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Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

EVALUATION REPORT

SWEDEN

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GRECO
Group of States against Corruption
Groupe d'États contre la corruption



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I. EXECUTIVE SUMMARY

1. This report evaluates the effectiveness of the framework in place in Sweden to prevent corruption among persons with top executive functions (ministers and state secretaries, as well as political experts, as appropriate) and members of the Swedish Police Authority. It aims at supporting the on-going reflection in the country as to how to strengthen transparency, integrity and accountability in public life.

2. Sweden traditionally scores highly in international perception surveys on corruption, and corruption in the form of bribery is very low. That said, corruption can take other forms and several studies have shown that in Sweden, conflicts of interest in the form of “friendship corruption”, “old boys’ networks” etc. are more prevalent than bribery in the strict sense. Awareness about these forms of corruption would benefit from being further stimulated and the regulatory framework needs to be recalibrated to focus more on promoting integrity and preventing conflicts of interest. GRECO recommends elaborating a strategy towards these goals, developing the rules of conduct and ensuring that they are enforceable, as well as introducing compulsory dedicated training on these issues for the categories of persons under review.

3. GRECO commends the wide-reaching transparency and access to public administration information policy that is in place in Sweden. This transparency needs to be extended to cover also contacts of top executive officials with third parties, including lobbyists; rules on such contacts should be introduced. The new law on revolving doors for ministers and state secretaries transitioning to the private sector is a positive step, which attempts to address an issue that has long been identified as problematic in Sweden. As it is too early to assess the efficiency of this law, an independent assessment of its implementation will need to be carried out in due course and the provisions of the law adjusted as necessary in view of the results of the assessment.

4. GRECO also welcomes that the obligation for ministers and state secretaries to declare their financial instruments on a regular basis is now enshrined in legislation. There is, however, still some room for improvement in the system, most notably as regards the declaration of significant liabilities and an enhanced control of declarations. A mechanism of supervision and enforcement in respect of compliance by persons entrusted with top executive functions with rules of conduct would also be beneficial.

5. The Swedish Police Authority was reorganised in 2015. Dissatisfaction with salaries and promotion prospects led many officers to leave the police. This issue has been addressed with additional resources, new recruitments and a new career development project. The Police Authority has several tools and guidelines to prevent risks, including corruption, but they need to be consolidated into one code of conduct, complemented by practical implementation measures. The system for authorisation of secondary activities for staff needs to be streamlined, with the reporting of such activities being made mandatory and coupled with effective follow-up. Communication around complaints received against police employees and the action taken needs to be enhanced, as an essential tool for upholding citizens’ trust in the functioning of the Police Authority. Finally, GRECO recommends providing dedicated guidance and training on whistleblower protection for all staff of the Police Authority.

II. INTRODUCTION AND METHODOLOGY

6. Sweden joined GRECO in 1999 and has been evaluated in the framework of GRECO's First (in November 2000), Second (in October 2004), Third (in August 2008) and Fourth (in March 2013) Evaluation Rounds. The resulting Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's website (www.coe.int/greco). This Fifth Evaluation Round was launched on 1 January 2017.¹

7. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of Sweden to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of Sweden, which determine the national institutions/bodies that are to be responsible for taking the requisite action. Within 18 months following the adoption of this report, Sweden shall report back on the action taken in response to GRECO's recommendations.

8. To prepare this report, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Sweden from 28 May to 1 June 2018, and reference was made to the responses by Sweden to the Evaluation Questionnaire, as well as other information received, including from civil society. The GET was composed of Mr Mikko HELKIÖ, Senior Adviser for Internal Audit, Prime Minister's Office (Finland), Mr Seth JAFFE, Chief Ethics Law and Policy Branch, U.S. Office of Government Ethics (USA), Mr Richard NESS, Detective Superintendent for the Anti-Corruption Unit at Police Scotland (UK) and Ms Silvia THALLER, Senior Public Prosecutor, Central Prosecution Service for Economic Crime and Corruption (Austria). The GET was supported by Ms Sophie MEUDAL-LEENDERS from GRECO's Secretariat.

9. The GET interviewed the Minister for Justice and Home Affairs, one of the Parliamentary Ombudsmen, the Chancellor of Justice and members of the Parliamentary Committee on the Constitution. It also had interviews with representatives of the Prime Minister's Office, the ministries of Justice, Finance and Employment, the Office of Administrative Affairs, the Deputy Police Commissioner and various representatives of the Police Authority, as well as the National Audit Office and the Prosecution Authority. Finally, the GET held discussions with the Swedish Agency for Public Management, representatives of Transparency International Sweden and of the Swedish Anti-Corruption Institute, academics and researchers, representatives of the media and of police trade unions.

III. CONTEXT

10. Sweden has been a member of GRECO since 1999 and has undergone four evaluation rounds focusing on different topics related to the prevention of and fight against corruption². Sweden has a good implementation record of recommendations issued by GRECO under most evaluation rounds:

¹ More information on the methodology is contained in the Evaluation Questionnaire which is available on GRECO's [website](http://www.coe.int/greco).

² Evaluation round I: Independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption / Extent and scope of immunities; Evaluation round II: Identification, seizure and confiscation of corruption proceeds / Public administration and corruption / Prevention of legal persons being used as shields for corruption / Tax and financial legislation to counter corruption / Links between corruption, organised crime and money laundering; Evaluation round III: Criminalisation of corruption / Transparency of party funding; Evaluation round IV: Prevention of corruption in respect of members of parliament, judges and prosecutors.

100% of recommendations issued under the First Evaluation Round were fully implemented, as were 80% of the recommendations under the Second Evaluation Round (one recommendation was not implemented). In contrast, GRECO's Third Evaluation Round in respect of the theme "transparency of party funding" has been a real challenge in Sweden. Following years of a lack of sufficient transparency in this area and, accordingly, non-compliance with GRECO's recommendations, Sweden now has in place legislation more in line with European standards. As a result, some 60% of the recommendations issued under the Third Evaluation Round have been complied with (four recommendations remain partly implemented). The situation is more favourable in respect of the Fourth Evaluation Round with 75% of the recommendations complied with (and 25% of the recommendations partly implemented). The compliance procedure for this round was thus closed in 2017.

11. Sweden is very well placed in terms of the low level of perceived corruption as established in Transparency International's index, ranking 3rd in 2018³. It is ranked third among 30 advanced economies in fighting corruption according to the Inclusive Growth and Development Report (2017) of the World Economic Forum⁴. The 2017 Special Barometer on Corruption⁵ also places Sweden among the EU countries least affected by corruption. According to this survey, 37% of respondents in Sweden believe that corruption is widespread in the country (EU average: 68%). The actual number of persons having experienced or witnessed corruption in the 12 months prior to the survey is relatively low (6%, which is slightly higher than the 5% EU average and on a slight rise from the previous Eurobarometer) and 11% feel affected by corruption in their daily lives (a slight decrease from the previous survey and noticeably lower than the 25% EU average); 42% of those polled believe that the giving and taking of bribes and abuse of power for personal gain are widespread among politicians at national, regional or local level (EU average: 53%) and 12% believe that it is common among police and custom officers (EU average: 31%).

12. The latest GRECO Evaluation Report on Sweden, adopted in 2013, referred to a certain "naivety" about the phenomenon of corruption in Sweden, although awareness had been rising in recent years about the fact that in the country, corruption mostly took the form of conflicts of interest rather than bribery in the strict sense. Discussions held during the on-site visit confirm this picture. The GET noted a narrow understanding of corruption among some interlocutors, as merely equating bribery – which is of course criminalised as well as trading in influence and negligent financing of bribery (sections 5a – 5e, Chapter 10 of the Penal Code). However, many of the persons it met referred to "friendship corruption" (i.e. friendly contacts between individuals working in government agencies, companies or other organisations leading to favouritism at the expense of others' interests) and "old boys' networks" (i.e. an informal network of individuals facilitating the exchange among insiders in government and business on the basis of informal relationships)⁶ as a more important risk than bribery in the strict sense, being both more prevalent and less stigmatised.

³ https://www.transparency.org/cpi2018?utm_medium=email&utm_campaign=Corruption%20Perceptions%20Index%202018&utm_content=Corruption%20Perceptions%20Index%202018+CID_8e95cfb645990cf538daeb95c68e1829&utm_source=Email%20marketing%20software

⁴ <http://reports.weforum.org/inclusive-growth-and-development-report-2017/scorecard/#economy=SWE>

⁵ <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2176>

⁶ https://www.bra.se/download/18.12caa4f91440b31239f1fed/1395400931424/2013_22_Reported_Corruption_in_Sweden.pdf

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

System of government

13. Sweden is a constitutional monarchy with a representative parliamentary system of government.

14. According to the Swedish Constitutional laws⁷, the Monarch is the kingdom's Head of State, but his/her role is to a very large extent only symbolic and ceremonial. The Head of State does not participate in the government's decision-making processes, nor does s/he sign government decisions; the Head of State neither appoints the Prime Minister nor other cabinet ministers and s/he cannot dismiss the Prime Minister or other cabinet ministers. The Head of State cannot declare a new election and has no role in the Swedish Parliament's legislative powers; there exists no possibility for the Head of State to announce a veto against any parliamentary decision.

15. As agreed by GRECO, a Head of State would be covered in the 5th evaluation round under "central governments (top executive functions)" when s/he actively participates on a regular basis in the development and/or the execution of governmental functions, or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure, taking decisions on the appointment of individuals to top executive functions.

16. The GET notes that the functions of the Head of State in Sweden are solely of a symbolic and ceremonial nature and that s/he does not actively and regularly participate in governmental functions. According to the Instrument of Government (Chapter 5 § 3), the only prerogatives of the Head of State are to be kept informed by the Prime Minister concerning the affairs of the realm and to chair when the government convenes as the Council of State. It follows that the functions of the Head of State of Sweden do not fall within the category of "persons entrusted with top executive functions" (PTEFs) as spelt out in paragraph 15.

17. The Swedish parliament, the Riksdag has 349 members elected every four years. It is unicameral. It enacts laws, approves the state budget, shapes foreign policy together with the government and oversees the government. The parliament is also responsible for choosing the Prime Minister.

18. The current Swedish government comprises 23 cabinet ministers (including the Prime Minister). Currently there are 11 male and 12 female government members. Decisions regarding government matters are collectively determined by the government at a cabinet meeting. A single cabinet minister may only independently render a government decision in certain narrowly defined cases (see Chapter 7 § 3 of the Instrument of Government). The Minister of Defence may, under the supervision of the Prime Minister, take independent decisions regarding certain specific matters that

⁷ Sweden has four fundamental laws which together make up the Constitution: the Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The central provisions are contained in the Instrument of Government and this corresponds most closely to the constitutions of other countries. The current Instrument of Government entered into force in 1975 and has been amended several times since. The latest amendment entered into force on 1 January 2019. The Freedom of the Press Act regulates the use of the freedom of expression in printed media and the principle of public access to official documents. The Fundamental Law on Freedom of Expression regulates the use of the freedom of expression in non-printed media. The Act of Succession lays down how the Swedish throne is inherited.

involve issues pertaining to the enforcement of regulations or special government decisions in the field of defence, which are listed in a separate law.

19. The Prime Minister is the head of the Swedish Government Offices⁸. Certain cabinet ministers are heads of ministries; as such, they are responsible for the work and for the internal conditions within their respective ministries. The Ordinance (1996:1515) with Instruction for the Swedish Government Offices regulates, *inter alia*, the decision-making powers of the Prime Minister and of the ministers in matters that should not be decided by the government, and which instead must be resolved by the Swedish Government Offices.

20. A special feature of public administration and executive decision making in Sweden is that the execution of government policies is also carried out through some 400 government agencies and public administrations, such as the Authority for Sweden's electricity contingency planning, Customs Authority and the Police Authority. Their top managers (director generals) are appointed by the government, which monitors their activities and to which they are accountable. The government decides on governance, organisation and management of the agencies and the director generals have a general duty of obedience to the government as a whole and not to a single ministry. The government agencies are otherwise largely autonomous in their functioning and decision-making; the government has no powers to intervene, due to the constitutional principle that ministers are not allowed to instruct government agencies on how to decide in an individual case relating to the exercise of public authority vis-à-vis an individual or a local authority or relating to the application of the law – i.e. the principle of “prohibition of the ministerial rule”. This particular system, therefore, delegates a considerable space for autonomous decision making from the government to the leadership of the government agencies, which to a large extent have their own integrity rules and policies.

21. GRECO already covered government agencies in its Second Evaluation Round Report on Sweden dealing among others with corruption prevention in public administration and therefore refrains from addressing recommendations to their director generals. However, as these officials have certain top executive powers in respect of implementing government policies, they are referred to in relation to specific issues in various parts of this report.

Status and remuneration of persons with top executive functions

22. The Prime Minister is elected by parliament. Following a general election, the Speaker of the Riksdag holds talks with the leaders of the parties represented in parliament and accordingly nominates a candidate for Prime Minister. The nomination is then put to a vote in parliament. Unless an absolute majority of the members vote “no”, the nomination is confirmed; otherwise it is rejected and the Speaker must find a new nominee. In effect, the parliament can thus consent to the appointment of a Prime Minister without casting any “yes” vote.

23. Ministers are appointed and can be dismissed by the Prime Minister. However, parliament can cast by absolute majority a vote of no confidence against any single minister, thus forcing a resignation. If a vote of no confidence is cast against the Prime Minister, the entire government falls. The government then has one week to call for an extraordinary election or else the procedure for nominating a new Prime Minister starts again.

24. State secretaries (as of June 2018, there were about 30) are politically appointed senior officials. They are appointed by the government and according to law, only substantive grounds such as merits and skills are to be taken into account in the appointment decision. They are attached to

⁸ The Government Offices consist of the Prime Minister's Office, the ministries and the Office for Administrative Affairs.

the minister they serve and have to vacate their position when the minister leaves office. Their tasks primarily involve planning, coordination and supervision within their respective ministries and in relation to other public institutions, as well as providing advice to the ministers. A state secretary may not replace a minister when s/he is unavailable to attend a cabinet meeting. S/he cannot take part in government decisions, nor report on government affairs. State secretaries may, however, replace ministers in certain representative contexts. They also liaise with parliament and its committees. In view of their political appointment and their role in advising ministers and liaising with parliament and as determined by GRECO in earlier reports, state secretaries are to be regarded as PTEFs.

25. Political experts (as of June 2018, there were 165) are appointed by the ministry in which they will serve solely according to their merits and skills, according to law. Like state secretaries, their position is linked to that of the minister they serve and their functions end at the same time as his/hers. They are otherwise subject to the same rules and regulations as other public officials. Political experts' responsibilities are to draft answers to letters to the minister, provide advice and/or serve as intermediaries between public officials in the Government Offices and the respective ministers, in relations with the media or political areas. The authorities have underlined that political experts do not play a decisive role as do top executive officials, as they do not have executive powers, do not operate independently and are not responsible for decision-making. However, some of the GET's interlocutors highlighted that in the minority government situation that was in place at the time of the on-site visit, the role of political experts with responsibilities linked to the Parliament and political parties was of special importance, for instance to gather majority around bills. The GET also notes that, in weighing initiatives and conveying ideas to the relevant minister, they can influence the functioning and the decision-making process of the executive. Therefore, depending on their functions, mandate and seniority and according to GRECO's practice in earlier reports, the GET takes the view that those senior political experts who can influence the functioning and decision-making process of the executive should be regarded as PTEFs for the purpose of this report.

26. Ministers' salaries are determined by the Committee on the Salaries and Allowances of Cabinet Ministers, a parliamentary authority. The Prime Minister's monthly salary is currently 168 000 SEK (approximately 16 000 euros) and the monthly salary of other ministers is currently 133 000 SEK (approximately 12 600 euros)⁹. State secretaries' salaries are fixed at currently 100 700 SEK (approximately 9 500 euros), except for the Prime Minister's state secretary, whose salary is currently 112 200 SEK (approximately 10 600 euros). Political experts' salaries are set individually based on the requirements of their positions and the qualifications and experience of each individual person.

27. The Prime Minister has access to two official residences, the Sager House in Stockholm and Harpsund Mansion. The Prime Minister's benefit of an official residence is not taxable as long as s/he also maintains a private residence (Chapter 11, § 10 of the Income tax Act (1999:1229)).

28. Under certain conditions, cabinet members who do not live in Stockholm are entitled to compensations for their increased cost of living. These may include a payroll gain of 4 400 SEK (approximately 418 euros) per month, compensation for accommodation costs (not to exceed 8 000 SEK, i.e. approximately 760 euros per month) and compensation for no more than one trip home per week. These compensations are taxable.

29. Ministers do not receive allowances when travelling but they are entitled to compensation for any of their own travel expenses.

⁹ The average annual gross income in Sweden in 2017 was 404 400 SEK (approximately 39 538 euros).

30. Provisions regarding cabinet members' salaries, severance pay, travel expense compensation, etc. can be found in the Act (1991:359) on the Salaries and Allowances of Cabinet Ministers.

Anticorruption and integrity policy, regulatory and institutional framework

31. There is no specific national anti-corruption strategy in Sweden. The authorities have pointed out that the Government Offices have taken the stand that policies to prevent and fight corruption should be mainstreamed throughout the different ministries in close cooperation among the different parts of the Government Offices. Many fundamental principles of the Constitution are aimed at counteracting conflicts of interest and various forms of corruption. For example, rules on incompatibilities prohibit ministers from holding any employment or office or engaging in any activity which might undermine public confidence in them (Chapter 6 § 2 of the Instrument of Government). The Constitution also prohibits ministers and the government from instructing public administration on how to deal with individual cases concerning exercise of public authority or the application of the law (the so-called "prohibition of the ministerial rule", Chapter 12 § 2 of the Instrument of Government). Moreover, the constitutional principle of public access to official documents is far-reaching and central to the prevention of corruption by ensuring a high degree of transparency to all public activities, including those of the government.

32. Sweden does not have a separate anti-corruption agency or commission for the same reason that it does not have a specific strategy (see above). The actions of ministers are subject to an annual review by the Swedish Parliament's Committee on the Constitution. Furthermore, the National Anti-Corruption Unit at the Swedish Prosecution Authority is competent to investigate and prosecute corruption and related cases involving individuals with a leading position in society.

33. Sweden ranks highly in most international studies on corruption perception (see section of this report on context). Indeed, interviews conducted by the GET on-site showed that bribery as such is hardly an issue. However, corruption can take other forms and several studies have shown that in Sweden, "friendship corruption", old boys' networks and conflicts of interest are more prevalent¹⁰. These forms of corruption are compounded by certain risk factors, such as a lack of awareness, a reluctance or fear to speak out against prominent persons, an abundance of informal rules and guidelines that create potential conflicts of norms and the efficiency culture, which encourages cutting corners rather than following proper rules and procedures.

34. Many of the government officials with whom the GET met expressed a narrow understanding of what constitutes corruption and therefore advocated a quite circumscribed process for mitigating its effects through anti-corruption measures. They essentially considered corruption to equate to bribery and seemed to underestimate the importance of promoting integrity among PTEFs. It appears to the GET that Sweden's anti-corruption regulations and policies are too narrowly focused on the prevention of bribery and are insufficient to fully address other forms of corruption. They are reactive and are not designed to proactively promote integrity and the importance of preventing conflicts of interests. The GET was also told that situations of conflicts of interests were often highlighted in the Swedish media in respect of persons entrusted with top executive functions.

35. It is the view of the GET that the Swedish regulatory framework as applicable to PTEFs needs to be recalibrated to focus more on promoting integrity and preventing conflicts of interest. While a number of guidelines and other documents on ethics are available to PTEFs, as will be discussed below, a lot of discretion is left to them in practice on how to act, what to accept and what to disclose etc. It is therefore particularly important that these officials be keenly aware, on a day-to-

¹⁰ See footnote 6.

day basis, of the ethical implications of their actions. The situation needs to be further analysed in order to focus on preventive measures to boost the integrity of PTEFs in areas where risks of conflicts of interests and corruption appear particularly challenging. **GRECO recommends developing and implementing a strategy, based on a risk analysis, to promote integrity and improve the prevention and management of conflicts of interest and corruption among persons entrusted with top executive functions.** Such a strategy would raise awareness about corruption being a larger issue than bribery in Sweden, could reaffirm the values of impartial governmental decision-making and increase their visibility. A strategy to promote integrity would also have added value for the various governmental agencies, such as the Police Authority. Therefore, a broader national strategy covering the whole of public administration, for instance, could usefully be considered by the Swedish authorities.

Ethical principles and rules of conduct

36. Ethical guidelines have been prepared by the Government Offices in 2004 and are regularly updated. They contain sections on ethical cornerstones, public access to information and confidentiality, outside activities, ban on insider trading and obligation to report holdings of financial instruments, bias and other conflicts of interest, gifts and benefits and on the personal use of an employer's equipment. They apply to all the Government Offices' employees and are provided to the public upon request.

37. The Government Offices have also issued in 1987 a memorandum (revised in 1998) regarding conflicts of interest and the ancillary activities of those serving as cabinet ministers, as well as guidelines for gifts to cabinet ministers (2008). These documents have no official status as sources of law and are not formally binding for cabinet ministers, but ministers are expected to follow them nonetheless.

38. The GET sees merit in the Government Offices' ethical guidelines and other documents relating to ethics available to ministers and other PTEFs. These documents, which could well be merged into one consolidated instrument, provide useful guidance, are well illustrated and are kept up to date. The GET takes issue, however, with the ethical guidelines not being formally binding. There is a lot of discretion granted to PTEFs as to whether a conflict of interest is sufficient to merit any mitigating activities, as confirmed by some of the GET's interlocutors. This discretion is granted to officials who are not required to receive training concerning what may constitute potential conflicts, as will be seen below. Many of the persons whom the GET met during the visit also stressed that while a lot of ethical guidance and preventive measures to protect integrity were available in Sweden, there was a lack of follow-up to assess how efficient the system is in practice. The GET shares this concern and takes the view that binding ethical principles would not only appear more effective as regards compliance, but would also offer criteria against which the efficiency of the integrity system could be measured. They would also help articulate and achieve the strategy to promote integrity, as recommended above. **GRECO recommends (i) that persons entrusted with top executive functions be subject to enforceable rules of conduct and (ii) consolidating these rules into one code of conduct and making it easily accessible to the public.** This code may very well be comprised of the Government Offices' ethical guidelines and other documents discussed above.

Awareness

39. There is no targeted training on ethics and integrity issues for ministers and other PTEFs. Ministers, state secretaries and political experts receive information on these issues from senior officials in their respective ministries when they take office and they may turn to them for further advice.

40. However, there is also no structured counselling system in place where PTEFs can address individual integrity dilemmas as they appear. A mechanism where such matters can be discussed and

advice provided, including on a confidential basis, would appear an important additional safeguard in a system which allows a wide margin of discretionary powers to the officials themselves in dealing with ethical dilemmas, conflicts of interest etc.

41. The Swedish model for promoting integrity and preventing corruption among PTEFs and other public officials is largely delegated. Each agency has its own set of ethical principles and the responsibility to raise awareness about them falls to the head of the agency. That said, a need for more horizontal capacity has been felt in recent years and the Swedish Agency for Public Management was tasked with promoting good governance, in order to complement and support the efforts of individual agencies. It has developed awareness materials, such as examples of ethical dilemmas, which are available on its website and it organises seminars upon request of agencies on various aspects of good governance. It also set up, at the beginning of 2017, a network against corruption under which agencies can meet four times a year to share experience on their preventive and investigative work. Participation in these activities is purely voluntary and the Swedish Agency for Public Management has so far mostly provided support to smaller public agencies and not to the Government Offices.

42. The GET notes that it is currently possible for ministers and other PTEFs to be appointed for office and serve their terms without ever receiving dedicated integrity training. While several sets of guidelines and materials on ethics are available and are distributed to PTEFs at the beginning of their term of office, that cannot be a direct substitute for a more proactive awareness raising, such as briefings, training and counselling.

43. The GET underlined above that as a lot of discretion is left in practice to PTEFs on whether and how to act when faced with ethical dilemmas, it is of particular importance that they are made aware of these dilemmas and of the implication of their actions. **GRECO recommends (i) systematically providing dedicated training on ethics, conflicts of interests and prevention of corruption to persons entrusted with top executive functions, at the start of their term and on a regular basis throughout their term of office; and (ii) establishing a mechanism for confidential counselling for such officials on integrity related issues.**

Transparency and oversight of executive activities of central government

Access to information

44. The principle of broad public access to official records is central to the Swedish legal system and considered as the major corruption prevention measure in Sweden. According to this principle, the public has the right to transparency and access to information about state and local government activities. The principle is expressed in different ways in Sweden's constitutional laws, including through the right to freedom of expression, the civil servants' right to disclose information, and through the disclosure of public documents. A section of the Ethical Guidelines of the Government Offices recalls the importance of this constitutional principle.

45. Documents pertaining to government affairs are, as a main rule, to be regarded as public documents and are thus available to everyone, unless classified under the law. That means any finalised document or decision, as well as the documents that relate to decisions are normally available to the public as soon as they are received or produced, provided that no confidentiality provision applies in relation to all or part of the contents of the document. The same applies to outgoing/incoming letters, e-mails etc. Cases in which official documents are secret are specified in the Public Access to Information and Secrecy Act. Confidentiality may only be applied, in accordance with the law for specific purposes, e.g., on account of national security or relationships with other states or international organisations.

46. The minutes of cabinet meetings are published on the government's website. All enacted bills are published. Other government decisions are published on the government website to varying degrees, based, for example on expected public interest. They are always available to the public upon request.

Transparency of the law-making process

47. In the planning process of government affairs, including legislative matters, a general constitutionally enshrined process planning requirement applies. The government must obtain necessary information and the written opinions of relevant authorities. This may include opinions from municipalities and associations and individuals are also to be given the opportunity to be heard (Chapter 7, § 2 of the Instrument of Government). This process planning requirement means that agencies, organisations and individuals are normally provided with insight into the legislative process and are asked to provide their opinions on a legislative proposal at a relatively early stage. This is often done through an independent committee of inquiry, appointed and tasked by the government to analyse the issues to be subject to legislation. Such a committee produces a report which is circulated for comments to relevant consultation bodies, which may be central government agencies, local government agencies or other bodies, including NGOs. A proposed bill is then drafted by the government on the basis of the committee of inquiry's report and the comments upon it. The committee of inquiry's terms of reference and report, as well as the comments on it, are public documents. It has become frequent in recent years for them to be directly published on the government's website. The proposed bill is public as well. It is usually published on the government's website and is always published on the parliament's website¹¹.

48. During the preparation of a proposed bill, the government is as a rule to obtain the Council on Legislation's views before the bill is submitted to parliament, unless it can demonstrate before parliament that this is not necessary. The Council of Legislation consists of judges from the Supreme Court and the Supreme Administrative Court, and it provides an opinion on the constitutionality, legality and rule of law aspects of the bill. The proposed bill and the government's stance at that point in the handling of the legislative matter (i.e., after public consultation but before the submission to parliament) become public documents. When referral to the Council on Legislation is not required, a bill becomes public when the government decides to submit it to parliament.

49. Sweden is well-known for its general transparency of public administration. Information provided confirms that the transparency and access to government information is very far-reaching also in respect of the law making process and the GET commends this policy. Every document received by ministries, including information from lobbyists or invitations for instance, is to be registered. A log of all e-mail traffic is to be kept for 14 days and is to be provided to journalists upon request. Access to information may also be requested anonymously. Ministries have to provide information without delay¹².

50. Having said that, the GET also heard of some misgivings related to cases in which information in the form of e-mail exchanges had not been properly registered and thus withheld and its provision to the press had been delayed, which had caused severe criticism in the media. Complaints had been submitted to the Parliamentary Ombudsman and the Committee on the Constitution, which both criticised the ministry concerned. Although this criticism had no legal consequence and no sanction was taken, the GET notes that the Parliamentary Ombudsman was very specific in the criticism,

¹¹ <https://www.riksdagen.se/sv/dokument-lagar/?doktyp=prop>

¹² The document need not be released immediately but unnecessary delay is not permitted. The Chancellor of Justice has ruled that more than a week's delay in providing a copy of an official document could only be accepted in extraordinary cases (decision on 5 February 2002, dnr 193001-30).

pointing to the way in which the ministry had handled the registration of e-mails and to its routines for providing such information to the media within a reasonable time. The Ombudsman ends the decision¹³ by assuming that measures will be taken to address the problem, i.e. to adapt the handling of electronic information in a way that does not violate the rules on the right to access to public information. The GET welcomes the action plan launched in 2018 by the Ministry of Foreign Affairs to respond to the Ombudsman's criticism, which includes providing training on how to deal with official documents, developing better routines for registration and examining the possibilities of improved software solutions. It notes, however, that the December 2018 progress report on this action plan called for further extended efforts to ensure continued positive development. It also came across other similar problems in other government agencies after the evaluation visit. Therefore, **GRECO recommends ensuring that the routines at the Government Offices for the registration and handling of public information provided in electronic form are adapted in order to fully comply with the general requirements for providing public access to information held by public authorities.**

Third parties and lobbyists

51. There is a growing focus on lobbying as a common pattern in many European democracies and Sweden is no exception. A trend of former public officials becoming lobbyists is also observed in Sweden. Against this background, the GET notes that there are no developed rules in place that regulate contacts of PTEFs with third parties and lobbyists, nor is there any specific transparency rules regarding such contacts, in addition to the general rules on access public information.

52. The GET was surprised about the lack of transparency in this area given the reliance on transparency in other areas to prevent conflicts of interest and corruption in Sweden. Many of the interlocutors met on-site found this to be a significant gap and expressed the need for more transparency and regulation concerning PTEFs meeting with lobbyists trying to influence the government's policy decisions. They also pointed to the fact that there are numerous examples of leading politicians and ministers becoming lobbyists after leaving office, thereby increasing the need for such transparency. Keeping in mind European standards in this area¹⁴, the GET believes that addressing this issue is important to uphold public trust in the democratic processes through integrity of government decision making. The main concern is twofold, i.e. public officials' conduct in relation to lobbyists and the level of transparency around such contacts. **GRECO recommends (i) introducing rules and guidance on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties seeking to influence governmental processes and decisions; and (ii) that sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.** These measures should also concern political experts and general directors of government agencies, as appropriate.

Control mechanisms

53. The Government Offices' Internal Auditing Office performs audits of all activities within the Swedish Government Offices, committees and foreign representations. It independently reviews how the Government Offices conduct their internal management and monitoring, as well as how financial accounting requirements are fulfilled. However, government decisions are not reviewed. The Internal Auditing Office reports its findings and conclusions to the Government Offices' Permanent Secretary of the Office of Administrative Affairs.

¹³ Parliamentary Ombudsman, JO 2018/19 s.298

¹⁴ In particular [Recommendation CM/Rec\(2017\)2 of the Committee of Ministers on the legal regulation of lobbying activities in the context of public decision making](#)

54. The government is accountable to parliament and the parliamentary control mechanisms consist of a number of mechanisms, which serve on behalf of parliament and which are independent from the government and from each other.

55. The National Audit Office is led by three auditors general, appointed by parliament. The Audit Office conducts annual reviews of the financial statements of the state, the government and administrative authorities. It may also decide to conduct performance audits of the government, the Government Offices and the administrative authorities. These are primarily aimed at conditions related to the national budget, the implementation and the results of government activities and obligations in general, but may also refer to governmental achievements in general.

56. The Parliamentary Ombudsmen are also elected by parliament and are directly accountable to parliament. The main task of the Ombudsmen is to ensure compliance with the law, in particular that public authorities, among which the Government Offices, abide with the provisions of the Instrument of Government concerning their impartiality and objectivity and the basic freedoms and rights of citizens. The Ombudsmen's enquiries are prompted by complaints from individuals or initiated *ex officio*. This institution also carries out regular inspections of public authorities. It provides opinions, but also has the role of extraordinary prosecutor. It may initiate proceedings against an official who has committed a criminal offence. The Ombudsmen may also refer cases to an ordinary supervisory authority for action, but it is not a sanctioning body.

57. Individual members of parliament (MPs) have a right to ask questions to ministers and address interpellations to the government, following an established procedure. Written questions must be answered within a week and interpellations within two weeks.

58. The parliament's Committee on the Constitution is also an important control mechanism with regard to ministers' performance of their duties. This standing committee consists of MPs, appointed in proportion to their political parties' representation in parliament. Its role is discussed below under the section dealing with "non-criminal accountability mechanisms".

Conflicts of interest

59. Provisions on the prevention of conflicts of interests are contained in the Constitution, the Administrative Procedure Act and the Government Offices have issued a memorandum on the issue.

60. The Instrument of Government contains a provision on incompatibilities and accessory activities (see below). In addition, Chapter 1, § 9 of the Instrument of Government states that a person who performs a public administrative task must always take into account the fact that everyone is equal before the law and must act with objectivity and impartiality. This provision also applies to PTEFs and government decisions that contravene these principles may be suspended by the Supreme Administrative Court.

61. In addition to these constitutional principles, the provisions on conflicts of interest set forth in § 11-12 of the Administrative Procedure Act (1986:223) and, as from 1 July 2018, § 16-18 of the new Administrative Procedure Act (2017:900), apply by analogy to government affairs, in accordance with established constitutional practices and the statements made by the Parliament's Committee on the Constitution. They are, however, directly applicable to decisions taken by the Government Offices, as well as to decisions taken by other administrative authorities. Paragraph 16 of the new Administrative Procedures Act contains a list of reasons leading to the disqualification of the official concerned. These principles are further explained in a Government Offices' "memorandum regarding conflicts of interest and the ancillary activities of those serving as cabinet ministers", which was adopted in 1987 and revised in 1998.

62. The memorandum explains that it is incumbent upon the minister to ensure that no matters regarding which s/he has taken a position in another context (or in which the minister could be considered to have a conflict of interest for other reasons) are raised at a particular cabinet meeting. If there is any doubt regarding whether a conflict of interest situation exists, this doubt should lead the minister to recuse him/herself from the decision-making process. This applies regardless of whether the minister is acting as a rapporteur or is participating in the decision as a member of the government.

63. The memorandum also places particular emphasis on so-called “two-agency conflicts of interest” (as defined in § 11, paragraph 3 of the Administrative Procedure Act and § 16, paragraph 3 of the new Administrative Procedure Act). This occurs when the decision of a government agency is appealed to the government and a ministry official has participated as a board member in the decision of the agency. The memorandum mentions that the Committee on the Constitution has on several occasions raised the issue of conflicts of interest regarding state secretaries. The committee has, *inter alia*, stressed that it is important that state secretaries do not engage in such ancillary activities in subordinate government agencies as this might cause a two-agency conflict of interest to arise.

64. The GET was informed that there had been discussions in the Government Offices about the possibility of updating the “memorandum regarding conflicts of interest and the ancillary activities of those serving as cabinet ministers”, the latest revision of which dates back to 1998. Such a revision had not been felt necessary, as the Government Offices regularly disseminate and use the findings of the Committee of the Constitution dealing with conflicts of interest. Nevertheless, referring to its findings and the recommendation contained in paragraph 38, the GET encourages the Government Offices to complement the memorandum with any new findings and interpretations by the Committee on the Constitution on this issue, in order to ensure that they are readily available in one text that is made available to all PTEFs.

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

65. According to constitutional law, a minister may not hold any employment in the public or private sector. Neither may s/he hold any office nor engage in any activity which might undermine public confidence in him/her (Chapter 6 § 2 of the Instrument of Government). The preparatory work for the Instrument of Government adds that “in general, it would be inappropriate for a cabinet minister to have commitments within a company, association, or institution whose activities are primarily for the purpose of financial gain. However, it is impossible to maintain such a regulation without exception. On the other hand, other kinds of commitments may also have significant detrimental impact on the public’s confidence in an individual who is serving as a cabinet minister”.

66. The Government Offices’ “memorandum regarding conflicts of interest and the ancillary activities of those serving as cabinet ministers” provides guidance to ministers as to whether a given outside activity is compatible with the post of minister and what action to take in case this gives rise to a conflict of interest. It is ultimately up to the minister him/herself to decide whether a given commitment is detrimental or not to public confidence. In doing so, s/he may ask advice from the Office of Administrative Affairs of the Government Offices.

67. The Ethical Guidelines of the Government Offices, which apply to all employees, contain a section on outside activities which deals *inter alia* with lectures and teaching and with political and non-profit assignments. It stresses that the ban on outside activities that undermine public confidence also applies to the appearance of a conflict of interest, without the employee having actually acted in an improper manner.

68. There are no specific restrictions on the holding of financial interests. However, the holding of a particular financial interest may in some cases be considered a conflict of interest under the Administrative Procedure Act.

69. The GET recalls its earlier findings about the too wide discretion given to PTEFs on whether and how to act when confronted with a potential or actual conflict of interest. While appreciating the philosophy underpinning the current system, the GET is convinced that it could be improved by further raising awareness of PTEFs regarding conflicts of interests and by ensuring that the rules of conduct that apply to them are enforceable. Reference is made in this connection to the recommendations in paragraphs 35, 38 and 43.

Contracts with state authorities

70. There are no specific restrictions on the particular issue of PTEFs entering into contracts with State authorities. That said, the general rules on conflicts of interest and rules on public procurement are applicable to such situations and the GET did not come across any misgivings in this respect.

Gifts

71. The Government Offices' Guidelines for gifts to cabinet ministers have been in place since 2008. According to these, gifts related to a person's duties as a minister belong to the Swedish state and have to be registered in a special registry kept by each ministry, except if their value is insignificant. Each gift is given a serial number and the register includes a description, photo for valuable items, the donor and recipient, in what context the gift was received and where the gift is kept. The Guidelines also indicate how gifts should be handled, stored, used and disposed of.

72. Some gifts also have to be registered in other relevant registers, such as the Government's art register or the Government's accounting system (if their value exceeds 10 000 SEK and they are expected to have a financially valuable life of at least three years). The gift registers are covered by the principle of public access to official records.

73. Gifts in the form of money, annual membership cards, free passes, purchase discounts etc. have to be refused.

74. For gifts received in other contexts, they also belong as a rule to the Swedish state. However, the minister may keep them if they have no connection to his/her duties or political position. It is also important to take into account whether there is a risk that the gift may be considered as a bribe. In case of doubt, the minister should consult the Director General for Administrative Affairs.

75. Invitations also have to be assessed as to whether they were given to a minister as a result of his/her duties or for other reasons. The government may have an interest in being represented at various social events. In this case, it is the minister responsible for the topic to which the event relates who should represent the government.

76. The Guidelines make no mention of persons other than ministers themselves, but in some cases a gift given to a minister's relative may be considered to be an indirect gift to the minister.

77. The Ethical Guidelines of the Government Offices, which apply to PTEFs other than ministers, also contain a section on gifts and benefits, which explain when a benefit must be considered improper. Gifts that are worth more than 300-400 SEK (approximately 30-40 euros) should not be accepted and monetary gifts have to be refused. Gifts that cannot be refused for courtesy reasons have to be declared to the Office for Administrative Affairs, the Director-General for Legal Affairs or the Director-General for Administrative Affairs, depending on where the recipient works. These gifts are to become property of the State.

Misuse of confidential information, misuse of public resources

78. Pursuant to general criminal provisions, the use of confidential information may in some cases constitute a breach of confidentiality or a criminal offence of insider trading. The Ethical Guidelines of the Government Offices contain a section on “public access and confidentiality” and another on the “ban on insider trading”.

Post-employment restrictions

79. Until very recently, there were no regulations on post-employment applicable to ministers and other PTEFs. This lack of regulations was identified by GRECO already in its Second Evaluation Round in 2005, as regards public officials, but the recommendation aimed at filling this gap remained not implemented by the time GRECO closed the compliance procedure for that round in 2009.

80. “Revolving doors” has been an issue for public debate in Sweden for several years. A report on “Central government revolving doors – when politicians and officials change sides” issued by an expert group under the Ministry of Finance in 2012, showed that there had been a considerable level of mobility towards the private sector for both ministers and state secretaries during the period 1998-2010, including to various consultancy companies. The report concluded that revolving doors had a major impact on confidence in the public sector and proposed that restrictions be introduced.

81. A new “Act concerning restrictions when ministers and state secretaries transition to non-state activities” (2018:676) was adopted by Parliament on 23 May 2018 and entered into force on 1 July 2018. The Act applies to ministers and state secretaries in function at the time of its entry into force. Accordingly, any employment, assignment or business outside the public sector that a minister or state secretary wishes to engage in after his term of office must be declared to a dedicated body to be set up under Parliament. That body is composed of five members and three deputies selected by Parliament among former judges, ministers and state secretaries. Its newly appointed chair is the former Chancellor of Justice. It may impose a waiting period and/or subject restrictions for up to one year, if a risk is clearly identified of financial damage to the state, unfair advantage for a private party or damage to public confidence in the state. The body has to render its decision, which is public, within three weeks. If no decision is taken, the person concerned may engage in the reported employment, assignment or business. Ministers and state secretaries have a right to have decisions re-examined but there is no right to appeal. There are no sanctions in case provisions of the Act are disregarded.

82. The GET welcomes the adoption of the “Act concerning restrictions when ministers and state secretaries transition to non-state activities”, which attempts to address an issue that has long been regarded as problematic in Sweden. Many sources indicated during the visit that it is not rare that ministers become lobbyists shortly after leaving government and others informed the GET of recent scandals where former PTEFs left government for functions within industries in areas where they previously were charged with regulatory functions.

83. Media and civil society representatives welcomed the new Act as a good first step, but expressed some doubts about its effectiveness, given the fact that it had not yet been operational. Moreover, the GET understood that questions had been raised about some features of the new law, such as that one year of quarantine was felt to be too short a restriction period and that it lacks an enforcement mechanism provided with sanctions in respect of violations. In this vein, the possibility for the Act to apply also to a wider range of officials, such as director generals of the government agencies and political experts in the ministries ought to be examined, as such officials are also concerned by the revolving doors issue. In conclusion, the GET is pleased that this area has now been regulated to some extent; however, it would appear that further reflection as to its effectiveness once it has become operational for some time is required. The Swedish authorities have indicated

that the best time to do this would be after the next general elections of 2022. Therefore, **GRECO recommends that an independent assessment of the implementation of the “Act concerning restrictions when ministers and state secretaries transition to non-state activities” be conducted (regarding in particular the persons covered and the length of the restriction period) and that the Act be amended, if necessary, in view of its results.** Training and counselling to be provided to PTEFs as per recommendation iii (paragraph 43) should include information about the new Act.

84. Finally, as regards political experts, the GET notes that those who want to keep on working for the public administration after the end of their contract have to apply to vacant positions in the same manner as other candidates.

Declaration of assets, income, liabilities and interests

Declaration requirements

85. The Act (2018:1625) on the obligation for certain public officials to report holdings of financial instruments entered into force on 1 January 2019 and replaced the Act (2000:1087) on the duty to give notification of certain holdings of financial instruments. The new law aims at enshrining the obligation of ministers to declare financial instruments into legislation, as such instruments were previously declared based on a government’s decision. The new law also extended the declaration obligations to some financial instruments held indirectly by officials.

86. According to Act (2018:1625), ministers have to report their holdings of financial instruments to the Government Offices. Members of a public authority’s management (including its director general) are also obliged to report such holdings if that authority holds insider information. The government may issue regulations specifying which public authorities are subject to such an obligation to report. The authority then decides which of its officials will have to report depending on their access to insider information. State secretaries and political experts may also be obliged to report depending on their access to insider information. The decision to include them is taken by the head of the ministry in which they serve.

87. Financial instruments comprise among other things stocks, bonds, shares in securities funds, and private bonds. A holding must be reported even if its administration has been assigned to, e.g., an external trustee. The reporting requirement does not apply to the premium pension system and in some cases not to savings in private voluntary insurances. On the other hand, mutual funds and other securities held through accounts for so-called individual pension savings schemes (IPS) and investment savings accounts (ISK) must be reported.

88. The list of ministers’ holdings is compiled by the Prime Minister’s Office’s Director-General for Legal Affairs. Ministers must report their current holding of financial instruments as soon as possible after entering office. They must then report their current holdings on an annual basis. Any change in ownership resulting from an acquisition, divestment, or transfer must be reported within seven days.

89. Notifications regarding holdings or changes in holdings should contain information about the minister’s overall holdings of financial instruments, the value of the total holdings as of the date of notification or on the date when the change was implemented, and how the holdings (in terms of number and value) are distributed across various companies, mutual funds, etc.

90. Ministers have also committed to reporting certain other elements, namely 1) business activity in companies or in other forms; 2) agreements with a previous employer regarding the continued payment of salary, pension, pension contributions, and the like; 3) agreements with current or future employers or clients regarding positions, commissions, or similar arrangements, other than for his/her own party and its organisations; and 4) positions and commissions during the

four years that preceded his/her appointment to the cabinet, other than those carried out for his/her own party and its organisations.

91. The lists of ministers' holdings and involvements are provided to the public upon request, in accordance with an agreement between the ministers. The GET was told that the press regularly requests access to the lists and compares it to the ministers' tax returns, which are also public.

92. Although formally speaking, ministers are only bound to report their own and their dependent children's holdings of financial instruments, they have agreed to report also their relatives' holdings of such instruments to the Prime Minister's Office's Director General for Legal Affairs. In this context, "relatives" are considered to be spouses, cohabiting partners and registered partners. The holdings of these parties are reported according to the same principles as the minister's own holdings. Information about relatives' financial instruments is subject to confidentiality.

93. The GET welcomes that the obligation for ministers to declare their financial instruments is now enshrined in legislation and does not depend only on a governmental commitment, which can be reversed by a subsequent government. The current system contains positive features, such as the obligation to declare instruments on an annual basis and in case of changes, the fact that the lists of the ministers' financial instruments are public and that their declarations extend to the instruments held by relatives. To this comes the fact that tax decisions by the Swedish Tax Agency, which provide some information on all citizens' annual finances, have been public in Sweden for a long time. The GET also notes that state secretaries and political experts may be required to declare their financial instruments if so decided by the head of the ministry in which they serve. Considering, however, that this may lead to diverging practices between ministries as to which officials will be subject to declaration requirements, the Swedish Government Offices may wish to issue guidelines to inform the decisions of the head of ministries.

94. The GET notes that Sweden has taken a step by step approach towards more transparency in this area, which is considered important from a perspective of preventing various forms of conflicts of interest and corruption. This is commendable in a country which to a large extent has a tradition of self-regulation rather than reporting obligations. That said, the GET believes that there is still room for improvement of the system. First, the legal obligation to declare covers only financial instruments. Other elements, such as business activities, previous positions, agreements with previous employers, as well as agreements with current or future employers or clients and their relatives' financial instruments are still only declared based on ministers' commitments, which can be rescinded by a future government. Second, significant liabilities¹⁵ do not have to be disclosed. Accordingly, the system would need to be developed further in the future.

95. In view of the above paragraphs, **GRECO recommends (i) enshrining in legislation the obligation for ministers, state secretaries (as well as political experts, as appropriate¹⁶) to declare significant liabilities, previous positions, agreements with previous employers, agreements with current or future employers or clients and (ii) considering providing information on their spouses and dependent family members (it being understood that such information would not necessarily need to be made public).** GRECO notes that financial instruments of ministers' dependent children already have to be declared according to the law. As to ministers' spouse's and partner's financial instruments, they are currently declared based on an agreement. GRECO welcomes this good practice and hopes it will continue.

¹⁵ Liabilities that are not significant would include, for example, those of a small amount and/or debts unrelated to the PTEFs' functions, such as unpaid utility bills, car loans etc.

¹⁶ See paragraph 25 for further information on which political experts should be regarded as PTEFs.

Review mechanisms

96. The lists of financial holdings are reviewed by the Prime Minister's Office's Director General for Legal Affairs in order to detect possible conflicts of interest. Detection of such conflicts would trigger a discussion with the minister concerned. The Government Offices do not verify the accuracy of the information provided by declarants. As explained above, information regarding ministers' holdings of financial instruments is public and is therefore subject to media scrutiny. The question of whether certain cabinet ministers have accurately reported information has also been subject to review by the Parliament's Committee on the Constitution.

97. The GET takes issue with the fact that the Government Offices do not check the accuracy of the information declared by ministers and officials which is a substantial flaw. The system relies solely on trust and scrutiny by the general public and the media in particular, in order to detect possible anomalies. While it acknowledges the traditional reliance in Sweden upon transparency and media scrutiny to keep politics and public administration accountable, the GET notes that some form of a review by the public authorities themselves would provide an extra safeguard and also benefit the broader public and media scrutiny – not least in order to ensure that the public has access to accurate information. Therefore, **GRECO recommends that declarations submitted by persons entrusted with top executive functions be subject to substantive control.**

Accountability and enforcement mechanisms

Non-criminal accountability mechanisms

98. Ministers are accountable to the Prime Minister, who may at any time dismiss a minister who acts in violation of the applicable regulations or guidelines. This has not happened in recent years.

99. State secretaries and political experts are employed by the Government Offices and are thus accountable under the Public Employment Law (1994:261). Disciplinary matters concerning state secretaries, as higher level public officials, are dealt with by the National Disciplinary Board. The internal Disciplinary Board of the Government Offices is competent for disciplinary proceedings regarding political experts.

100. Complaints about misconduct by a state secretary may be addressed to the most senior official within the relevant ministry. Complaints regarding misconduct by political experts may be addressed to the most senior official within the ministry or to the expert's direct supervisor.

101. Government decisions that include an assessment of an individual's civil rights or obligations may be subject to judicial review by the Supreme Administrative Court. If this Court finds that the government's decision is contrary to any rule of law, it is rescinded. The judicial review includes, *inter alia*, a determination of whether the decision is compatible with the provision on objectivity and impartiality set forth in Chapter 1, § 9 of the Instrument of Government.

102. As noted elsewhere in this report, actions of the government and of ministers are also subject to parliamentary oversight. As regards political oversight, the Parliament may dismiss the Prime Minister or a minister through a declaration of no confidence. This has been attempted on nine occasions (since 1980), but has not yet resulted in an approval by Parliament to dismiss the Prime Minister or any other minister. However, on occasion ministers have resigned voluntarily as a result of a threat of a declaration of no confidence.

103. The Parliamentary Ombudsmen deals with complaints concerning maladministration in public offices, including the Government Offices and the government's various agencies and officials. The Ombudsmen's enquiries are prompted by complaints from individuals or can be initiated ex

officio. This institution also carries out regular inspections of public authorities. It provides opinions, but it is not a sanctioning body.

104. As mentioned above, the Instrument of Government requires that the Parliament's Committee on the Constitution regularly reviews ministers' performance of their duties and the process planning of government affairs. These reviews are carried out each autumn; the committee itself decides which aspects of the ministers' duties it wishes to review. In addition, each member of parliament has the opportunity to request that the Committee on the Constitution examine individual actions that a cabinet minister has taken or failed to take. The committee usually carries out these reviews every spring. The committee's findings are published twice annually. Its findings may express criticism of a minister's action and are to be carefully followed up by the government.

105. The Committee on the Constitution has access to all government documents in the course of its review, even working papers that are not yet public documents, as well as confidential documents. It may send written questions to the government and may conduct hearings with ministers and other officials. These hearings are public and broadcasted on TV. The documents exchanged between the government and the Committee are public, as a main rule.

106. The GET was informed that, as regards the review of ministers' action, it works on the basis of complaints received from MPs, of which between 20 and 40 have been received annually in recent years. When reviewing a minister's ethical conduct, the Committee uses the various guidelines issued by the Government Offices in its examination. The members of the Committee of the Constitution, some of whom the GET met with during the on-site visit, explained that in practice the Committee, which consists of MPs in proportion to their party representation in Parliament, aims at reaching decisions by consensus. The GET also heard that most complaints turned out to be unfounded, as complaints were often said to be used as a political tool by the opposition.

107. The GET was concerned to learn that although there was no obligation upon ministers to attend hearings and appear before the Committee on the Constitution and to testify upon oath, these "shortcomings" were not considered important by members of the Committee as there was a strong political pressure upon ministers to respond to the Committee's invitation and there had been, to the Committee's knowledge, no occurrence of ministers providing false information. The Committee has since recommended to the Prime Minister that ministers, when appointed, should sign a written commitment to appear before the Committee upon request, even after they leave office and this is now the case.

108. The GET learned that the cases dealt with by the Committee on the Constitution often deal with issues regarding conflicts of interest and handling of (confidential) information. In a report, issued in June 2018, the handling by the Ministry for Foreign Affairs of documents in connection with the campaign for a seat in the United Nations Security Council campaign was criticised, as belated registration and archiving of relevant electronic documents had contravened the principle of public access to official documents. The Minister for Foreign Affairs was found responsible for this. The Committee also examined a number of cases where ministers had participated in private events and where issues linked to conflicts of interest and allegations of corruption type of activities were at stake.

109. The GET understood that in Sweden, the Committee on the Constitution was considered the primary oversight mechanism concerning the accountability of ministers. The GET acknowledges that this Committee has adequate means of investigation and that it appears to conduct thorough reviews, based on access to all pertinent information and that it examines ministers' behavior against legislation and existing ethical guidelines. It enjoys great authority and its findings and recommendations are widely disseminated and followed, even though they only rarely lead to formal sanctions to ministers. However, the Committee's oversight function of ministers as it applies to ethics and integrity is conducted on an *ad hoc* basis following complaints submitted by individual

MPs, which may admittedly be used also for political reasons. The GET also notes that the Committee itself is a political body, comprising politically affiliated members, which opt for consensus decisions if possible. It also repeats its concern that the Committee on the Constitution does not have the power to oblige ministers and former ministers to appear before it and that testimonies are not given under oath.

110. As underlined above, there is a high degree of transparency of public administration in Sweden, which is crucial for public and media scrutiny. The political control over the government and its members is also well developed under parliamentary mechanisms. However, as to the legal control, in particular carried out by the Parliamentary Ombudsmen and the Committee on the Constitution they are both *ad hoc* in character and they lack sufficient enforcement measures. It is the GET's strong view that the control of PTEFs' compliance with ethical rules and their enforcement needs to be further strengthened. Many of its interlocutors stressed that Sweden currently has a values-based system. It is expected that ministers and other PTEFs will follow the existing rules and guidelines, but there is no sufficient institutionalised follow-up in this respect. If Sweden were to move towards a slightly more compliance-based approach, the system would still be very balanced in the view of the GET; a well-designed and efficient system for promoting integrity needs to combine preventive and detective controls, in order to ensure that ethical misconduct is detected and addressed even without media scrutiny and public/political pressure. A regular review mechanism with enforcement powers would add such an element. This should apply even more to state secretaries and political experts as they are not subject to political control by Parliament. Therefore, **GRECO recommends that a mechanism of supervision and enforcement be instituted in respect of compliance by persons entrusted with top executive functions with rules of conduct.** This recommendation goes hand in hand with the one contained in paragraph 38 that PTEFs be subject to enforceable rules of conduct.

Criminal proceedings and immunities

111. A form of limited procedural immunity is provided under the Constitution to current and former ministers, who may be held accountable for a criminal act committed in the exercise of his/her ministerial duties only if s/he has grossly neglected his/her duties in the commission of that act. The decision to institute criminal proceedings in such situations is taken by the Parliament's Committee on the Constitution. Investigation and prosecution in such cases are carried out by one of the parliamentary ombudsmen and the case is to be tried before the Supreme Court as a first and last instance (Chapter 13, § 3 of the Instrument of Government).

112. The GET notes that GRECO has dealt with the issue of immunities in its First Evaluation Round during which it was clarified that the expression "committed in the exercise of his or her duties" can in no case be understood, according to the general interpretation of the provisions referred to above, as including acts of corruption committed by a member of the government. Therefore, a minister could not allege his/her immunity as a defence against investigations or accusations of corruption. Consequently, the prosecutor in charge of any such a case would be in a position to investigate and press charges against a corrupt minister without requesting the lifting of his/her immunity. The Swedish authorities confirmed that in cases of alleged corruption by a minister the prosecutor in charge had been able to conduct the investigation without any restrictions deriving from immunity rules and without requesting the lifting of the Minister's immunity.

113. No other PTEFs enjoy any form of immunity.

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of law enforcement/police authorities

Overview of various law enforcement authorities

114. Law enforcement functions in Sweden are carried out by several distinct authorities, each operating within their own area of competence: the Police Authority (law and order and criminal investigations), the Security Service (national security), the Economic Crime Authority (specialised on economic crime detection), the Prosecution Authority, the Coast Guard and the Customs.

115. This report focuses on the Police Authority, being the largest law enforcement body with more than 30 000 employees and performing the main law enforcement functions under national legislation in Sweden. The police is primarily regulated by the Police Act (1984:387), Police Ordinance (2014:1114), Ordinance (2014:1102) with instruction to the Swedish Police Authority, Ordinance (2014: 1105) on the education for police officers and Ordinance (2014:1106) on the handling of cases regarding offences by police employees and certain other officials.

116. The Swedish police has in recent years undergone a major reform, which transformed it from an authority built on 21 autonomous county police authorities into a centralised single national police. The reform took effect as of 2015. The current organisation of the National police consists of a hierarchal structure directed by a central body, the Office of the National Police Commissioner and seven regions, in turn divided into 27 police districts and 95 local police districts. Dissatisfaction with salaries and promotion prospects led many police officers to leave the police after the 2015 reform. This issue has been addressed with additional resources, new recruitments and a new career development project.

The Police Authority in numbers (2018)

	Total	Male %	Female %
The Police Authority	30 339	56	44
• Police officers	20 040	67	33
• Civilian employees	10 299	33	67

Proportion of female employees in superior functions

	Police officers		Civilian employees		Total	
	Total	% Female	Total	% Female	Total	% Female
Heads of department/heads of police region incl. Nat. Police Commissioner and deputies	18	33%	7	71%	25	44%
Heads of unit/heads of police district incl. deputies	74	28%	13	69%	87	34%
Heads of section/head of local police districts	336	25%	65	69%	401	32%
Group heads	2 255	25%	441	65%	2696	32%
Total	2683	25%	526	66%	3209	32%

117. Each police region has full responsibility for all police activities within its geographical area. A police region may also be assigned the responsibility for police development activities or certain national support and core activities.

118. The National Operations Department (NOA) has the capacity to direct and supervise police activities nationally and internationally to ensure that resources are used efficiently. NOA supervises the operational activities and decides on operations and reinforcement of resources across the country and is the national point of contact for the Security Service, the Armed Forces and the National Defence Radio Establishment. NOA is responsible for coordinating, planning and monitoring the efforts undertaken by several authorities against serious organised crime.

119. The national departments (Human Resources, Information Technology, Financial Affairs, Communication, Legal Affairs) provide for strategic control, operational support and support of a more administrative nature required by operations and management.

120. Cooperation and interaction between law enforcement authorities is extensive. The Police Authority works with other agencies both in crime prevention and in law enforcement activities. Depending on geographical areas and types of crime, cooperation and interaction take place in different ways and at different levels: locally, regionally and at national level.

121. The government exercises control over the Police Authority formally through the power of appointing the National Police Commissioner, the deputy National Police Commissioner (who is also Head of the National Operations Department) and the Head of the Special Investigation Department. Furthermore, the government proposes the police's budget to parliament and adopts ordinances on general administrative provisions and annual appropriation directions which set out, *inter alia*, the goals the police must achieve, the size of its appropriation (as previously decided by parliament in the Budget Bill) and how the appropriated money is to be distributed among different areas of operation. The government gives specific missions to the Police Authority – as is usually done concerning most other agencies. These missions might aim to analyse different questions, such as the effect of legislation for instance, or to govern the activities of the Police Authority. The government also monitors the police's activities and results through its annual reports which, together with budget data, serve as a basis for the following year's proposed budget and appropriation directions.

122. Beyond this formal control, the Police Authority, like all other public agencies in Sweden, enjoys operational independence and cannot be given instructions of a political nature. The Instrument of Government, which is one of the four fundamental laws that form the Constitution, states that no public authority, including parliament and the government, may determine how an administrative authority is to decide in a particular case involving the exercise of public authority vis-à-vis a private subject or a local authority, or the application of law. Collective government decision-making and the ban on instructing agencies on individual matters are expressions of the prohibition of 'ministerial rule', as explained in the first part of this report on PTEFs. Parliament is responsible for the monitoring to ensure that ministerial rulings do not occur.

123. The Police Authority has its own set of rules (as specifically mentioned above). That said, a number of applicable rules and principles are contained in general laws and regulations that apply to all public agencies and officials (e.g. the Public Employment Act (1994:260), the Administrative Procedure Act (2017:900), the ordinance on public agencies (2007:515) etc.) and in specific rules that apply to the larger Swedish authorities, including the Police Authority (for example in the ordinance on internal audit (2006:1228) and the ordinance (2007:603) on internal management and control).

Access to information

124. The information held by public agencies, including the Police Authority, fall under the principle of public access to official documents, as provided for in the Constitutional laws (see the first part of this report on PTEFs). This principle, which is central to the Swedish legal system, gives the general public the right of access to official documents submitted to or drawn up by the authorities. All documents – text, images or information whether filed physically or in electronic format – are considered official documents. Certain exceptions are provided for by law, namely in the interests of national security; national fiscal, monetary or currency policy; the supervisory activities of a public authority; prevention or prosecution of crime; protection of the personal or economic circumstances of private persons; and preservation of animal or plant species.

125. There are also specific regulations covering access to information particularly relevant for the police, e.g. relating to criminal investigations, where suspects are as a rule to be continuously kept informed unless it would be detrimental to the investigation (Chapter 23 § 18, Code of Judicial Procedure). Decisions in this regard are made by the prosecutor or police officer leading the preliminary investigation.

126. The Police Authority submits an annual activity report to the government, including both financial and operational activities. This report is submitted on 22 February and it is immediately made available to the parliament and the general public¹⁷. The annual activity report also includes information about salaries and secondary activities assumed by the officials appointed by the government, i.e. the National Police Commissioner, the Head of the National Operations Department, the Deputy National Police Commissioner and the Head of the Special Investigations Department. The fees and outside activities of the members of the Supervisory Council are also included.

127. The GET commended the far-reaching Swedish policy of transparency and access to public information in the first part of this report (see paragraph 49). These comments are also valid insofar as they concern the Police Authority.

Public trust in law enforcement authorities

128. The annual Swedish Crime Survey (SCS) produced by the National Council for Crime Prevention, an agency under the Ministry of Justice, measures the attitudes and experiences of the general population of Sweden (aged 16-79 years) regarding victimisation, fear of crime and public confidence in the justice system. According to the 2017 SCS¹⁸, 54% of the respondents had a very high degree of confidence in the way the police conducts its work. This has decreased by 7% compared to the 2016 SCS, when the rate was 61%. There is a higher proportion of women (59%) with a high degree of trust in the police compared to men (50%).

129. The National Council for Crime Prevention also issued in 2016 a report on [Unlawful influence on public agency personnel](#): 29% of police staff answered the surveys on which the report was based. Among them, 4% had received improper offers with the aim of influencing their decision making, mostly in the form of money or a meal; 3% had received “friendship corruption” offers; 88% of the officials contacted had not reported the improper offer and the reason mainly given for this (in 71% of cases) was that they did not consider the incident serious enough.

¹⁷ <https://polisen.se/siteassets/dokument/polisens-arsredovisning/polisens-arsredovisning-2018.pdf>

¹⁸ The complete survey is available online at:

https://www.bra.se/download/18.10aae67f160e3eba6292cc95/1520607741267/2018_Swedish_Crime_Survey_2017.pdf

130. Studies carried out at international level show a more positive picture. According to the 2017 Global Corruption Barometer (Transparency International), only 5% of the respondents considered the police to be corrupt. The 2017 Eurobarometer on Corruption suggests that the police enjoys a higher than average level of trust in Sweden: 73% of the surveyed would turn to the police to complain about a corruption case (EU average: 60%), and 12% were of the view that bribery and the abuse of power was widespread in police/customs (EU average: 31%).

Trade unions

131. Police employees are represented by four trade unions, namely:

- The Police Union is the only specific law-enforcement trade union and it organises most of the police officers in Sweden. It has approximately 20 500 active members, including students at the Police Academy;
- The Union of Civil Servants has slightly more than 5 000 members within the police. Most of them are not police officers;
- The Confederation of Professional Associations, section for public employees (SACO-S): It has approximately 2 000 members within the police. The majority are university graduates or senior supervisors (including police officers), which is a prerequisite for membership;
- The Union for service and communication (Seko): It has slightly more than 1 000 members within the police. Its members are not police officers.

Anticorruption and integrity policy

Policy, planning and institutionalised mechanisms for implementation

132. Guidelines for internal governance and control, published by the Police Authority's Financial Affairs Department, set out the internal policies for the Police Authority regarding prevention and risk management for irregularities, including corruption. The general results of these policies are presented in the Police Authority's annual report.

133. These guidelines are derived from a document on "Guidance on irregularities and internal governance and control 2016:24" issued by the National Financial Management Authority and an audit report published by the National Audit Office on "Protecting central government agencies against corruption" (RiR 2013:2).

134. The guidelines for internal governance and control include instructions on how to carry out and follow up on risk analysis and preventive work in a structured manner, at all levels of the organisation. They state that all superiors are responsible for preventing and discovering any irregularities within their respective domain. Risk areas for irregularities and corruption are highlighted in the guidelines and they are based on the risk areas identified at national level by the National Financial Management Authority. In 2018, the instructions from the Department for Financial Affairs to the police organisation underlined that extra attention should be paid to irregularity-prone areas and to corruption risks.

135. The Police Authority's internal supervision over the implementation of these policies is carried out by:

- the Office of the National Police Commissioner: inspections are made both in accordance with a predetermined plan and on an *ad hoc* basis when events occur which call for further review;

- the Internal Audit Unit within the Police Authority: It is a standalone unit with the mission to examine and make proposals on improvements as regards internal governance and control.

136. In addition, the Agency for Public Management analyses and evaluates state and state-funded activities at the request of the government, in order to make the public sector more efficient. The agency is an independent body tasked with supporting the government in matters relating to the organisation, governance and development of the public sector. Since early 2017, it runs a network for public agencies to share experiences and best practice for corruption prevention, to support the development of risk analysis and the agencies' preventive work as well as the detection of corruption and the awareness-raising amongst employees etc. The network connects 220 public agencies, including the Swedish Police Authority, which participate on a voluntary basis. The Agency also develops guidelines for enhancing a "culture against corruption" in public agencies.

Code of ethics

137. There is no dedicated code of conduct for the Police Authority. There is, however, a set of core values, which were devised in 2015 during the reorganisation of the Police Authority.

The core values of the Swedish Police Authority

*The Police Authority's mission is to increase safety and to reduce crime.
We carry out our mission professionally and create trust by being:*

Engaged – with responsibility and respect
We take responsibility for our task and defend everyone's equal worth.

Effective – for results and development
We are focused on results, cooperation and constant development.

Available – for the public and for each other
We are helpful, flexible and supportive.

138. Employees of the Police Authority, as other Swedish civil servants, must also be familiar with and understand the central government administration's common basic values and their role as civil servants. In central government administration, any actions must always stem from the constitutionally based principles of the equal value of all people, the rule of law and good service to citizens. The Government's ordinances and the governmental agencies' own regulations further clarify this. The legal foundations that apply can be summarised in six principles, which together make up the common basic values for state administration activities. These principles are set out in the Constitution and other acts of law: (1) Democracy – all public power proceeds from the people. (2) Legality – public power is exercised in accordance with the law. (3) Objectivity – everyone is equal before the law; objectivity and impartiality must be observed. (4) Free formation of opinion – Swedish democracy is founded on the free formation of opinion. (5) Respect for all people's equal value, freedom and dignity – public power is to be exercised with respect for the equal worth of all and for the freedom and dignity of the individual. (6) Efficiency and service – efficiency and resource management must be combined with service and accessibility.

139. Some legal provisions aimed at preventing conflicts of interest are also contained in the Public Employment Act (1994:260), the Police Act (1984:387) the Administrative Procedure Act (2017:900) and the Code of Judicial Procedure, namely rules on accessory activities and disqualification (see below for details).

140. Moreover, a number of guiding materials are used within the Police Authority, such as a publication “on bribery and conflicts of interest”, which offers guidance on questions which are not specifically answered by the law but still should be subject to consideration and discussion. The publication covers topics such as conflicts of interest, ethical choices and personal responsibility. “Guidelines for receipt of gifts and benefits in the Police” includes instructions on how to handle gifts and the document “Secondary employment handbook” provides information on what the law stipulates about what is allowed/not allowed for public employees as regards side-line activities and secondary employment.

141. The GET notes that the core values of the police do not explicitly refer to the importance of integrity within the service when carrying out police functions. That said, it acknowledges that there is solid legislation and regulation in place dealing with integrity related issues and that there are also a number of guiding documents in this area, scattered across various instruments. The GET is firmly convinced that all these rules and principles ought to be translated into a set of standards of professional behaviour for the Police Authority, a consolidated and pragmatic code of conduct, tied to an established core value of the Police Authority, providing guidance for police staff in an instructive manner. Such an instrument should preferably also include practical examples and be a “living instrument”, i.e. be updated on a regular basis. The lack of such a practical instrument is a real gap that needs to be addressed by the police authorities in close cooperation amongst management, staff, unions and other relevant parties. Furthermore, such an instrument should be coupled with oversight and enforcement measures and be given broad publicity. Consequently, **GRECO recommends (i) that a code of conduct for the Police Authority be adopted and published, with concrete examples and explanations regarding the conduct expected of police officers and (ii) that it be accompanied by effective oversight and enforcement.** A code of conduct requires training for its implementation, as further discussed below, and is also in itself an excellent tool for training.

Risk management measures for corruption prone areas

142. The Ordinance (2007:603) on internal management and control applies to about 70 of the largest government agencies in Sweden, among which the Police Authority, and covers 90% of the government’s total expenditure. It prescribes an analysis to identify risks of not meeting the requirements: (i) that police activities are executed efficiently, according to laws and regulations, (ii) are reported in an accurate and reliable way and (iii) that the agency spends its funding responsibly. Amendments to this Ordinance were introduced in 2018 and entered into force on 1 January 2019. The amendments entail, among other things, that the management must prevent their authorities from being subjected to corruption, undue influence, fraud and other irregularities. They also aim at strengthening the agencies’ internal control environment by enabling a greater level of adaptation to the nature of the individual agency’s activities and decreasing the level of administrative burden.

143. The Police Authority’s Guidelines on internal management and control implement Ordinance (2007:603) and include instructions on how to execute and follow up on risk analysis and preventive work at all levels of the police organisation. Among other things, they underline the responsibility for managers to prevent and detect any irregularities in their respective areas of responsibility. They also highlight the following risk areas for corruption and irregularities, which are common areas to the whole public administration:

- Procurements and purchase;
- Payments;
- Supervision;
- Criminal investigations;
- Research;
- Sensitive information;
- Authorisation and certification.

144. In order to structure the risk analysis process, an internal network of risk coordinators is tasked with creating consensus on how to identify and tackle risks, how to communicate internally and how to improve methods and control mechanisms within the Police Authority. The analysis of risks is conducted according to the following steps: identification, categorisation, assessment and choice of strategy. Possible strategies are to “reduce”, “accept” or “escalate” the risk, the latter meaning that the risk is presumed to be so high that it cannot be addressed at regional level and must be handled at central level.

145. Risk management is reviewed and scrutinised in various ways, for instance by the Supervisory Council and the National Audit Office, reporting to the government and the parliament and their respective roles in steering and governing public agencies etc. The public’s right to access documents and the scrutinising role of the media are also important tools in that regard.

146. The GET discussed the risk areas and the measures taken to address risks with many interlocutors. It emerged that procurement had been identified as a specific risk area for corruption in the police, following a recent case in which officers in charge of procurement for passports had accepted gifts and invitations from bidders. The Supervisory Council issued in January 2018 a report analysing the case and making recommendations for improvement. The report flagged a lack of knowledge and analysis of the risks connected with procurement.

147. Further to the report, the National Police Commissioner instructed the Chief Financial Officer to address the shortcomings identified in the report and to implement the recommendations issued. Working groups were set up to propose measures to implement the recommendations, covering the five areas of the recommendations, namely working methods, normative control, internal governance and oversight, education and protection of employees. The working groups were to report to the National Police Commissioner in December 2018. Follow-up work is to be carried out in 2019 to assess whether the deficiencies were corrected, but it has not yet been decided how this will happen.

148. Another specific risk identified by the Internal Audit Unit was the improper use of IT data bases. To address this risk, IT logs are saved and regular checks are carried out by the Internal Audit Unit.

149. More generally, the Swedish National Council for Crime Prevention identified specific corruption risks factors within law enforcement, namely: a) the “blind culture”, a lack of awareness of the various forms of corruption; b) the “silent culture”, according to which misconduct by persons in prominent positions is known but not reported for fear of negative career consequences; c) the “informal rules culture”, which especially applied to the police, where there is an important number of guidelines which are not necessarily all well-suited to the actual work and there are potential conflicts between them and d) the “efficiency culture”, driven towards quickness and quantity over quality.

150. As mentioned above, research carried out by the Swedish National Council for Crime Prevention showed that 4% of police staff had received improper offers and had been exposed to “friendship corruption” in the past 18 months. In the researchers’ view, even though most police officers have a high sense of integrity, they are not informed nor trained enough to recognise the various forms of corruption. A recommendation to address this shortcoming appears below in paragraph 158.

Handling undercover operations and contacts with informants and witnesses

151. The Police Authority’s guidelines for undercover operations aim to ensure that the undercover operations are conducted in accordance with law, with clear divisions of responsibility

and a healthy work environment for the staff involved. The guidelines also underline that effective and thorough documentation is vital and that all undercover operations should be evaluated.

Advice, training and awareness

152. Prevention of corruption and misconduct as well as ethics, expected conduct, core values etc. are included in training, both during basic training at the Police Academy, during in-service training and in the training of superiors. Training is based on materials produced by the Swedish Agency for Public Management. At present, a training initiative focusing on the civil servant's role and what it entails in terms of ethics, conduct, demands and responsibilities is being developed at the Police Authority. Information and training material is also available on the Police Authority's internal website.

153. The Corruption Unit at the National Operations Department also organises outreach and training activities for the police regions on preventive corruption work and experiences from investigations. This unit is also responsible, within the Police Authority, for crime investigations, except those that are related to the Police Authority itself or other authorities within the criminal justice system.

154. Within the police, there is no unit specifically responsible for giving advice to staff on matters of ethics. Employees' superiors have a general responsibility for the conduct of their subordinates. The Human Resources Department is responsible for providing training. Staff can also turn to the Corruption Unit or the Special Investigations Department for counselling. No information is available on the extent to which advice is sought.

155. The Police Authority's National Ethical Council, which is an external body whose members are appointed by the government, is in charge of providing advice to the National Police Commissioner in matters of ethics and transparency. Public insight in the Police Authority is granted by an Advisory Council, whose members are appointed by the government to ensure transparency and independence. In addition, there are seven regional police councils, the members of which are also appointed by the government, in charge of ensuring transparency and advising regional police commissioners in ethical matters. These councils include representatives of all political parties in Parliament.

156. While the GET acknowledges that there are awareness activities around the issue of ethics and integrity, many of the persons met during the visit, including police trade unions, indicated that much more structured training was needed in the specific area of integrity and corruption prevention, in order for police staff to be alerted to the signs, various forms and risks of corruption. This was especially stressed as being relevant to in-service training. They expressed the view that corruption had not been discussed enough in Sweden and that there was a lack of awareness about it in the police, aside from bribery in general, in particular as the schemes used by criminals to obtain information from police officers were getting more sophisticated.

157. The GET has already noted the lack of a specific code of conduct for the police and recommended the elaboration of such an instrument (see paragraph 141). A future code of conduct will also need to be incorporated into daily business for the police authority, with all staff aware of their roles and responsibilities. Compulsory training on ethics and professional standards for new police staff as well as on-going training possibilities during the whole professional life should be required as part of permanent awareness-raising measures in order to create a new culture – especially towards “friendship” corruption and conflicts of interest – inside police institutions. Reflected conversations on a voluntary basis in the daily work of police officers are welcomed as an additional tool but cannot replace the necessity of targeted training for all police staff. Finally, these measures should not only be made known inside the police but also communicated to the outside, as a way to uphold the reputation of the Police Authority.

158. In view of the above paragraphs, **GRECO recommends (i) enhancing the induction and in-service training of the police in the areas of integrity, conflicts of interest and corruption prevention and (ii) that a mechanism be introduced for providing confidential advice to police officers on ethical and integrity matters.**

Recruitment, career and conditions of service

Recruitment requirements and appointment procedure

159. Appointments to supervisory positions within the Police Authority are made for four years and are renewable. Most other police employees, including all police officers, are employed for an indefinite term. Some civilian employees are employed on fixed term contracts the procedure and requirements for contract renewals are generally identical to those applicable to new recruitments.

160. Recruitment and employment are governed by the Employment Protection Act and the Ordinance (2014:1104) with instructions for the Police Authority. Decisions on employment and transfer are delegated by the National Police Commissioner to the heads of department and the heads of police regions, who in turn can delegate this responsibility within their organisational unit. There is also an advisory committee on employment within the authority with the mission to give advice to the National Police Commissioner on decisions to appoint heads for departments or regions. The National Police Commissioner, the head of the National Operations Department and the head of the Special Investigations Unit are appointed by the government. However, these appointments are not political but governed by the same legislation and principles as other appointments within the police.

161. The Police Authority has different types of recruitment processes for the different groups of employees and supervisors but they are all founded on the same grounds. Recruitment processes are designed to ensure transparency, equal treatment and objectivity. Vacant positions and functions are advertised on the agency's intranet. All application documents are registered and lists of applicants and application documents are public. The administrative procedures and applications to the Police Academy (i.e. police officers only, not civilian employees) are handled by the Swedish Defence Recruitment Agency.

162. According to a constitutional principle, all appointments to posts within the state administration must be based solely on objective criteria, such as merit and competence (Chapter 12 § 5 of the Instrument of Government). Among these objective criteria, competence should be ranked highest (Section 4 of the Public Employment Act). Labour market policy grounds allow taking other objective criteria in consideration, such as gender balance. The Police Authority aims towards a balance between men and women, as well as employees with different ethnic backgrounds. Accordingly, the Authority works actively to encourage more women to apply for police training and to increase the diversity in the ethnic background among those who apply to the Police Academy. Measures taken to encourage women to apply include targeting marketing, such as motivation activities and advertisements in social media. In order to increase the diversity in ethnic background among applicants, visits take place to senior high schools with high rates of students with different ethnic backgrounds, as well as meetings with student counsellors at these schools and advertising is made on internet sites in other languages than Swedish that are visited by Swedish residents. The Police Authority also takes part in exhibitions where the target groups are women or people with different ethnic backgrounds. The GET welcomes the commitment of and measures taken by the Police Authority to achieve a gender balance and more ethnic diversity within the police.

163. A decision on employment made by a government agency can be appealed by anyone against whom the decision was made, including for instance unsuccessful candidates to an

appointment. There are, however, some exceptions, such as transfers due to needs within the organisation and its operations.

164. Security clearance is systematically carried out for all recruitment processes within the police, as the activity of the Police Authority is placed at clearance level 3 (on a level from 1 to 3, 1 being the highest). It is also carried out on an on-going manner during employment, further to incidents or in the case of transfer to a post with a higher security clearance level. The assessment is based on a records check (criminal records, security service records) made by the Security Service, an interview that includes questions relating to family circumstances, social life, criminal activities, financial situation, life style (gaming, alcohol/drugs etc.), secondary activities, use of social media etc. and, if necessary, a special background investigation. Security clearance applies to all three security classes, as long as the employee has the same function. At least every five years, a renewed records check for safety classes 1 and 2 must be made. However, within the Police Authority, records checks are made automatically every day for all safety classes in order to check whether employees have been recorded as having committed or being suspected of having committed a criminal offence. For these safety classes 1 and 2, checks are also renewed if the person marries or enters into a registered partnership. Finally, if a position is considered especially prone to corruption risks, the background checks and security scrutiny are even more thorough.

165. A new Protective Security Act (2018:585) will enter into force on 1 April 2019. It contains new requirements for follow-up of the security clearance regardless of clearance levels, as long as the person participates in a security-sensitive activity, which is the case for employees of the Police Authority (Chapter 3 § 3 and § 14). Information included in the security clearance will have to be kept up to date. During the employment, in-depth knowledge of employees will be strengthened in order to identify risks, for example through dialogue with their supervisor and register control. At the end of the employment period, an aftercare procedure will be an important part of the security clearance.

166. To become a police officer, candidates must apply to the Police Academy – two recruitment processes are conducted per year. They must pass theoretical, physical and psychological exams. The applicant's individual qualifications and suitability is also an important criterion. A drug test is part of the medical requirements and further drug tests can be carried out if necessary. Once a candidate has passed all checks, a security check to provide clearance is performed. Failure of the security check entails a ban on applying again within 24 months. Successful candidates engage in five semesters' full time studies at the Police Programme at one of five establishments (Borås, Malmö, Stockholm, Växjö or Umeå) or a distance education, followed by a traineeship in one of the police regions.

167. Some of the persons met by the GET referred to staffing difficulties within the police, with 10% less officers than in 2006 and certain difficulties to attract qualified students at the Academy. The Police Authority has recently been deploying efforts to attract more staff, with a new career development project and a planned increase in the number of students to the Academy. Several of the GET's interlocutors also expressed the concern that in a context of understaffing, some police officers are perceived to respond in priority to the requests of friends and family.

Performance evaluation and promotion to a higher rank, transfers and termination of service

168. All police employees undergo a yearly performance appraisal and a yearly salary-setting appraisal, carried out by their closest superior. One of the criteria used is the manner in which the employee represents the Swedish Police Authority, which may touch upon ethical issues. The superior must justify appraisals and decisions on salary level. If the employee disagrees, s/he can call for negotiation through his/her trade union.

169. There is no general rotation system even though employees rotate regularly due to the organisation's changing needs. According to the guidelines for purchase and procurement, there should be rotation of staff when contracts with suppliers are in place for a longer period of time.

170. Promotion occurs on the basis of an open call for candidates and a selection process, similar to the recruitment process described above. Lists of candidates are public, decisions are taken by the responsible manager and unsuccessful candidates have a right to appeal the decision.

171. Transfers are decided by the head of department or head of region. This is done either through an internal advertisement process or by a direct decision to transfer an individual to a certain position. In both cases, the decision should be documented in writing, drawn up by the Human Resources Department and signed by the responsible manager. Unions are informed and this kind of decision cannot be appealed.

172. Dismissal is decided by the Staff Disciplinary Board. Its decisions cannot be appealed but the employee or his/her trade union may sue the State before the Labour Court, requesting that the dismissal be declared invalid.

Salaries and benefits

173. The gross entry salary of a newly employed police officer is 25 500 SEK/month (approximately 2 400 €). Salaries are set on an individual basis and they vary according to function, seniority and the results of the annual evaluation. As is the case within the whole public administration, the Police Authority applies the principle of individual salary setting, in order to increase efficiency and motivate staff. Salary policy is the result of a negotiation between the Police Authority and the trade unions and of the employees' individual salary appraisal, in which a dialogue between the supervisor and the employee takes place.

174. Additional benefits may apply (e.g. meal benefit, free parking space, benefit cars, etc.). Most benefits are governed by individual agreements between the employer and the employee. Some of them are tax-free, according to rules set by the Swedish Tax Agency. Information about benefits is available to the public.

Conflicts of interest

175. In order to prevent and manage conflicts of interest, the Public Employment Act (1984:260) contains rules on accessory activities. The Police Act (1984:387) and the Administrative Procedure Act (2017:900) lay down detailed rules on disqualification as regards law enforcement and administrative measures taken by employees of the Police Authority respectively. Grounds for disqualification in law enforcement matters mirror those applicable to judges in the Code of Judicial Procedure (Chapter 4 section 13) and include: the matter at hand concerning a police officer or a person with whom s/he is closely connected, or entailing a benefit or detriment to such persons; the police officer or a close person representing a party concerned by the measure to be taken or a person who may expect a benefit or detriment for that measure; any other circumstance likely to impair confidence in the police officer's impartiality. Grounds for disqualification in administrative matters are similar, with the addition of the matter involving supervision or appeal and the employee having dealt previously with it.

176. A general guidance for public employees in identifying conflicts of interest and corruptive behaviour and making ethically correct choices when they occur has been produced in cooperation by the Ministry of Finance and the Swedish Association of Local Authorities and Regions.

177. It is primarily the responsibility of the employee him/herself to identify conflicts of interest on an on-going basis. As soon as a conflict arises, the employee has to report it to his/her superior and s/he is prohibited from taking any action in the matter.

178. Conflicts of interest are also taken into account in the security clearance process and additional regulation regarding the prevention and resolution of conflicts of interest is provided in the Guidelines for internal governance and control.

179. The GET believes that the general approach of what constitutes conflicts of interest as provided for in legislation and in guidelines for public administration in general needs to be further specified in respect of the police. The elaboration of a code of conduct for the police as recommended in paragraph 141 serves such a purpose.

Prohibition or restriction of certain activities

Incompatibilities, outside activities and financial interests

180. Section 7 of the Public Employment Act prohibits the exercise of activities that may adversely affect the trust in an employee's impartiality, that of his/her colleagues or that may harm the reputation of the authority. If an employee has or intends to assume secondary activities which may potentially be incompatible with the employment according to this provision, s/he has to report this to his/her employer who approves or denies the request to engage in such activities.

181. An employee who disregards a denial to engage or continue incompatible activities may be subject to general labour law sanctions such as disciplinary measures or dismissal.

182. It emerged during the discussions on site that only managers were obliged to report secondary activities at their own initiative and that there appeared to be a certain lack of clarity as to the level of management to which this is applied. As to non-managing staff, they are only obliged to report secondary activities upon request of their manager if the exercise of the activity may damage trust in the employee's impartiality, interfere with his/her work duties or represent competition. The assessment of the acceptability of secondary activities is carried out by the Human Resources Department of the Police Authority.

183. The GET is concerned that there seems to be some room for discretion on the part of the superior whether to authorise their staff's secondary activities, with risks of inconsistencies arising across different units as to what activity is acceptable or not. The absence of an obligation for employees to report their secondary activities was also flagged as a problem by representatives of the law enforcement oversight bodies, who underlined that employees of other law enforcement bodies, such as the Prosecution Authority, were subject to a duty to report. The GET agrees that reporting of secondary activities should be made mandatory and subject to authorisation for all of the Police Authority's employees, in order to ensure that secondary activities do not adversely impact the exercise of the employee's functions and do not represent a conflict of interest. Systematic follow-up should be carried out to ensure that the circumstances of approved applications are still applicable and that refusals have been heeded. Consequently, **GRECO recommends developing a streamlined system for authorisation of secondary activities within the Police Authority, which is coupled with effective follow-up.**

184. There is no general prohibition on the holding of financial interests. The holding of financial interests is, however, scrutinised in the context of security clearance and background investigation as debts, income, expenses and possession of property in specific situations may constitute risk factors.

Gifts

185. In addition to general provision and guidelines on conflicts of interest, the Police Authority has issued guidelines regarding the receipt of gifts, regarding purchase and procurement and on representation. The guidelines describe the general framework and provide advice and instructions to employees, e.g. that gifts received in an official context belong to the state and that it is forbidden to accept gifts offered in the context of procurement, as well as money, alcohol, free tickets, discounts etc. Gifts accepted by employees have to be declared and registered on a special gift register. The information contained in the gift register is provided to the public upon request.

Misuse of public resources

186. Police employees are subject to criminal liability for the criminal misuse of public resources, e.g. fraud, embezzlement and breach of faith committed by an agent against his principal. In addition, the guidelines on authorisation contain instructions on the use of public resources and how it is to be reported, according to the Bookkeeping Ordinances that apply to all public authorities. Actions in this context may be subject to review by the Staff Disciplinary Board.

Misuse of confidential information, contacts with third parties

187. The misuse of confidential information constitutes a criminal offence under Chapter 20 Section 3 of the Penal Code (1980:102).

188. In addition, employees of the Police Authority who use confidential information in conflict with relevant provisions may also become subject to disciplinary action by the Staff Disciplinary Board.

189. There is no restriction on contacts with third parties, but such contacts must be compatible with the existing rules on conflicts of interest.

Post-employment restrictions

190. There are no limitations on police officers assuming new occupations after leaving the Police Authority. The GET did not come across any particular issue in respect of police officers moving to the private sector (“revolving doors”).

Declaration of assets, income, liabilities and interests

Declaration requirements

191. Heads of units and other holders of executive functions in the Police Authority – about 30 persons overall – have to report their financial assets when they start their functions and then each year, in January to the Office of the National Police Commissioner and to the Police Division for Economic Crime at the National Operations Department (§ 4 of the Act (2018:1625) on the obligation for certain public officials to report holdings of financial instruments, §§ 5 and 9 of the Ordinance (2018:2014) on the obligation for certain public officials to report holdings of financial instruments and decision A373.624/2016 by the National Police Commissioner). Every change in their assets also has to be reported. The purpose of the declaration is to prevent conflicts of interests relating to financial information they may have access to in the framework of their functions, notably as regards planned and ongoing development as well as procurement of IT systems, IT hardware, police equipment and consultancy assignments. The GET was informed that the Police Authority had begun working on a guideline on financial assets in 2018. It welcomes this initiative.

192. Employees of the Police Authority are subject to security clearance investigations, as explained above. The investigation that is undertaken for positions on security clearance levels 1 and 2 includes a questionnaire inquiring about assets, financial interests, income and liabilities. An interview is also part of the process, during which questions are asked relating to outside activities, whether remunerated or not, offers and agreements concerning such future activities and any other interest or relationship that may give rise to a conflict of interest.

193. Security clearance investigations also include questions about the employee's living conditions and thus covers, *inter alia*, the profession, outside activities, income and financial status of his/her spouse or partner, as well as questions on whether the partner or relatives have committed or have been victims of crime. In addition to the information required as part of the security clearance investigation, information about relatives must be disclosed as soon as a conflict of interest occurs.

194. As explained above, security clearance investigations take place before a person takes up employment and before they are promoted to a position on a higher security clearance level. For employees placed on security clearance levels 1 and 2, a renewed investigation is made every five years. They are conducted by the Police Authority and, for security clearance levels 1 and 2, also by the Security Service (records check). In addition, record checks for employees on all security clearance levels are carried out on a daily basis by the Police Authority and the Security Service.

195. Changes in living conditions have to be reported to the Operations Protection Unit, which keeps a register of staff that has been subject to Security Service records check. The register contains information regarding security clearance level and who has conducted the investigation. This information is not public.

196. There is no register which contains all information collected or disclosed in the context of security clearance investigation. This information is kept in the employee's individual file and is not public.

197. Besides security clearance investigations, employees of the Police Authority must assess on a continuous basis whether a conflict of interest may occur and if it does, they must report it to their immediate supervisor. This may entail disclosing information about their financial circumstances or that of their spouse/partner or relatives.

Review mechanisms

198. The declarations of financial assets submitted by the holders of executive functions in the Police Authority are reviewed and kept for further reference by a legal expert at the Office of the National Police Commissioner.

199. The Operations Protection Unit, which is part of the Office of the National Police Commissioner, is responsible for the security screening procedure and requests for records check to be done by the Security Service. It reviews the information submitted and collected. Once the screening is completed, it submits instructions to the hiring manager through the Department of Human Resources.

200. Submission of false information during a security clearance investigation process may result in the termination of the employment contract. A false certification will be reported to the Special Investigations Department, which investigates offences committed by employees of the Police Authority.

Supervision and enforcement

Internal oversight mechanisms

201. The Special Investigations Department ("*Avdelningen för särskilda utredningar*", SU) is an independent department of the Swedish Police Authority that is responsible for investigating complaints of alleged crimes by, *inter alia*, employees of the Police Authority, police students, prosecutors, judges and members of parliament. SU was established by parliament as part of the Swedish police reform of 2015.

202. In order to guarantee the independence of SU, its Head of Department is appointed by the government and directly subordinate to the National Police Commissioner. It reports directly to the government. SU has a separate budget from the general budget of the Police Authority. Its budget for 2018 was 46 794 000 SEK (approximately 4 490 000 €) and it had 54 employees at the end of 2017 (54% male – 46% female). Most of them are police officers, but there are also some civilians and tax specialists working in the Unit's intelligence department. All SU employees have security clearance level 1 or 2, which entails reinforced and periodic security screening as described above.

203. All SU offices are also geographically located within some distance from the rest of the Police Authority. Independence is also assured by the fact that only special prosecutors have the authority to make decisions in SU crime investigations, such as opening or concluding preliminary investigations. This contrasts with general criminal cases in Sweden in which the Police Authority can make such decisions.

204. When a complaint is made against an official within SU's area of responsibility, or if the Police Authority discovers a crime by a police official, a report is to be written immediately and submitted to SU. Thereafter, SU compiles the relevant documentation concerning the event and submits a case file to the Prosecution Authority. A prosecutor will then decide whether a criminal investigation is to be started or not. If an investigation is started, it will be performed by investigators at SU. SU receives about 6000 complaints per year and approximately 10% of investigations carried out result in criminal cases. Few of these concern corruption. More cases relate to financial interests involving police employees. Secondary employment is also the subject of some investigations. Complaints against SU investigations are dealt with by the Security Police.

205. SU reports on its activities annually to the government. It also informs continually the Supervisory Council for the Police Authority about investigations and cases concerning employees of the Police Authority (see below).

206. Representatives of SU informed the GET that the outcome of its investigations was not made public but that discussions were on-going with the Police Authority's communication department in order to increase communication in this area. The GET strongly supports this initiative, as some of its interlocutors criticised the lack of information available on the outcome of misconduct proceedings. It is convinced that transparency is an essential tool for upholding citizens' trust in the functioning of the Police Authority and is a guarantee against any public perception of self-interest or self-protection within the profession. Consequently, **GRECO recommends publishing information on complaints received, action taken and sanctions applied against police employees, including possible dissemination of the relevant case-law, while respecting the anonymity of the persons concerned.**

207. While SU handles cases involving police employees suspected of having committed a crime, disciplinary cases are handled by the Staff Disciplinary Offence Board (PAN). After an investigation by SU, a prosecutor will assess whether criminal proceedings should be initiated. If such an investigation is not initiated or is terminated, the matter is forwarded to the Unit for Separation from employment and Disciplinary matters (GSD) to decide whether the case should be presented to the PAN. The

Board reviews the case and decides on issues relating to separation of employment due to personal circumstances, suspension and disciplinary responsibility. The Board may subsequently decide on sanctions, namely warning, reduction of salary (up to 30 days) or separation from employment.

208. Matters which are not addressed by SU or GSD are transferred to the Operations Protection Unit. A security-related interview with the person concerned may be considered. The hiring manager is informed about this process.

209. Based on directions from the Government in the Budget Bill for 2017, the Police Authority established a supervisory function at the Office of the National Police Commissioner, which employs seven persons. Its aim is to inspect processes and operations to ensure that the applicable laws and regulations are followed, as opposed to the Special Investigation Department which investigates individuals. Based on a mandate and assignments given by the National Police Commissioner, inspections are made both in accordance with a predetermined plan and on an *ad hoc* basis when events occur which call for further review. For example, in 2017, an inspection of the Police Authority's processes and procurement in relation to risks of corruption was conducted.

210. Like all other public authorities in Sweden, the Police Authority also has a unit responsible for internal auditing. The Internal Audit Unit, which employs approximately 15 auditors, is a standalone, independent unit under the National Police Commissioner, with the mission to examine and make proposals on improvements regarding internal governance and control. It operates according to a 2-year audit plan, which is based on a risk assessment and analysis. Audits and recommendations are reported to the National Police Commissioner. The Internal Audit Unit also provides support and advice to the Police Authority. The Internal Audit Unit informed the GET that it had identified the lack of clarity of some rules of conduct as a potential risk. The GET refers back in this connection to the recommendation on the elaboration of a code of conduct contained in paragraph 141.

External oversight mechanisms

211. The Supervisory Council and regional councils: The mission of the Supervisory Council is to further enhance public transparency of the operations and activities of the Police Authority. Its members are nominated by the political parties represented in parliament and are appointed by the government. There are similar councils in all police regions, with members from the political assemblies at municipal level. The councils do not conduct investigations, but are informed on a regular basis about operations and developments within the authority. Their meetings are not public but the minutes of the meetings, describing what has been discussed, are public and can be found on the official website of the Police Authority.

212. The Separate Public Prosecution Office: it is directly subordinate to the Prosecutor General and has a national responsibility for the investigation and prosecution of offences committed by, *inter alia*, law enforcement officials. The office has a continuing and regular dialogue with the Prosecutor General. The office consists of twelve prosecutors and four administrators, directly appointed by the Prosecutor General. Investigations are generally initiated upon the filing of reports by the public or the police, occasionally by prosecutors and judges. Reports may be made anonymously. The Separate Public Prosecution Office cooperates with the Special Investigations Department at the Police Authority and experienced police investigators assist the prosecutors in the investigations. Decisions to initiate preliminary investigations, terminate investigations, prosecute or use coercive measures are made by the prosecutor independently.

213. Parliamentary Ombudsmen: they supervise the implementation of laws and other regulations in the public sector. There are four Parliamentary Ombudsmen, each with their own area of responsibility. The supervision of the Police Authority is included in one of the four Parliamentary Ombudsmen's areas of responsibility. The Ombudsman's supervision is primarily initiated by an examination of an individual's complaint, but s/he may also act *ex officio*. An investigation by the

Ombudsman can result in criticism of an authority or an official at an authority. In addition, s/he may, as a special prosecutor, initiate prosecution against an official for misconduct. An Ombudsman may also initiate a disciplinary proceeding against an official by filing a complaint to a Disciplinary Board. In minor cases, the Ombudsman may delegate the matter to a Police Authority's Head of Division. The right to direct criticism can, however, not be delegated. Most complaints received by the Ombudsman regarding the Police Authority are cases of irregularities during arrest procedures. Some cases of bias by police officers were also received.

214. The Chancellor of Justice is the government's ombudsman with the task to *inter alia* supervising public administration, including the courts, the prosecutors, the police and the Swedish Security Service. The most common reason for initiating an investigation is complaints from the public. An investigation can also be triggered by information in a newspaper or other media. The Chancellor of Justice can also on his/her own discretion start an investigation. S/he has the power to investigate and prosecute public officials for misconduct or other crimes connected with their employment. In less serious cases, the Chancellor has the power to initiate disciplinary proceedings. The most common measure that is taken, however, is to pronounce criticism against the failing authority or public officials. The Chancellor of Justice can also decide to pay damages to a citizen in case of improper exercise of authority. In these matters the Chancellor usually decides that the wrongful authority shall pay the damages. The Chancellor also handles claims that apply the law on compensation for detention and other coercive measures. The Chancellor informed the GET that the Police Authority was one of the agencies against which many complaints were received. Most cases had to do with search and seizure, registers, as well as the conduct of special investigations. None of the cases received dealt with bribery or integrity-related issues.

215. As the mandates of the Parliamentary Ombudsmen and the Chancellor of Justice overlap as regards the authority to oversee and supervise public administration, they usually perform an initial check before initiating an investigation to avoid parallel investigations.

216. Committees of inquiry: External oversight can also be exercised by a committee of inquiry appointed by the government, in order to present and analyse facts and put forward proposals to remedy any deficiencies identified. Often, the purpose of the committee is to provide the government with a basis for political choices and action. The task of a committee can also be to analyse and render judgments on the actions taken by public authorities during a specific event, i.e. a crisis situation. For example, in 1994, a committee of inquiry was appointed to review the investigation into the assassination of Prime Minister Olof Palme. The findings were presented in the report SOU 1999:98.

Complaints system

217. Complaints by the public about the police may be made to the Police Authority, the Prosecution Authority, the Parliamentary Ombudsmen and the Chancellor of Justice. There are no formal requirements. Complaints may be made free of charge by mail, e-mail, telephone or at a personal meeting. Complaints may be made anonymously.

218. The decision by a prosecutor not to initiate or to terminate a preliminary investigation may be challenged by requesting that a more senior prosecutor reviews the decision.

219. The available complaint systems of the Police Authority, the Prosecution Authority, the Parliamentary Ombudsmen and the Chancellor of Justice are well known in Sweden. The authorities and their mission are easily accessible through their official webpages.

Reporting obligations and whistleblower protection

220. Law enforcement officials are obliged to report any offence which comes to their attention (Section 9 of the Police Act and Ordinance (2014:1106) on the handling of cases of crimes of employees within the police and certain other employees). Hence, if an official becomes aware of corruptive or other criminal behaviour by an employee at the Police Authority, s/he is obliged to report it. This obligation can be satisfied either by informing a superior or by filing a criminal report in the relevant reporting system. The report is then electronically transferred to the Special Investigations Department (SU) (Section 2b of the Police Act), which, as explained above, is an independent department within the Police Authority. Hence, an official who has access to this system can file a report without contacting anyone else. In a sensitive case, the official can contact SU directly. Unlike other criminal investigations, it is only special prosecutors who can decide on whether a preliminary investigation in SU's cases should be initiated or closed.

221. Failure to file a report in accordance with the obligations in Section 9 of the Police Act may constitute misuse of office (Ch. 20 Sect. 1 of the Penal Code). The failure may also become subject of review by the Staff Disciplinary Board (PAN).

222. No statistics are kept regarding the number of reports filed by police officers or what sanctions those may have entailed.

223. The GET notes that apart from the obligation to report suspected criminal offences, including bribery, there appears to be no obligation to report any other form of misconduct or conflict of interest etc. that police staff comes across in the service. In the view of the GET, the lack of a requirement to report misconduct of certain gravity, even if it does not amount to a criminal offence, is a weakness of the system, which should be remedied. It goes without saying that such a requirement also demands protection against retaliation of those who submit such reports in good faith. The "code of silence" is prevalent in many police organisations and the protection of whistleblowers within the organisation is particularly important to deal with this problem (see below). As it would appear unclear to what extent the obligation to report is strictly limited to criminal offences, **GRECO recommends ensuring that police employees have to report any integrity related misconduct they come across in the service.** Such a requirement could well be part of a future code of conduct, as recommended in paragraph 141 and must be coupled with confidentiality as suggested below.

224. As regards whistleblower protection, the fundamental right to communicate and publish information in relation to authorities and public institutions is provided for in the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. This right has several components, e.g. the right to anonymity, meaning that anyone who has communicated information to the media has the right to be anonymous to the publisher. There is also a prohibition for anyone publishing the information to reveal the source. This is complemented by the fundamental prohibition to search the identity of the source, the identity of the person making the information public or anyone having communicated information. Such a search may only be authorised by the Chancellor of Justice in limited situations specifically provided for by law. In addition, a prohibition on reprisals means that an authority or other public entity may not intervene against anyone who has exercised his or her right to speech and communication. Furthermore, the Instrument of Government provides for constitutional protection against reprisal that applies to both internal reports and reports to other agencies.

225. In addition to this constitutional framework, protection for whistleblowers is provided for in the Act on special protection for workers against reprisals for whistleblowing concerning serious irregularities (2016:749). This act covers both internal and external whistleblowing and applies to employees in both the public and the private sectors and it also extends to temporary agency workers. The general rule is that employees should first sound the alarm internally and then

externally. The act protects employees who report any “serious irregularity” or suspicion thereof in their employer’s activity against reprisals and foresees a right to damages for employees who are subject to reprisals by their employer in violation of this act. Serious irregularities refer to criminal activities carrying a prison sentence and to “comparable misdeeds”.

226. The constitutional principle of protection for reporting irregularities to the media, internally or to other agencies is well established in the legal system. The Act on special protection for workers against reprisals for whistleblowing concerning serious irregularities usefully complements the legal framework in this area. The GET also notes that the Special Investigations Department, which is independent from the Police authority, functions as a whistleblower channel and can receive anonymous reports about misconduct. Having in mind the law enforcement corruption risk factors highlighted above (see paragraph 149), the GET believes that it is crucial that employees in the Police Authority are made aware of these elements, that they know how to use reporting mechanisms, trust them and are encouraged to report. This would have added value by preventing wrongdoing and helping maintain a healthy working culture and an effective and efficient organisation. It would also contribute towards breaking a culture of silence and the “old boys’ networks” that are still present according to some of its interlocutors, by promoting a culture of openness and transparency and by giving a signal that fighting corruption and other irregularities are taken seriously. The information provided by whistleblowers should also be analysed in order to learn about potential risks or lacunas in the system. Therefore, **GRECO recommends providing dedicated guidance and training on whistleblower protection for all levels of hierarchy and chains of command in the Police Authority.**

Criminal proceedings

227. Law enforcement officials do not enjoy immunity or procedural privileges. If a police officer is suspected of having committed an offence, general criminal proceedings apply. As described above, the preliminary investigation is led by prosecutors at the Separate Public Prosecution Office. The prosecutors are assisted by investigators of the Special Investigations Department (SU) of the Police Authority.

Statistics

228. The table below shows the number of alleged crimes handled by the Special Investigations Department (SU), i.e. suspected crimes committed by employees of the Police Authority.

Year	Alleged crimes	Number processed with criminal investigation	Crimes reported for prosecution	Percentage reported for prosecution in relation to processed with criminal investigation	Percentage reported for prosecution in relation to all processed	Mean processing time (days)	Mean processing time for criminal investigation (days)
2015	6604	2682	182	7 %	3 %	29	64
2016	6258	1613	142	9 %	2 %	22	58
2017	6413	1781	190	11 %	3 %	35	104

229. The main reason why the mean processing time and the mean processing time for criminal investigation numbers have significantly increased in 2017 compared to earlier years is that a number of complex and resource-consuming investigations have been concluded during the year.

Since the total number of investigations by SU is relatively low, a few complex cases can have a large impact on the processing time. For example, one case where SU investigated theft, illegal possession of firearms, possession of drugs and some other suspected crimes, did by itself increase the mean processing time for criminal investigations by around seven days.

230. The table below shows statistics from the Staff Disciplinary Board's annual report¹⁹ on disciplinary sanctions imposed on employees.

	2017	2016
<i>Police employees</i>	28	34
<i>Civilian employees</i>	7	9
<i>Dismissal</i>	3	4
<i>Notice of termination</i>	0	0
<i>Case written off</i>	29	39
<i>Total</i>	32	43

	2017	2016
<i>Police employees</i>	21	49
<i>Civilian employees</i>	15	10
<i>Warning</i>	16	31
<i>Deduction on wage</i>	10	17
<i>Case written off</i>	10	11
<i>Total</i>	36	59

¹⁹ <https://polisen.se/siteassets/dokument/polisens-arsredovisning/sarskilda-utredningar/arsrapport-2017-for-sarskilda-utredningar.pdf>

VI. RECOMMENDATIONS AND FOLLOW-UP

231. In view of the findings of the present report, GRECO addresses the following recommendations to Sweden:

Regarding central governments (top executive functions)

- i. **developing and implementing a strategy, based on a risk analysis, to promote integrity and improve the prevention and management of conflicts of interest and corruption among persons entrusted with top executive functions** (paragraph 35);
- ii. **(i) that persons entrusted with top executive functions be subject to enforceable rules of conduct and (ii) consolidating these rules into one code of conduct and making it easily accessible to the public** (paragraph 38);
- iii. **(i) systematically providing dedicated training on ethics, conflicts of interests and prevention of corruption to persons entrusted with top executive functions, at the start of their term and on a regular basis throughout their term of office; and (ii) establishing a mechanism for confidential counselling for such officials on integrity related issues** (paragraph 43);
- iv. **ensuring that the routines at the Government Offices for the registration and handling of public information provided in electronic form are adapted in order to fully comply with the general requirements for providing public access to information held by public authorities** (paragraph 50);
- v. **(i) introducing rules and guidance on how persons entrusted with top executive functions engage in contacts with lobbyists and other third parties seeking to influence governmental processes and decisions; and (ii) that sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion** (paragraph 52);
- vi. **that an independent assessment of the implementation of the “Act concerning restrictions when ministers and state secretaries transition to non-state activities” be conducted (regarding in particular the persons covered and the length of the restriction period) and that the Act be amended, if necessary, in view of its results** (paragraph 83);
- vii. **(i) enshrining in legislation the obligation for ministers, state secretaries (as well as political experts, as appropriate²⁰) to declare significant liabilities, previous positions, agreements with previous employers, agreements with current or future employers or clients and (ii) considering providing information on their spouses and dependent family members (it being understood that such information would not necessarily need to be made public)** (paragraph 95);
- viii. **that declarations submitted by persons entrusted with top executive functions be subject to substantive control** (paragraph 97);
- ix. **that a mechanism of supervision and enforcement be instituted in respect of compliance by persons entrusted with top executive functions with rules of conduct** (paragraph 110);

²⁰ See paragraph 25 for further information on which political experts should be regarded as PTEFs.

Regarding law enforcement agencies

- x. **(i) that a code of conduct for the Police Authority be adopted and published, with concrete examples and explanations regarding the conduct expected of police officers and (ii) that it be accompanied by effective oversight and enforcement** (paragraph 141);
- xi. **(i) enhancing the induction and in-service training of the police in the areas of integrity, conflicts of interest and corruption prevention and (ii) that a mechanism be introduced for providing confidential advice to police officers on ethical and integrity matters** (paragraph 158);
- xii. **developing a streamlined system for authorisation of secondary activities within the Police Authority, which is coupled with effective follow-up** (paragraph 183);
- xiii. **publishing information on complaints received, action taken and sanctions applied against police employees, including possible dissemination of the relevant case-law, while respecting the anonymity of the persons concerned** (paragraph 206);
- xiv. **ensuring that police employees have to report any integrity related misconduct they come across in the service** (paragraph 223);
- xv. **providing dedicated guidance and training on whistleblower protection for all levels of hierarchy and chains of command in the Police Authority** (paragraph 226).

232. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Sweden to submit a report on the measures taken to implement the above-mentioned recommendations by 30 September 2020. The measures will be assessed by GRECO through its specific compliance procedure.

233. GRECO invites the authorities of Sweden to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its 49 member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.
