 7 of the aforementioned Bill. The penal provision on participation in a terrorist organisation has a well-defined scope and the scope of criminalisation is carefully balanced. The scope is defined in a way that satisfies the interests of legal certainty. The Governments' considerations in these respects are described in detail in sections 4.2.1, 5 and 10.1 of the Bill.

4. It is the overall assessment of the Government that the penal provision for participation in a terrorist organization is compatible with both the constitutionally protected freedom of association and the freedom of association as expressed in the European Convention on Human Rights. Furthermore, the Government does not see that the proposal risks having a negative impact on the protection afforded to freedom of expression under the Freedom of the Press Act and the Fundamental Law on Freedom of Expression.

5. With regard to the question of supervision of the use of coercive measures, the Swedish Government would like to provide the following information. The Swedish Commission on Security and Integrity Protection is an authority tasked with supervising the use of secret coercive measures by law enforcement authorities, including covert surveillance and covert interception of electronic communications. The Commission's work aims to strengthen legal certainty and the protection of personal integrity in law enforcement activities. It may express an opinion on established circumstances and its opinion on the need for changes in law enforcement activities. Also, the Commission shall strive to ensure that any deficiencies in laws and other regulations are remedied. The Commission is also obliged, at the request of an individual, to check whether he or she has been subjected to secret coercive measures and whether the use has been carried out in accordance with the law.

Please accept the assurances of my highest consideration.



Elinor Hammarskjöld
Ambassador, Director-General for Legal Affairs