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Group of States against Corruption



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Corruption prevention in respect of members of
parliament, judges and prosecutors

EVALUATION REPORT

SWEDEN

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EXECUTIVE SUMMARY

1. Sweden has traditionally been considered one of the least corrupt countries in Europe. Corruption prevention – including with respect to members of parliament, judges and prosecutors – appears to be quite effective in practice. There exists an established culture of openness and easy access to information, which provides the public and the media with the means to keep track of public-sector activities. In addition, there exist several institutional safeguards against corruption, *inter alia*, in the form of the Chancellor of Justice and the Parliamentary Ombudsmen who are tasked with supervising the actions of public officials including judges. That said, public opinion appears to have progressively woken from what is sometimes described in Sweden as a certain “naivety” about the phenomenon of corruption and its occurrence in Sweden. Awareness of the risks of corruption and conflicts of interest seems to have risen over the years and could benefit from being further stimulated.

2. In particular, GRECO has identified several areas regarding corruption prevention among members of parliament which leave room for improvement. While integrity levels of members of parliament appear to be generally high, a more proactive attitude towards ethical questions and risks of conflicts of interest are needed. More specifically, it is recommended to develop a code of conduct, clarify the disqualification rules and require *ad hoc* disclosure of actual and potential conflicts of interest, develop rules on the acceptance and registration of gifts and other advantages, widen the scope of asset declarations and ensure enforcement of the existing and yet-to-be established rules. Such measures should be seen as safeguards to ensure that the parliamentary process is free from – and also seen to be free from – improper external influence.

3. In relation to judges, it is recommended to complement the recent documents on “Good judicial practice” by further measures aimed at offering proper guidance on ethical questions – including dedicated training – and to take appropriate measures with a view to strengthening the independence, impartiality and integrity of lay judges. A commission tasked with making proposals for modernising the system of lay judges has recently been set up under the Ministry of Justice and the authorities are invited to take account of the suggestions made in this Evaluation Report in the current reform process. Regarding prosecutors, it is crucial that a set of clear ethical standards be made applicable to all prosecutors, coupled with complementary measures such as dedicated training. In this connection, the recent initiative by the Prosecutor General to prepare a set of ethical principles for prosecutors, taking into account international standards, is clearly to be welcomed. Finally, the Swedish authorities may wish to reflect on several further suggestions regarding, *inter alia*, accessory activities – especially arbitration assignments – of judges and possible measures aimed at further strengthening the status and role of the Parliamentary Ombudsmen and the Chancellor of Justice.

I. INTRODUCTION AND METHODOLOGY

4. Sweden joined GRECO in 1999. Since its accession, the country has been subject to evaluation in the framework of GRECO's First (in June 2001), Second (in March 2005) and Third (in February 2009) Evaluation Rounds. The relevant Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's homepage (www.coe.int/greco).

5. GRECO's current Fourth Evaluation Round, launched on 1 January 2012, deals with "Corruption prevention in respect of members of parliament, judges and prosecutors". By choosing this topic, GRECO is breaking new ground and is underlining the multidisciplinary nature of its remit. At the same time, this theme has clear links with GRECO's previous work, notably its First Evaluation Round, which placed strong emphasis on the independence of the judiciary, the Second Evaluation Round, which examined, in particular, the public administration, and the Third Evaluation Round, which focused on the incriminations of corruption (including in respect of parliamentarians, judges and prosecutors) and corruption prevention in the context of political financing.

6. Within the Fourth Evaluation Round, the same priority issues are addressed in respect of all persons/functions under review, namely:

- ethical principles, rules of conduct and conflicts of interest;
- prohibition or restriction of certain activities;
- declaration of assets, income, liabilities and interests;
- enforcement of the applicable rules;
- awareness.

7. As regards parliamentary assemblies, the evaluation focuses on members of national parliaments, including all chambers of parliament and regardless of whether the members of parliament are appointed or elected. Concerning the judiciary and other actors in the pre-judicial and judicial process, the evaluation focuses on prosecutors and on judges, both professional and lay judges, regardless of the type of court in which they sit, who are subject to national laws and regulations.

8. In preparation of the present report, GRECO used the responses to the Evaluation Questionnaire (Greco Eval IV (2013) 1E) by Sweden, as well as other data, including information received from civil society. In addition, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Sweden from 11-15 March 2013. The GET was composed of Ms Dominique DASSONVILLE, Advisor in the Department of Legal Affairs, Legislation assessment and documentary analysis, Senate, Federal Parliament (Belgium), Mr José Manuel Igreja MARTINS MATOS, Judge, Vice-President of the International Association of Judges, Judge, Oporto Court of Appeal (Portugal), Mr Zoltán PÉTER, Public Prosecutor, Department of International and European Affairs, Chief Prosecutor's Office (Hungary) and Ms Birgit THOSTRUP CHRISTENSEN, Head of Legal Services Office in the Danish Parliament (Folketing) (Denmark). The GET was supported by Mr Michael JANSSEN and Mr Suranga SOYSA from GRECO's Secretariat.

9. The GET held interviews with the Chief Parliamentary Ombudsman and the Chancellor of Justice, members of the *Riksdag* (the national Parliament) and officials of the *Riksdag* Administration, and with representatives of the Swedish National Courts Administration, the Judges Proposals Board, the Courts of Sweden Judicial Training Academy, the *National Disciplinary Board*, the Supreme Court, the Svea Court of Appeal, the Administrative Court of Appeal in Gothenburg, several District Courts, the Swedish Prosecution Authority and the Swedish Economic Crime Authority. The GET also spoke with representatives of the Confederation of Swedish Judges, the Swedish Bar Association, non-governmental organisations (the Anti-Corruption Institute – *Institutet mot mutor*, Transparency International Sweden) and the media.

10. The main objective of the present report is to evaluate the effectiveness of measures adopted by the authorities of Sweden in order to prevent corruption in respect of members of parliament, judges and prosecutors and to further their integrity in appearance and in reality. The report contains a critical analysis of the situation in the country, reflecting on the efforts made by the actors concerned and the results achieved, as well as identifying possible shortcomings and making recommendations for further improvement. In keeping with the practice of GRECO, the recommendations are addressed to the authorities of Sweden, which are to determine the relevant institutions/bodies 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 the recommendations contained herein.

II. CONTEXT

11. GRECO's First Round Evaluation Report states that "in Sweden there exist important institutional safeguards against corruption in the form of a number of agencies, which complement each other. However, the most important weapon against corruption is probably openness and the public's access to information. This provides the public and the media with the means to control public-sector activities. Supervision by the public and the press is then reinforced by institutions such as the Chancellor of Justice and the Parliamentary Ombudsmen, who can investigate any complaint about the executive, as well as the National Audit Office, which controls all Government-funded agencies and State-owned companies. ... Since this framework has been in place for a very long time, there exists an established culture of openness and supervision of public servants, which ensures that laws are generally complied with and which has contributed to the low incidence of corruption in Sweden."¹ This overall assessment has been corroborated by recent international studies.²

12. In the First, Second and Third Evaluation Rounds, GRECO has addressed altogether 23 recommendations to Sweden in order to further improve its capacity to fight corruption, and Sweden has fully implemented almost all of them – except those regarding transparency of political financing, issued in the Third Evaluation Round on the basis of Council of Europe Recommendation Rec(2003)4.³ In the corresponding, on-going, Compliance Procedure, Sweden has recently signalled that a legislative process aimed at increasing the transparency of political party funding – taking into account GRECO's recommendations – has been initiated.⁴

13. Public perception of the level of corruption in Sweden has historically been very low. Sweden has been listed among the six least corrupt countries on Transparency International's yearly corruption perception index (CPI) since 1995, the year it was first published. In 2012, Sweden was ranked fourth. In line with the Transparency International CPI, rule of law and control of corruption have been ranked at the higher end of the World Bank governance indicators for almost a decade.⁵

14. In terms of the focus of GRECO's Fourth Evaluation Round, while parliaments and political parties top the list of least trusted institutions in most of the countries surveyed for the European Commission's Eurobarometer,⁶ in Sweden this phenomenon is much less marked. It would appear that, over the last decade, public trust in the Parliament and in political parties has even improved significantly in Sweden. Similarly, the percentage of those surveyed who think that corruption is widespread among politicians in Sweden was 30% in 2011, as compared to the EU average (57%).⁷ As far as the judiciary is concerned, according to the most recent Eurobarometer on corruption, the percentage of those surveyed who think that corruption is widespread in this branch of power (19%) is clearly below the EU average (32%). Moreover, it would appear that the judiciary is one of the most trusted institutions in Sweden.

15. Most of the GET's interlocutors stressed that corruption prevention concerning members of parliament, judges and prosecutors is quite effective in practice. At the same time, it was repeatedly stated that there has long been a certain "naivety" about the phenomenon of corruption. In recent years, people had come to realise that corruption

¹ Cf. GRECO's First Round Evaluation Report on Sweden, document Greco Eval I Rep (2001) 3E, paragraphs 112/113.

² See, in particular, the National Integrity System Assessment on Sweden, Transparency International (2011), and the Sustainable Governance Indicators (SGI) (2011) Sweden Report by Bertelsman Stiftung.

³ Recommendation Rec(2003)4 of the Committee of Ministers of the Council of Europe on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns.

⁴ See document GRECO Second Interim RC-III (2012) 22E.

⁵ See http://info.worldbank.org/governance/wqi/sc_country.asp

⁶ See http://ec.europa.eu/public_opinion/cf/step1.cfm, under "Trust in Institutions".

⁷ Special Eurobarometer on corruption 374 (published in February 2012).

also exists in a country like Sweden and that it may take other forms than bribery in the strict sense, in particular in relation to conflicts of interest. According to various interlocutors, awareness about the risks of corruption and conflicts of interest has been rising over the years and could benefit from being further stimulated.

III. CORRUPTION PREVENTION IN RESPECT OF MEMBERS OF PARLIAMENT

Overview of the parliamentary system

16. Sweden is a constitutional monarchy and parliamentary democracy. The constitutional functions of the unicameral parliament, the *Riksdag* (or the Chamber), are enumerated in the 1974 Instrument of Government (*Regeringsformen*), one of the four fundamental laws which form the Constitution. Its internal workings are specified in greater detail in the 1974 *Riksdag Act* (which does not qualify as a fundamental law, although certain parts of it are harder to change than ordinary laws). The *Riksdag* passes legislation, it may amend the Constitution and is responsible for choosing the Prime Minister, who then appoints the Cabinet Ministers.

17. The *Riksdag* is comprised of 349 members of parliament (MPs) who are elected directly for a term of four years, under a proportional representation system in 29 constituencies.⁸ Mandates are divided between the political parties which receive at least four per cent of the national vote. In the first place seats are allocated to candidates receiving personal preference votes amounting to no less than five per cent of the party's vote in the constituency concerned. Remaining seats are allocated to candidates in the order in which they are listed on the party's ballot slip. MPs have alternates. In principle, the number of alternates appointed for each MP is the same as the number of seats a party obtains in a constituency, but is no fewer than three. The alternates are thus appointed for a group, and not for individuals. From 2008, 47 per cent of MPs have been women.

18. According to Chapter 1, article 1 of the Instrument of Government all public power in Sweden emanates from the people. Article 4 of this Chapter states that the *Riksdag* is the foremost representative of the people. The task of MPs is to represent the Swedish people and to ensure that the people's will is expressed in decisions taken by the *Riksdag*.

19. During their term in office, neither members of the *Riksdag* nor alternates may step down without the *Riksdag's* consent. If, by committing a crime for which the range of punishment includes a minimum of two years' imprisonment, an MP or an alternate is deemed to be manifestly unfit for office, then s/he may be dismissed by a court decision.⁹ There are two cases where courts have deprived MPs of their mandate under the above-mentioned provisions. One concerned an MP sentenced for two cases of gross fraud in 1996 and another instance where an MP was sentenced for, among other things, abuse, obstruction of justice and unlawful threats in 2001.

20. For each electoral period, the *Riksdag* appoints from among its members a Committee on the Constitution, a Committee on Finance, a Committee on Taxation and an appropriate number of other committees.¹⁰ Each committee consists of an odd number of members, but no fewer than 15 (currently 17). Each committee is elected separately, on the basis of a list of candidates agreed to by the parties and supported by all members or all members except one, of the *Riksdag* Nominations Committee.¹¹ In distributing committee seats, it is generally ensured that representation of the parties in the committees is in relation to their size in the Chamber.

21. It is the task of the committees to prepare Government bills, written communications from the Government, submissions or reports from a *Riksdag* body other

⁸ Of the seats in the *Riksdag*, 310 are fixed constituency seats and 39 are adjustment seats.

⁹ Cf. Chapter 4, article 11 of the Instrument of Government and Chapter 20, article 4 of the Penal Code.

¹⁰ Chapter 4, section 2 of the *Riksdag Act*.

¹¹ Chapter 7, section 3 of the *Riksdag Act*.

than a committee and private members' motions.¹² Committees have to deliver reports to the Chamber on all matters which have been referred to them, and which have not been withdrawn.¹³

22. The *Riksdag* elects a Speaker and three Deputy Speakers from among its members for each electoral period. The Speaker directs the work of the *Riksdag*. The Riksdag Board, which is composed of the Speaker as chair and ten other members appointed by the *Riksdag* from among its members for the duration of the electoral period, deliberates, *inter alia*, on the organisation of the work of the *Riksdag* and directs the work of the *Riksdag* Administration. The *Riksdag* furthermore appoints a Secretary General who, *inter alia*, assists the Speaker in the work of the *Riksdag* and acts as head of the *Riksdag* Administration.

23. The *Riksdag* elects for a term of four years Parliamentary Ombudsmen (currently four) who are independent authorities tasked with ensuring that public administration (central and local), public agencies and courts of law, including officials employed there, comply with the laws and statutes and fulfil their obligations. The Parliamentary Ombudsmen do not monitor the *Riksdag*, the Government, the Chancellor of Justice or members of county or municipal councils. The Ombudsmen's inquiries stem from complaints from the general public, cases initiated by the Ombudsmen themselves and from observations made during the course of inspections. The Ombudsmen submit an annual report to the *Riksdag* on their activity. A similar role is played by the Chancellor of Justice who is appointed by the Government for an unlimited period of time (the Chancellor is, at the same time, the Government's legal adviser who represents the State in legal disputes, receives complaints and claims for damages directed to the State and decides on financial compensation).

Transparency of the legislative process

24. Proposals for new laws, or amendments to laws that are already in force, normally come from the Government in the form of Government bills which are public. However, legislative proposals can also take the form of a private member's motion by one or several MPs. All legislative proposals are first considered by a committee in the *Riksdag* before the latter takes a decision. A committee can also introduce proposals in the *Riksdag* on any matter falling within its remit.

25. Before drafting a bill concerning more complicated matters, the Government often appoints a committee of inquiry to conduct an in-depth study the results of which are public.

26. Chapter 7, article 2 of the Instrument of Government states that in preparing Government business the necessary information and opinions must be obtained from the public authorities and local authorities concerned. Organisations and individuals are also to be given an opportunity to express an opinion as necessary. One of the purposes of this form of public consultation is to bring draft laws to the attention of the public and to achieve a high degree of participatory democracy.

27. Items of draft legislation are also brought to the attention of the public through referral by the Government to the Council on Legislation (*Lagrådet*) in most legislative areas. The Council on Legislation consists of justices or, where necessary, former justices of the Supreme Court and the Supreme Administrative Court.¹⁴ The referral and the opinion of the Council on Legislation are public.

¹² Chapter 4, section 1 of the *Riksdag* Act.

¹³ Chapter 4, section 9 of the *Riksdag* Act.

¹⁴ Chapter 8, articles 20-22 of the Instrument of Government.

28. The various committees of the *Riksdag* must also solicit the opinion of the Council on Legislation,¹⁵ *inter alia*, when a committee is considering whether to propose an amendment to a Government bill or when a committee raises a question in law not previously raised by the Government, either in response to a private member's motion or its own initiative. The committees' referral to the Council on Legislation and the committees' final proposal for a decision by the *Riksdag* in a committee report are public. A private member's motion is public when it is submitted to the *Riksdag*.

29. As a rule, committee meetings are held behind closed doors.¹⁶ However, a committee may open its meeting to the public, in whole or in part, during the time it is gathering information for the preparation of a matter. Moreover, committees may invite any persons – including lobbyists – they deem suitable to impart their views on the matter at hand, except during decision-making. As a rule, records of committee meetings – which also identify invitees, if any – are public. The committee's final proposal for a decision by the *Riksdag* in a committee report is also public.

30. As a rule, meetings of the Chamber are open to the public.¹⁷ Debates can also be viewed via the *Riksdag* webcast service or listened to on the *Riksdag* telephone service. Some debates are also broadcast live on radio and television. However, the *Riksdag* may determine that a meeting be held behind closed doors, if necessary, having regard to the security of the Realm, or otherwise, to relations with another State or an international organisation.¹⁸ If the Government is to deliver a statement at a meeting, it may determine, on the same grounds, that the meeting be held behind closed doors.

31. Reports of the Chamber meetings are accessible to the public. A verbatim record is kept of proceedings.¹⁹ No one may speak off the record, and a decision may not be altered when the record is confirmed. The record of meetings and associated documents are published in print unless secrecy is imposed under special provisions. A preliminary record of the meeting is available the very next day, in printed form and on the *Riksdags* homepage. The record also reveals how the parties have voted on a particular matter. The final record is published after a couple of weeks.

32. The votes of MPs are disclosed when voting in the Chamber. Voting is open.²⁰ A matter may be decided by acclamation, but MPs are entitled to demand and obtain a vote. A vote must always be taken if a decision requires a qualified majority.²¹ Information about how each MP has voted and which MPs have been absent can be read after a vote has been held in the voting records.

Remuneration and economic benefits

33. According to the Central Bureau of Statistics, the average gross annual salary in 2010 in Sweden was 238,000 SEK/approximately 27,680 EUR.

34. According to the most recent decision²² of the *Riksdag* Remunerations Board, an independent authority comprising three persons chosen for a four-year period by the *Riksdag* Board, the monthly salary of MPs is set at 59,800 SEK/approximately 6,950 EUR. MPs are expected to work full-time, even though no law or rule officially prohibits nor restricts MPs' right to accessory activities. Some MPs have managed to carry on

¹⁵ Chapter 8, article 21 of the Instrument on Government. The Council on Legislation is to be consulted on all legislation that potentially or actually relates to constitutional matters. The Government and the *Riksdag* have the right to ignore the Council's advice.

¹⁶ Chapter 4, section 13 of the *Riksdag* Act.

¹⁷ Chapter 4, article 9 of the Instrument of Government.

¹⁸ Chapter 2, section 4 of the *Riksdag* Act.

¹⁹ Chapter 2, section 16 of the *Riksdag* Act.

²⁰ Chapter 5, section 6 of the *Riksdag* Act.

²¹ Chapter 5, section 4 of the *Riksdag* Act.

²² Effective as of 1 November 2013.

additional parallel occupations during their time as MPs (such as lawyers), and many MPs also have additional political mandates as municipal council members for example. However, MPs are by all standards perceived to be working full-time as members of the *Riksdag*. For example, the Act (1994:1065) on economic terms of members of parliament assumes that an MP is on duty 365 days a year. In this context, the authorities also refer to the Committee on the Constitution, which has emphasised that the work of an MP is not only carried out in connection with formal parliamentary activities but also outside – in a member’s constituency, within the party organisation, etc.²³

35. MPs appointed as deputy speaker, chair or deputy chair of parliamentary committees (or of the Committee on EU affairs), receive supplementary remuneration of 30, 20 or 15 per cent of the basic remuneration. MPs who have other assignments within the *Riksdag*, or authorities or bodies under the *Riksdag*, also receive a special remuneration. A monthly remuneration (between 1 and 27.5 per cent of the MP’s basic pay, depending on the assignment) is paid for assignments in the Central Bank of Sweden, the *Riksdag* Board, the Parliamentary Council of the National Audit Office, the Swedish Delegation to the Nordic Council and the Bank of Sweden Tercentenary Foundation. A remuneration for meetings (between 1.25 and 4 per cent of the MP’s basic pay depending on the assignment) is paid for assignments in the Election Review Board, the *Riksdag* Disciplinary Board and the *Riksdag* Appeals Board.²⁴ Furthermore, according to the Act (1994:1065) on economic terms of members of parliament, MPs are granted additional economic compensation such as subsistence allowances, accommodation costs and reimbursement of travel expenses.

36. Travel undertaken by an MP in connection with her/his assignments in the *Riksdag* is regarded as business travel. A daily allowance is paid, as well as compensation for accommodation costs. Each MP is entitled to travel abroad for a total of 50,000 SEK/approximately 5,815 EUR during the four-year term of office. Such travel is decided by one of the deputy speakers following application from the MP in question and submission by the MP of the programme for each individual trip. MPs must state the purpose of their journey so that it can be ascertained whether the journey is a business trip or not. All receipts must be supplied before expenses are disbursed. All benefits including the number and cost of trips are, as a rule, publicly available. For reasons of security, however, secrecy may apply to certain information such as mode of transport and date.

37. The *Riksdag* Administration provides MPs with the technical equipment needed in connection with their duties at the *Riksdag* and pays subscription fees and call charges. The *Riksdag* Administration has the right to grant compensation to an MP for use of private technical equipment while on duty.

38. When an MP’s regular home is more than 50 km from the *Riksdag*, the *Riksdag* Administration provides overnight accommodation free of charge. MPs who have overnight accommodation of their own in Stockholm can receive compensation for costs amounting to 8,000 SEK/approximately 930 EUR. If the accommodation is shared with family or spouse, the compensation is reduced to half. Copies of the relevant contract and rental slip must be provided. Details of overnight accommodation and compensation for MPs’ own flats are publicly available.

²³ Cf. Committee Report KU 1983/84:15 p. 3. See also Chapter 4, article 10 of the Instrument of Government, according to which an MP or alternate for an MP may exercise her/his mandate as a member notwithstanding any official duty or other similar obligation incumbent upon her/him.

²⁴ The remuneration is set in accordance with the Act (1989:185) on remuneration in the *Riksdag*, its authorities and bodies. In certain cases, MPs who receive a monthly remuneration according to this law are also entitled to remuneration (350 or 700 SEK) for meetings held on Mondays and Fridays or during weeks when there are no meetings of the Chamber.

39. MPs are covered by occupational group life insurance, work injury insurance and corporate travel insurance under the same rules as apply to civil servants. A retirement pension is paid by the *Riksdag* as a supplement to the general pension system. Pension rights can be accrued over a maximum period of 30 years, and are calculated mainly on the basis of the disbursed monthly salary. MPs who leave the *Riksdag* before the age of 65 after at least three years of continuous service are entitled to a guaranteed income. The duration and amount of the guaranteed income is calculated on the basis of age and length of service in the *Riksdag*. Income from other sources is deducted from the guaranteed income. MPs have to declare their annual income, and declarations are monitored to ensure accuracy. All benefits are reported to the public.

40. According to the principle of public access to official documents anyone is entitled to consult documents kept by Swedish authorities. Applications for economic benefits and other documents concerning the financial situation of members of the *Riksdag* are therefore in general public. However, if documentation includes information about an individual's state of health or other personal circumstances secrecy may apply.

41. Under the Act (1999:1209), parties represented in the *Riksdag* are entitled to receive State contributions in the form of, *inter alia*, office assistance. The office assistance is allocated to the parties in the form of basic support, support for political advisers, travel etc.²⁵ Thus, the budget for an MP's office is distributed through the party to which s/he belongs. The basic support consists of a fixed amount (1,700,000 SEK/approximately 197,700 EUR per year) and a supplement (57,000 SEK/approximately 6,600 EUR per seat in the *Riksdag* and per year). A party group made up of the parties which form the Government is entitled to one set amount. Other party groups are entitled to two set amounts. Support for political advisers is intended to cover the costs for administrative and research assistance to MPs. The support is supposed to correspond to the costs of one political adviser per MP. A sum of approximately 55,200 SEK/approximately 6,400 EUR per political adviser, per month serves as a basis for the calculation.²⁶ It is, however, up to the parties to distribute the money to create a secretariat that suits the MP's particular needs and wishes. Since 2013, an account of the support that has been paid out under the Act (1999:1209) must be submitted annually to the *Riksdag* Administration no later than 1 July after the end of the financial year. Once every electoral period, a more comprehensive review of how the financial support has been used and how the individual MPs perceive the support is carried out.

42. There are no restrictions on the sources from which MPs may receive supplementary contributions to their office budget, and neither MPs nor political parties are required to report the type and value of such contributions.²⁷ However, in order for the party to receive State support, the party must produce an annual financial report which has to be examined by an authorised or approved public accountant, in conformity with the standards of good accounting.²⁸ The report is made public when the application for State support is received by the Commission on Financial Support. While the Commission examines the application before payments are made by the *Riksdag* Administration to the respective party's national secretariat,²⁹ it has no competence to examine the annual financial reports and the data provided.

²⁵ Section 1 of the Act (1999:1209) on support to the work of members of the *Riksdag* and party groups in the *Riksdag*.

²⁶ Section 10 of the Act on support to the work of the members of the *Riksdag* and party groups in the *Riksdag*.

²⁷ According to section 8, paragraph 10 of the Act (1996:810) on the registration of the commitments and economic involvements of members of the *Riksdag*, however, an MP must register permanent material benefits as well as secretarial or research assistance that has not been paid by the MP her/himself and has a connection with her/his parliamentary duties.

²⁸ Section 14 of the Act (1972:625) on State financial support to political parties.

²⁹ Cf. sections 13 and 14 of the Act on State financial support to political parties.

Ethical principles and rules of conduct

43. There is no code of conduct or ethics for MPs. Chapter 2, section 12 of the *Riksdag* Act includes some basic rules concerning the conduct of MPs at meetings in the *Riksdag*. Namely, “no speaker at a meeting may speak inappropriately of another person, use personally insulting language, or otherwise behave in word or deed in a way that contravenes good order”, and “a person who has the floor shall confine her/his intervention to the matter under deliberation.” Section 11 of the same chapter regulates conflicts of interest.³⁰

44. Having consulted the eight parliamentary parties, the authorities were informed by three of them that they had adopted ethical codes or other guidelines/documents concerning the conduct of party members in general or of MPs belonging to their party in particular. One party had adopted a set of ethical guidelines for their members in the *Riksdag* which is to be updated with each new mandate period. They cover issues such as accessory activities, conflicts of interest, lobbying and the acceptance of gifts. In cases of doubt about such issues, MPs are expected to consult the leaders of the party’s parliamentary group. Another party had an ethical code that applies to all party representatives, i.e. including but not specifically mentioning MPs. According to this code, party officials must not put themselves in a situation where it might be suspected that their political actions were influenced by their private interests. The code was being revised and it was foreseen, in particular, to explicitly mention ethical risks connected with gifts as well as situations where the private economic interests of elected officials might interfere with their political role. Finally, another party reported that it had established guidelines for election candidates and elected representatives which included general principles such as loyalty vis-à-vis the party and its fundamental values as well as some specific rules concerning issues such as sponsoring and the acceptance of gifts.

45. During its on-site visit, the GET was informed that the introduction of a code of conduct for parliamentarians had been discussed but, ultimately, it had been felt unnecessary. Several MPs spoke of internal ethical and conduct guidelines established by a number of political parties and argued that it would be logical for other parliamentary parties to follow that example. A number of other interlocutors, however, clearly supported establishing a unified code of conduct for MPs that would lay down clear common rules specific to Parliament. The GET is well aware of the country’s long-standing parliamentary tradition which gives political parties significant weight and room for self-regulation, but the individual concerns, values and needs of parties might differ from those of Parliament. The GET is strongly in favour of Parliament having its own set of common ethical and conduct standards, drawn up and published by MPs themselves – or at least with their participation. While awareness among MPs of the ethical dimensions of their status as elected representatives appears high, it was acknowledged that there is a tendency among MPs to react only once problematic issues are raised by the media, rather than to be proactive. In the view of the GET, the process of developing a code of conduct would further raise MP’s awareness of integrity issues, provide them with guidance and demonstrate to the public their willingness to act in order to uphold high levels of integrity. The rule of law and public confidence in parliamentary institutions can be enhanced when citizens know what conduct they should be able to expect from their elected representatives.

46. In terms of substance, such a code is not meant to replace the existing legislation imposing obligations on MP’s, but to complement and clarify it. It will have to contain and make more appropriately accessible, the basic standards concerning the fundamental duties of MPs and restrictions on their activity. For it to be a meaningful tool for MPs and as the relevant legal provisions tend to be rather vague, it is crucial that the code of conduct also provides clear guidance on the prevention of conflicts of interest and related

³⁰ See paragraph 47 below.

issues such as the acceptance of gifts and other advantages, incompatibilities, additional activities and financial interests, misuse of information and of public resources, the obligation to submit asset declarations and attitudes towards third parties such as lobbyists (including case studies/possible scenarios). Moreover, complementary measures such as the provision of specific training and confidential counselling on the above issues would be a further asset. Given the above and in line with Guiding Principle 15 of Resolution (97) 24 of the Committee of Ministers of the Council of Europe on the twenty guiding principles for the fight against corruption, **GRECO recommends (i) that a code of conduct for members of parliament be adopted and made easily accessible to the public; and (ii) that it be complemented by practical measures for its implementation, such as dedicated training and counselling.** More particularly, the GET wishes to add that the existing rules on conflicts of interest, the acceptance of gifts and asset declarations need to be further developed, as recommended in paragraphs 52, 55 and 65 below.

Conflicts of interest

47. There is no general definition of a conflict of interests. Chapter 2, section 11 of the *Riksdag* Act states that "no one may be present at a meeting of the Chamber when a matter is being deliberated which personally concerns her/himself or a close associate." and Chapter 4, section 14 of the *Riksdag* Act that "no one may be present at a meeting of a committee when a matter is being deliberated which personally concerns her/himself or a close associate." The authorities state that both provisions apply to conflicts of interest arising from private interests or activities of others with whom the MP has a close association (relatives, business associates, etc.). However, the situations from which conflicts of interest may arise are not specified.

48. The authorities also refer to a commentary on the Constitution,³¹ according to which the above-mentioned provisions disqualifying participation in meetings of the *Riksdag* are less stringent than the corresponding provisions of both Chapter 4, article 13 of the Code of Judicial Procedure and section 11 of the Administrative Procedure Act. Namely, an MP is disqualified only if the matter at hand is directly linked to the MP. Thus, for example, an MP who is a board member of a public authority can take part in a decision to allocate funds to the same authority.³² Regarding the definition of the term "close associate" it is not explicitly defined in the preparatory works of the *Riksdag* Act, however, some analogous insights can be derived from a similar provision of the Local Government Act – Chapter 5, article 20 - which prohibits a member from dealing with a matter of personal concern to her/himself, to her/his spouse, cohabitant, parents, children or siblings or any other person with whom s/he is closely connected. Finally, the authorities refer to the "Parliamentary Handbook" compiled by the *Riksdag* Administration which is currently being revised (the new version is scheduled to be available during autumn 2013). The handbook also sets out the above-mentioned rules on disqualification and comments that extremely few aspects of parliamentary business concern an MP personally since matters dealt with in the *Riksdag* concern the more general content of legislation, budget decisions, etc. However, even where no formal disqualification is imposed, it may be appropriate under certain circumstances and in light of certain political (ethical) implications, not to participate in the consideration and determination of a parliamentary matter.

49. It is the responsibility of each MP to discern whether s/he faces a conflict of interests and if so, to decide to not participate in a Chamber or committee meeting. During the on-site visit, it was indicated that such cases did indeed occur in practice but were not very frequent. The MP concerned would simply abstain from participating in the meetings concerned or inform the chair of the Chamber or committee. When an MP

³¹ Holmberg et al., *Grundlagarna*, 3rd ed., 2012, page 701 f.

³² Example quoted from Committee Report 1989/90:KU36 p. 28.

chooses not to take part in the consideration of a matter because of a conflict of interests, her/his absence from the meeting will be noted in the records but no reason stated. Examples provided by officials working with parliamentary committees and dating from since 2009 included that of a member of the Committee on Finance who was also a member of the *Riksbank* General Council and who chose not to participate in the preparatory work by the Committee on Finance on a possible discharge from liability for the *Riksbank* General Council. In another, members of the Committee on the Constitution who were former ministers did not participate in the consideration of matters in which the Government they had been part of had been involved.

50. The current legal framework does not provide for a mechanism to report on conflicts of interest which might arise in the handling of a specific matter by the *Riksdag*. The authorities refer in this connection to the Act (1996:810) on the registration of the commitments and economic involvements of members of the *Riksdag* according to which MPs are required to declare information on their business outside the *Riksdag*.³³ This procedure aims to prevent conflicts of interest before they arise.

51. The GET acknowledges that the interpretation and application of the disqualification rules of the *Riksdag* Act is a highly sensitive issue. The disqualification of MPs on the grounds that they are “concerned personally” can reverse the majority structure in Parliament. Therefore, the GET accepts the somewhat cautious application of these rules and the rather narrow interpretation of the concept of “concerned personally”. That said, the relevant provisions in their current, very general form clearly do not serve as a sufficient reference for preventing and resolving conflicts of interest of MPs, and they need to be complemented in order to prevent any confusion and to raise awareness among MPs of the issues at stake. Several interlocutors expressed the need for more precise rules. For example, there appears to be a certain grey zone when it comes to discerning whether an MP engaged in business or the activities of an association is “concerned personally” in the meaning of the disqualification rules. The GET is of the opinion that the present ambiguous situation calls for a clarification of the rules and the provision of guidance to MPs on types of conflicts (including case studies/possible scenarios) which would not necessarily require legislative amendments and might be effected through other instruments.

52. The GET finds that the lack of a mechanism to report potential conflicts of interest and the absence of disclosure rules is unsatisfactory, especially as the law does not place any restrictions on the business activities and financial interests of MPs, and that many have additional functions.³⁴ The current regime – which only provides for disqualification in case of actual conflicts of interest, based on mere self-restraint by the MP concerned – does not guarantee a satisfactory level of transparency. In the view of the GET, a requirement on MPs to publicly declare actual and potential conflicts of interest as they arise in relation to their parliamentary work, would ensure that MPs and the public can properly monitor and determine when and how the interests of MPs might influence the decision-making process. Given the preceding paragraphs, **GRECO recommends (i) that written (public) clarification of the meaning of the disqualification rules of the *Riksdag* Act and guidance on the interpretation of those rules be provided to members of parliament; and (ii) that a requirement of *ad hoc* disclosure be introduced when, in the course of parliamentary proceedings, a conflict between the private interests of individual members of parliament may emerge in relation to the matter under consideration.**

³³ See paragraph 62 below.

³⁴ See paragraph 56 below.

Prohibition or restriction of certain activities

Gifts

53. There is no legally binding prohibition or restriction on the acceptance of gifts by MPs, except for the applicable criminal law provisions on bribery. Under Chapter 10, article 5a of the Penal Code, taking a bribe (i.e. receiving, agreeing to receive or requesting an undue advantage for the performance of her/his employment or function) by “anyone who is employed or performs a function” – thus including a parliamentarian – is punishable by a fine or up to two years’ imprisonment (in aggravated cases, the penalty is imprisonment of between six months and six years, see Chapter 10, article 5c of the Penal Code).³⁵

54. On 31 January 2013, the Secretary General of the *Riksdag* asked the *Riksdag* Administration to conduct an inquiry on the possible registration of gifts received by MPs and employees on behalf of the *Riksdag* (or the administration). On 25 April 2013, the *Riksdag* Administration presented proposals for the handling of gifts which had been prepared as part of the inquiry. They propose compulsory registration of gifts received by employees of the *Riksdag* Administration and either compulsory or voluntary registration of gifts received by MPs on behalf of the *Riksdag* (except for those of a nominal value such as pencils) in a public register. In both cases such gifts would be handed over to the *Riksdag* Administration. Moreover, some form of sanction should be provided for, similar, for example, to that applicable in case an MP fails to submit an asset declaration where the Speaker of the *Riksdag* may announce during a meeting of the Chamber that an MP has failed to fulfil her/his obligations under law.³⁶ Based on those proposals, the *Riksdag* Administration together with representatives of MPs are currently preparing the introduction of a gifts registration system. As yet, no decision concerning the introduction of registers of gifts has been taken.

55. The GET, which discussed the matter with a number of interlocutors, welcomes the current initiative. It acknowledges that it is apparently not usual for MPs to be offered and to accept gifts, and that MPs are very cautious and have, over the years, even become more reluctant to accept even minor gifts or other advantages such as invitations, mainly due to media interest in such matters. At the same time, the GET noted that the various MPs questioned on the subject indicated different value thresholds to determine which gifts could be considered acceptable (apparently due to differences in the internal rules of political parties), and that no clear answers could be given about what kinds of hospitality or services MPs can accept. Several persons interviewed were of the opinion that clear rules on gifts would be beneficial both to MPs themselves and to gift-givers. The GET strongly supports this view and believes that the current reform process offers a good opportunity to remove the remaining grey zones in this area. In the view of the GET, not only tangible objects but also other types of advantages – such as hospitality, reimbursement of travel and accommodation expenses by third parties or invitations to cultural or sports events – need to be addressed. Moreover, it is necessary to provide for precise clarification of what kinds of gifts and other advantages may be acceptable (if any) and how MPs are to behave in case they are offered or given such advantages (e.g. declaration of offers, registration and handing over of advantages). Consequently, **GRECO recommends that rules on gifts and other advantages – including advantages in kind – be developed for members of parliament and made easily accessible to the public; they should, in particular, determine what**

³⁵ Amendments to the corruption-related provisions, which aimed at creating a more efficient and comprehensible legal framework, entered into force on 1 July 2012. *Inter alia*, all the bribery provisions were gathered in one chapter (“On embezzlement, breach of trust and bribery”), the range of possible perpetrators of corruption offences was expanded and some new offences, including trading in influence, were introduced. Active bribery is now regulated in Chapter 10, article 5b of the Penal Code.

³⁶ Section 12 of the Act on the registration of the commitments and economic involvements of members of the *Riksdag*. See paragraph 68 below.

kinds of gifts and other advantages may be acceptable and define what conduct is expected of members of parliament who are given or offered such advantages. In addition, it needs to be ensured that an adequate mechanism is in place for the enforcement of such rules. A recommendation to that effect has been made in paragraph 72 below.

Incompatibilities and accessory activities, post-employment restrictions

56. Unlike ministers,³⁷ MPs are not subject to any rules or measures that prohibit or restrict the holding of posts/functions or engagement in accessory activities outside the *Riksdag*, whether in the private or public sector, remunerated or not. As indicated above,³⁸ many MPs hold additional political mandates, as municipal council members for example. Moreover, some MPs continue to work as lawyers or doctors for example. Such additional occupations mainly serve to maintain the knowledge and contacts necessary for MPs to exercise their original profession at the end of their parliamentary mandate. In contrast, according to various interlocutors interviewed by the GET ties between MPs and big business are rare.

57. No rules or measures prohibit or restrict the employment options of MPs, or their engagement in other paid or un-paid activities, on completion of their term of office. While it is clear that a parliamentary mandate will not, as a rule, span a whole career, the GET is nevertheless concerned that an MP could drive legislation through Parliament while having in mind interests that would come into play once s/he leaves Parliament to join/return to the private sector. The authorities are encouraged to reflect on the necessity of introducing adequate rules/guidelines for such situations.

Financial interests, contracts with State authorities, misuse of public resources, third party contacts

58. There is no prohibition or restriction on the holding of financial interests by MPs or on them entering into contracts with State authorities (the general legislation on public procurement applies). Moreover, there are no specific rules on misuse of public resources by MPs. The authorities state that opportunities to directly misuse public money for personal benefit are quite limited as MPs themselves do not control or decide on the use of significant sums of public money. As described above,³⁹ State support is distributed through the parties.

59. Finally, there are no specific prohibitions or restrictions as regards MPs' contacts with third parties who might try to influence their decisions. The authorities mention in this context that the new provision of Chapter 10, article 5d of the Penal Code on trading in influence⁴⁰ – which makes it a criminal act to receive, agree to receive, request, give, promise or offer any undue advantage to influence another person's decision or action in connection with the exercise of public authority or public procurement – does not include a criminalisation of activities within (and outside) parliamentary assemblies. In the legislative preparatory work on the above-mentioned provision,⁴¹ the Government explicitly stated that the concept of trading in influence as defined in the Criminal Law Convention on Corruption (ETS 173) is very wide and includes the business of parliamentary assemblies.⁴² The Government's viewpoint was that the national legislation

³⁷ According to Chapter 6, article 2 of the Instrument of Government a minister may not have any other employment. Neither may s/he hold any appointment or engage in any activity which might impair public confidence in her or him.

³⁸ See paragraph 34 above.

³⁹ See paragraph 41 above.

⁴⁰ Entered into force on 1 July 2012.

⁴¹ See Government Bill 2011/12:79 p. 34.

⁴² In relation to this statement, the attention of the authorities is, however, drawn to paragraph 65 of the Explanatory Report to the Criminal Law Convention, according to which acknowledged forms of lobbying do not

should not restrict the fundamental right of a person to express her/his views and influence policy-makers, including through a hired representative. Thus, virtually all political and advocacy-related work – i.e. lobbying – falls outside the criminalised area. Taking account of this approach by the authorities, the GET believes that preventive measures are required in order to protect the legislative process from improper influence. Clear guidance on contacts with third parties such as lobbyists needs to be provided to MPs, including through the code of conduct recommended in paragraph 46 above.

Misuse of confidential information

60. According to Chapter 2, section 4 of the *Riksdag* Act the duty of confidentiality applies to MPs at meetings of the Chamber held behind closed doors (the last time a meeting of the Chamber was held behind closed doors was in 1945). Furthermore, Chapter 4, section 17 states that “a member, deputy member, or official of a committee may not without authority disclose any matter which the Government, or the committee, has determined shall be kept secret, having regard to the security of the Realm or for any other reason of exceptional importance arising out of relations with another State or an international organisation.”⁴³ However, if an MP discloses such a secret matter during a public meeting in the Chamber, no legal proceedings may be initiated against her/him unless the *Riksdag* has given its consent in a decision supported by at least five sixths of those voting.⁴⁴

61. Misuse of confidential information is punishable under Chapter 20, article 3 of the Penal Code (“breach of professional confidentiality”) according to which, “a person who discloses information which s/he is duty-bound by law or other statutory instrument or by order or provision issued under a law or statutory instrument to keep secret, or if s/he unlawfully makes use of such secret, shall, if the act is not otherwise specifically subject to punishment, be sentenced for breach of professional confidentiality to a fine or to imprisonment for at most one year. A person who through carelessness commits an act described in the first paragraph shall be sentenced to a fine. In petty cases, however, punishment shall not be imposed.”

Declaration of assets, income, liabilities and interests

62. Under the provisions of the Act on the registration of the commitments and economic involvements of members of the *Riksdag*, MPs are required to declare the following information to the *Riksdag* Administration within four weeks of the first meeting in the *Riksdag* after elections (for alternate members, within four weeks of the replacement) and to report new information or changes in the current information within four weeks:

- ownership of shares of stock in a company, assets in a partnership or in an economic association or assets in an equivalent foreign legal entity, if their value exceeds a certain amount (two “price base amounts”)⁴⁵ at the time of the declaration,
- business property which is wholly or partly owned by an MP,
- remunerated employment which is not temporary,

fall under the notion of “improper” influence in the meaning of Article 12 of the Convention (trading in influence).

⁴³ Chapter 10, section 12 of the *Riksdag* Act contains a corresponding provision for members of the Committee on EU Affairs. Furthermore, Chapter 10, article 12 of the Instrument of Government states that a member of the Advisory Council on Foreign Affairs and any person otherwise associated with the Council shall exercise caution in communicating to others matters which have come to her/his knowledge in this capacity, and the chair of the Council may rule that a duty of confidentiality shall apply unconditionally.

⁴⁴ See paragraph 70 below.

⁴⁵ In 2013, the price base amount was 44,500 SEK/approximately 5,200 EUR. Thus, the relevant amount for 2013 was approximately 10,400 EUR.

- agreements of an economic nature with a former employer, for instance pensions or fringe benefits, and similar agreements with a present employer or a principal including agreements which enter into force after the MP has left the *Riksdag*,
- income-generating independent activity which is carried out by an MP in addition to the tasks performed in the *Riksdag*,
- membership of a board or position of auditor in a stock company, a partnership, an economic association, an equivalent foreign legal entity, a non-profit organisation whose purpose is to promote the financial interests of the members, a foundation carrying out business or other economic activity, or an equivalent foreign legal entity,
- assignments performed for Central government or for municipal or county councils, if the assignments are not temporary,
- permanent economic benefits and secretarial or research assistance which have a connection with the remit as an MP, if the support is not contributed by the State, the MP or by her/his party.

63. Declarations must be made in writing. For this purpose, the *Riksdag* Administration has established a standard form⁴⁶ which enumerates the types of commitment and economic involvement as well as the data to be registered. For example, when shares are held in a company, the name of the company is to be registered, and for remunerated employment, the type of position and the name of the employer.

64. The information contained in MPs' declarations is maintained in a public register kept by the *Riksdag* Administration. As a rule, information must be registered within three weeks after their submission by MPs. The data is removed from the register after the end of the full parliamentary term. Data concerning MPs who leave the *Riksdag* during a parliamentary term are removed at that moment. Data that has been removed from the register are archived in accordance with the provisions of the Archives Act (1990:782). The register is not published on the internet, but anyone wishing to obtain data from the register may contact a registrar who will respond to the request by providing a copy of the information submitted by the MP. The principle of public access to official documents also applies to information contained in documents archived under the Archives Act, which means that they must also be made available if requested.

65. The GET acknowledges the existence of a regime of asset declarations which was first introduced on a voluntary basis in 1996 and became mandatory in 2008. It was explained to the GET that the current rules must be seen as a compromise, given that a number of politicians were originally opposed to any declaration system. Nevertheless, the GET is convinced that the regime warrants further refinement in order to provide for a satisfactory degree of transparency. In particular, it notes that MPs are not required to give quantitative information on their assets and interests – such as not even the approximate value or number of shares or income. The GET is of the opinion that such information would further facilitate the identification of potential conflicts of interest. The information currently available on the total annual income of an MP under existing tax law, which was referred to by some interlocutors, is not sufficient for this purpose. Furthermore, MPs do not have to indicate any debts or liabilities at all. It is clear that the register of interests would be more helpful if it provided as full a picture as possible of an individual MP's interests, and debts and liabilities, at least significant ones, are an important part of those interests. Finally, as no information is provided on spouses or dependent family members, there is a certain risk that the existing transparency regulations may be circumvented by transferring property to such persons or that the system for the prevention of conflicts of interest involving "close associates" (e.g. relatives) is undermined. In this connection, the GET is fully aware of the associated challenges that may arise in relation to concerns for the privacy of family members, but

⁴⁶ The form is based on the table included in section 8 of the Act on the registration of the commitments and economic involvements of members of the *Riksdag*.

it takes the view that a reasonable compromise can be found by requiring MPs to give information on significant assets and interests of spouses and dependent family members, though not necessarily making it public. Consequently, **GRECO recommends that the existing regime of asset declarations be further developed, in particular (i) by including quantitative data of the financial and economic involvements of members of parliament as well as data on significant liabilities; and (ii) by considering widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).**

Supervision and enforcement

66. Information on the use of public funds, namely of the benefits received by MPs as detailed above⁴⁷ – such as subsistence allowances, accommodation costs and reimbursement of travel expenses – and of the office assistance (which is distributed through the parties), must be submitted by MPs to the *Riksdag* Administration, on standard forms. The administration verifies the information submitted. Those checks are complemented by public scrutiny, in particular by the media. During the on-site visit, representatives of the administration indicated that there is a high interest of the public in MPs' salaries, benefits and expenses and that the media often request – and obtain – related information. The media have revealed cases of erroneous use of compensation schemes.

67. The authorities stress that the disqualification rules of the *Riksdag* Act are aimed at preventing conflicts of interest. There are no sanctions and enforcement mechanisms in place and no rules allow for the annulment of decisions adopted at a meeting in the presence of an MP who violates the rules.

68. The authorities indicate that MPs usually comply with the requirement to submit asset declarations. They are informed, orally and in writing, of the requirement when they take up office. Information is also placed on the intranet and website of the *Riksdag*. According to established routines, an MP who fails to submit information by the given time is reminded, orally and by e-mail, to do so by the *Riksdag* Administration. On the third reminder, a copy is sent to the MP's party group leader. The ultimate sanction is an announcement by the Speaker of the *Riksdag*, at a meeting of the Chamber, that an MP has failed to fulfil her/his obligations under law.⁴⁸ It has, however, not been necessary to apply this procedure to date. During the parliamentary year, MPs are also urged twice by e-mail to either explicitly confirm that the data in the register has not changed, or to report any changes.

69. Each MP is responsible for ensuring that information submitted to the register is correct. The law does not provide for checks by the *Riksdag* Administration nor for specific sanctions or procedures if incomplete or inaccurate information is provided. The authorities state that any ambiguities are dealt with if necessary, but no *ex officio* control is carried out, neither when the information is submitted nor afterwards. A natural or legal person who is referred to in the information reported by the MP, such as a client or employer of the MP, is to be given the opportunity to comment on the information.⁴⁹ Thus, if a third party has any objections to the information, the MP is then given the opportunity to amend or supplement the information submitted.

70. MPs are subject to criminal prosecution and sanctions if they commit offences such as fraud, bribery or breach of professional confidentiality. The authorities indicate that

⁴⁷ See paragraphs 36 to 41 above. Cf. the Act (1994:1065) on economic terms of members of parliament.

⁴⁸ Section 12 of the Act on the registration of the commitments and economic involvements of members of the *Riksdag*.

⁴⁹ Section 10 of the Act on the registration of the commitments and economic involvements of members of the *Riksdag*.

there have been no such criminal cases in recent years other than the two of 1996 and 2001 mentioned above which led to dismissal of the MPs concerned.⁵⁰ Chapter 4, article 12 of the Instrument of Government provides partial immunity for MPs. First, legal proceedings may not be initiated against a person who holds a parliamentary mandate or who has held such a mandate, on account of a statement or an act made in the exercise of her/his mandate (i.e. during Chamber and Committee meetings or within certain other bodies of the *Riksdag*) unless the *Riksdag* has given its consent in a decision supported by at least five sixths of those voting. An MP may not be deprived of her/his liberty, or restricted from travelling within the Realm, on account of an act or statement made in the exercise of her/his mandate, unless the *Riksdag* has given its consent. Secondly, if an MP in any other case is suspected of having committed a criminal act, the relevant legal provisions concerning apprehension, arrest or detention are applicable only if the MP admits guilt or is caught in the act, or the minimum penalty for the offence is two years' imprisonment.

71. The GET notes that supervision over the conduct and over possible conflicts of interest of MPs relies, to a large extent, on scrutiny by the general public and the media who may, in particular, obtain information contained in the register of asset declarations. The GET was repeatedly told in this regard that the public had easy access to information kept by the *Riksdag* Administration and that the press in Sweden played an important and pro-active role. At the same time, some interlocutors stressed that control cannot only rely on the media but should be complemented by a dedicated monitoring and enforcement mechanism. They also stated that the investigative role of the press had been diminishing in recent years, because of financial constraints. Moreover, while information on MPs' salaries and benefits appears to attract the attention of the public, the authorities indicate that citizens' interest in other information such as the content of MPs' asset declarations is rather limited (the administration records approximately two information requests per month). The GET is convinced that public scrutiny, which plays a central and indispensable role in the prevention of corruption in political decision-making, would become even more effective if it was accompanied by administrative safeguards – not least in order to ensure that the public has access to adequate information. Bearing in mind the above recommendations to further develop the rules on MPs' conduct and duties – in particular, with regard to conflicts of interest, gifts and asset declarations – the GET believes that it is only logical to require some kind of monitoring and enforcement of such standards by competent bodies.

72. That said, it is clear that the Swedish culture of transparency and trust should be respected and no unnecessary bureaucracy be created. Obviously, it is up to the Swedish authorities themselves to decide how the supervision could best be organised. In the view of the GET, such a role could, for example, be efficiently exercised by existing parliamentary bodies such as relevant committees or the *Riksdag* Administration. Finally, in order to be credible, the system will have to foresee the imposition of appropriate sanctions in case of infringements of the law such as violation of the rules on disqualification and on gifts (yet to be established) or non-disclosure of assets and other economic involvements. Given the preceding paragraphs, **GRECO recommends that appropriate measures be taken to ensure supervision and enforcement of the existing and yet-to-be established rules on conflicts of interest, gifts and asset declarations by members of parliament.** Such arrangements will also need to be reflected in the code of conduct recommended in paragraph 46 above.

Advice, training and awareness

73. After a general election, all new members of the *Riksdag* are informed of the laws and rules that apply to MPs. Every member is given an information file containing rules, policy documents, fact sheets, etc. The rules for members are also available on the

⁵⁰ See paragraph 19 above.

Riksdag website and thus accessible to the general public. The Riksdag Administration has compiled several manuals, e.g. the "Members' Handbook" which contains information on undue influence on MPs (in particular, it refers to the bribery provisions of the Penal Code) and the "Parliamentary Handbook" which includes information on disqualification rules for MPs. Alternate members who come to the *Riksdag* during the term are given an individual induction programme containing information equivalent to the above. The Department for Administrative Services for MPs is responsible for the induction programme. MPs can also contact the department to obtain advice on the rules.

74. Information gathered by the GET suggests that the introductory sessions for MPs are quite general in nature and deal more in depth with the allowances and compensation regime rather than with questions of integrity. It would appear that no training focuses on ethics and conduct, corruption prevention, conflicts of interest and related issues. Several interlocutors shared the view that more could be done to further raise MPs' awareness about those issues and to explain the rules – e.g. through dedicated training which could be organised some time after elections (rather than immediately after elections, when there tends to be more pressing concerns). This is particularly relevant in view of the elaboration of the more comprehensive rules and standards of conduct advocated for in this report. A recommendation aimed at the provision of further guidance to MPs, e.g. through dedicated training and counselling, has been made in paragraph 46 above.

IV. CORRUPTION PREVENTION IN RESPECT OF JUDGES

Overview of the judicial system

75. The Instrument of Government (Chapter 11, Administration of Justice) establishes the judicial system in Sweden and is reinforced by several other laws, including in particular the Code of Judicial Procedure and the Administrative Court Procedure Act (1971:291). The status of judges is governed in principle by the general provisions of the Public Employment Act (1994:260),⁵¹ as complemented by the more specific Act (1994:261) concerning judges and other persons determined by the Government (*Lag om fullmaktsanställning*). The authorities explain that if the provisions of the Act (1994:261) contravene those of the Public Employment Act, then the provisions of the former prevail. In particular, section 7 of the Act (1994:261) establishes that the subjects of the act can only be dismissed from employment pursuant to the provisions of the act. In the case of judges, the relevant provisions state that they can only be separated from their position in accordance with the provisions of the Instrument of Government.⁵²

76. The independence of the judiciary is enshrined in the Instrument of Government. In accordance with Chapter 11, article 3, "neither the *Riksdag*, nor a public authority, may determine how a court of law shall adjudicate an individual case or otherwise apply a rule of law in a particular case. Nor may any other public authority determine how judicial responsibilities shall be distributed among individual judges." The authorities stress that no individual or institution may give a directive to a judge in an individual case.

77. Pursuant to Chapter 11, article 1 of the Instrument of Government, the Supreme Court, the Courts of Appeal and the District Courts are deemed to be courts of general jurisdiction. The Supreme Administrative Court, the Administrative Courts of Appeal and the Administrative Courts are general administrative courts. Other courts are established in accordance with the law.⁵³ There are 46 District Courts, 6 Courts of Appeal, 12 Administrative Courts and 4 Administrative Courts of Appeal. There is no constitutional court.

78. As a rule, court decisions are rendered by permanent judges. This category includes, *inter alia*, justices of the Supreme Court and the Administrative Supreme Court; presidents, senior judges and judges in the Courts of Appeal and the Administrative Courts of Appeal; chief judges (heads of court), senior judges (heads of division) and judges in the District Courts and the Administrative Courts. In addition to such "legally qualified judges" the category of permanent judges also includes technical judges in the land and environment courts. Many permanent judges have followed a specific career path which implies working as "non-permanent judges" ("assistant judges", "co-opted judges" and "associate judges").⁵⁴ Non-permanent judges participate in the adjudication in the District Courts, the Courts of Appeal, the Administrative Courts and the Administrative Courts of Appeal. In this report the terms *judges* and *legally qualified judges* are to be understood to cover both permanent and non-permanent judges, unless otherwise specified.

79. In addition, in the District Courts and the Administrative Courts other staff categories can perform certain judicial functions, namely law clerks, drafting lawyers

⁵¹ Pursuant to section 1 of the Public Employment Act, the act contains special provisions concerning employees of the *Riksdag* and its authorities and of authorities reporting to Government. While there is no duty for courts or judges to report to Government, the National Courts Administration has to annually give a report to the Government.

⁵² See paragraph 101 below.

⁵³ See below under "Special Courts", paragraphs 86 to 90.

⁵⁴ See paragraph 94 below.

(who have previously been employed as law clerks) and other drafting personnel. Law clerks and drafting lawyers may adjudicate some minor civil and criminal cases. They must not however handle a criminal case if the sentence is expected to be more than a fine. Finally, each District Court, Court of Appeal, Administrative Court and Administrative Court of Appeal has a number of lay judges who are not legally qualified. If lay judges sit on the court, they must state their opinions last.⁵⁵ The lay judges enjoy full voting rights, and, in the District Courts and Administrative Courts, can overrule a legally qualified judge. The authorities state that such cases are very rare.

80. In 2012, there were approximately 1,136 permanent judges, 891 non-permanent judges, 958 law clerks and 906 drafting lawyers and other persons with a similar function. The number of lay judges amounted to approximately 8,500.

81. The central administration of the courts rests with the Government (Ministry of Justice). The latter adopts the terms of reference for each type of court and issues annual appropriation directions, which specify the objectives to be met, the information expected from the National Courts Administration during that year (e.g. what measures have been taken to reduce processing times in courts), as well as information about the budget (as decided by the *Riksdag*). The Government may also give the National Courts Administration specific assignments (e.g. to evaluate safety measures in courts). The National Courts Administration was established in 1975, and is mainly responsible for providing administrative support and services to the courts, and, for administrative purposes, leading and coordinating activities relating to the courts, while at the same time respecting the independence of the judiciary. It submits an annual report to the Government.⁵⁶ The GET was left with the impression that the current administration of the courts works well and that the executive does not interfere with the judicial activity. That said, during the interviews it was brought to its attention that there was a growing consensus among judges that a judicial body run more by the judges themselves would be preferable. In this connection, the GET notes that there is no council for the judiciary or equivalent body in Sweden. It wishes to draw the attention of the authorities to the international standards relating to the establishment of a council for the judiciary or an equivalent independent authority, entrusted with broad competence for questions concerning the statute of judges as well as the organisation and the functioning of judicial institutions.⁵⁷

General Courts

82. General courts deal with criminal and civil cases. Five District Courts are also Land and Environment courts, whose decisions may be appealed to the Land and Environment Court of Appeal. Seven District Courts are also designated Maritime Courts. Some District Courts also handle cases regarding freedom of the press and freedom of speech, with the participation of a jury in the adjudication. One District Court also hears cases regarding patent law and intellectual property. The court's decisions in these cases may be appealed before a designated Court of Appeal.

83. In District Courts, criminal cases are normally tried by one judge and three lay judges. Civil disputes are normally heard by a single judge or three judges. In the Courts of Appeal, criminal cases are decided by three judges and two lay judges. Civil cases are tried by three or four judges. In the settlement of family cases, lay judges normally take

⁵⁵ See, for example, Chapter 29, article 1 of the Code of Judicial Procedure.

⁵⁶ The annual report, which contains mostly statistics concerning e.g. processing times for different kinds of cases, is published on the website of the National Courts Administration, see <http://www.domstol.se/Funktioner/English/The-Swedish-National-Courts-Administration>

⁵⁷ See, *inter alia*, [Recommendation Rec\(2010\)12 of the Committee of Ministers of the Council of Europe to member States on judges: independence, efficiency and responsibilities](#); [Opinion No.10\(2007\) of the Consultative Council of European Judges \(CCJE\) to the attention of the Committee of Ministers of the Council of Europe on the Council for the Judiciary at the service of society](#).

part in the proceedings in both the District Courts and in Courts of Appeal. In the Supreme Court the number of judges participating in the adjudication varies. Normally, five justices participate in the adjudication.

Administrative Courts

84. Administrative Courts deal with cases relating to public administration. Three of them are also Migration Courts. They review decisions taken by the Swedish Migration Board on matters concerning aliens and citizenship. The Migration Court of Appeal is the court of final instance.

85. In Administrative Courts, cases are decided by a single judge or one judge and three lay judges. In Administrative Courts of Appeal, cases are normally decided by three judges or three judges and two lay judges. In the Administrative Supreme Court the number of judges participating in the adjudication varies but is normally five.

Special Courts

86. The Market Court deals, among other things, with disputes under the Competition Act and the Marketing Practices Act.

87. The Labour Court deals with disputes arising in employer – employee relations. The Labour Court is normally the first and only instance in labour disputes. Nevertheless, some labour disputes are first heard in a District Court, after which an appeal can be lodged with the Labour Court as the second court of last resort.

88. The Court of Patent Appeals handles appeals against decisions of the Swedish Patent and Registration Office concerning patents, trademarks and designs, etc. The court's decisions may be challenged before the Supreme Administrative Court.

89. For certain kinds of rent and leasehold disputes, there are regional rent tribunals and leasehold tribunals, which are normally described as quasi-judicial bodies with powers similar to the courts. The tribunal's decisions may be challenged before a designated court of appeal.

90. There are special rules regarding the composition of the special courts, and the composition when courts handle certain types of cases, for example environmental cases and cases regarding patent law. In the Land and Environmental Courts for instance, there are a number of technical judges and in cases regarding patent law, specially appointed members participate in the adjudication. The role of such technical judges and the specially appointed members, who are not legally qualified, is to provide specialist knowledge to the court.

Recruitment, career and conditions of service

91. All permanent judges are appointed by the Government,⁵⁸ for an indefinite period of time, following an open competition and upon a recommendation by the Judges Proposals Board in accordance with the provisions of the Act (2010:1390) on the appointment of permanent judges. Most non-permanent judges, e.g. assistant judges and associate judges, are employed until further notice. Other non-permanent judges are employed for a fixed period of time. The courts are responsible for employing most of the non-permanent judges. Lay judges are hired for a term of four years.

92. An independent State authority called the Judges Proposals Board administers all matters regarding appointment of permanent judges including technical judges. It is

⁵⁸ Cf. Chapter 11, article 6 of the Instrument of Government.

composed of nine members appointed for a period of four years. Two of them are elected by the *Riksdag* as representatives of the public, and seven are appointed by the Government (of which five must be or have been permanent judges and two must be lawyers active outside the judiciary). The Judges Proposals Board submits proposals to the Government detailing which of the applicants is best suited for the post. The Government is not bound by the board's proposal, but it cannot appoint a person who has not first been heard by the board. The Ministry of Justice reviews the matter thoroughly and, finally, it is presented to a cabinet meeting for decision. There are no specific grounds on which the Government may derogate from the proposal, but appointments must always be based on objective factors. In practice, the Government has always followed the board's proposal except in two instances. During the interviews held on site, the GET was made aware of two cases (one case in the 1980's and the other in 2005/2006) where the Government derogated from the initial proposal by the board and where the second best candidate was selected. Neither the proposals by the Judges Proposals Board, nor the Government's decision can be appealed against.

93. Appointments of judges must be based only on objective factors such as merit and competence.⁵⁹ All legally trained judges must be Swedish citizens and must have passed the professional examinations prescribed for qualification for judicial office. No person declared bankrupt or who is legally represented by an "administrator" may exercise judicial office. Normally, during the competition for the post of permanent judge the Judges Proposals Board obtains references from the applicant's current and recent employers. The board can also give other authorities and organisations an opportunity to make comments, for example the Swedish Prosecution Authority and the Swedish Bar Association. The head of the court in question interviews the applicant and submits her/his comments to the board. Before the board submits its proposal to the Government the criminal records system is consulted.

94. Many permanent judges have followed a specific career path that begins after graduation (Bachelor of Laws degree) and entails working as a law clerk at a District Court or County Administrative Court for two years. After that it is customary to apply to become a legal clerk at a Court of Appeal or an Administrative Court of Appeal for at least one year, followed by a period of at least two years as an assistant judge at a District Court or Administrative Court. Those courts decide whether or not to employ the candidate on the basis of an application form, references and an interview. The period of service as an assistant judge is followed by at least one year as a co-opted member of a Court of Appeal or an Administrative Court of Appeal. After completing this period of training, the legal clerk is appointed associate judge.

95. Lay judges are elected by municipal councils or county council assemblies. All Swedish citizens who have attained the age of majority and who are not legally represented by an "administrator" are eligible to be elected as a lay judge. Legally trained judges, court officers, public prosecutors, police officers, advocates or other persons who are otherwise professionally engaged in the representation of litigants in judicial proceedings may not be lay judges. No person may at the same time be a lay judge in a Court of Appeal and in a District Court. Only persons who – with regard to judgment, independence, obedience to the law and other circumstances – are suitable for the task may be elected as lay judges. The authorities add that courts can suspend lay judges if they exhibit behaviour or other characteristics that might potentially undermine public confidence in the administration of justice.

96. Interlocutors met by the GET unanimously stated that following constitutional reforms in 1975, which led, *inter alia*, to the establishment of the Judges Proposals Board (a body in which judges are in the majority) and following further reforms in recent years, the recruitment process is highly transparent and ensures that appointments of

⁵⁹ Cf. Chapter 11, article 6 of the Instrument of Government.

legally qualified judges are based only on objective factors. The fact that, so far, only in two cases the Government has made an appointment which deviates from the initial advice by the Judges Proposals Board, demonstrates the importance of the board in practice. In contrast, the attention of the GET was repeatedly drawn to concerns about the election, role and performance of lay judges.

97. First, the fact that lay judges are elected by municipal and county councils – implying political influence – without any involvement of the judiciary, was perceived to be problematic. It would appear that in practice, lay judges are generally proposed by political parties. On site, it was suggested that the judiciary should be involved in the appointment of lay judges, as is the case in some other European countries (e.g. candidates might be proposed by municipal councils but appointments made by heads of courts or judicial appointment boards), and that specific background checks should be introduced in order to avoid the recruitment of political extremists or even criminals for example. Secondly, several practitioners met on site were concerned about the high number (altogether 8,500) and important role played by lay judges. Given that over the years it had become difficult to recruit a sufficient number of suitable laypersons, one proposal voiced was that they might be withdrawn from settling family cases and from the Courts of Appeal. Moreover, it was suggested that the current situation whereby a lay judge can overrule a legally qualified judge in the Administrative Courts and in criminal cases settled in the District Courts should be reviewed. Finally, a number of interlocutors pointed to the unsatisfactory performance of lay judges and to their insufficient awareness of conflict of interest regulations which could be explained by the lack of appropriate training (currently, newly elected lay judges are offered only an optional one-day introductory session organised by the court concerned) and, again, by the fact that there are not enough suitable, educated candidates to fill the high number of posts. Some recent examples were cited where trials had had to be re-opened because lay judges involved were members of a municipal council or the police and were found to have obvious conflicting interests.

98. The GET, fully conscious of the long-standing Swedish tradition of lay judges participating in the administration of justice, understands however the above-mentioned concerns. It notes that in current practice, lay judges no longer represent society as a whole, but a rather specific segment of the population as they are mainly retired people with a certain degree of political connection – despite attempts to recruit younger lay judges. Overall, the GET takes the view that the existing regime needs to be revisited, and that there is a particular need for appropriate background checks and for substantial mandatory training of lay judges, including on ethical questions, expected conduct, corruption prevention and conflicts of interest. In this connection, the GET was interested to learn that a commission tasked with making proposals for modernising the system, recently set up under the Ministry of Justice, submitted a report to the Government in June 2013 (SOU 2013:49). The report contains proposals regarding, *inter alia*, recruitment and elections as well as information and training of lay judges. The report is now being considered by the Government Offices. Given the preceding paragraphs, **GRECO recommends that appropriate measures be taken with a view to ensuring the independence, impartiality and integrity of lay judges, *inter alia*, by introducing specific background checks in the recruitment process and organising mandatory initial and follow-up training, including on questions of ethics, expected conduct, corruption prevention and conflicts of interest and related matters.**

99. The same entities that are responsible for the appointment of permanent judges are responsible for the promotion of permanent judges. The procedures are substantially the same.

100. According to Chapter 11, article 7, paragraph 2 of the Instrument of Government, a transfer of a permanent judge is possible only if organisational considerations so

dictate, and only to a judicial office of equal status (i.e. the salary and the tasks must be the same or substantially the same). The law requires permanent judges to perform duties in an equivalent or a higher court. A permanent judge may not be transferred from a general court to a general administrative court or *vice versa*. Matters regarding transfer of permanent judges are decided by the Government.

101. In principle, a permanent judge can be removed from office only on one of the grounds enumerated in Chapter 11, article 7 of the Instrument of Government, namely if through a criminal act or through gross or repeated neglect of official duties s/he has demonstrated being manifestly unfit to hold the office (according to the established practice, these conditions are fulfilled in particular where a judge commits a crime and receives a sanction other than a fine, e.g. imprisonment); when s/he has reached the age of retirement; when due to loss or reduction of working capacity s/he is permanently unable to satisfactorily fulfil assignments. As a rule, such matters are decided by an independent State authority called the National Disciplinary Offence Board.⁶⁰ However, the Supreme Administrative Court examines whether a justice of the Supreme Court shall be removed from duty, and *vice versa*. A non-permanent judge may be dismissed if her/his obligations to the employer have been grossly neglected. The decision to dismiss a non-permanent judge is taken by the National Disciplinary Offence Board. A court shall dismiss a lay judge if s/he has shown her/himself through a criminal act or otherwise to be manifestly unfit for the task. It is possible to appeal a decision to dismiss a lay judge.

102. The monthly salaries of non-permanent judges range from 30,000 SEK/approximately 3,500 EUR (legal clerks) to 38,800 SEK/approximately 4,500 EUR (associate judge). The salaries of a permanent judge are individual and vary depending on which career level s/he has reached. For example, the average annual salary of a judge at a District Court or Administrative Court is 683,754 SEK/approximately 79,500 EUR; of a senior judge, head of division at such a court 857,536 SEK/approximately 99,700 EUR; of a chief judge at such a court 973,652 SEK/approximately 113,200 EUR; of a judge of appeal (Court of Appeal) 683,939 SEK/approximately 79,550 EUR; of a senior judge of appeal, head of division (Court of Appeal) 945,548 SEK/approximately 111,000 EUR; of a president of a Court of Appeal 1,141,000 SEK/approximately 132,700 EUR; of a justice of the Supreme Court or Administrative Supreme Court 1,146,774 SEK/approximately 133,400 EUR. The salaries are subject to periodic evaluation. Judges are not entitled to any additional benefits.

Case management and procedure

103. The premise is that cases are to be assigned to judges on objective grounds. Cases are randomly assigned by lot to organisational units in the District Courts, Courts of Appeal, Administrative Courts and Administrative Courts of Appeal. There is a limited possibility to deviate from this system, for example in order to handle interrelated cases within the same organisational unit or to reach an even distribution of the workload between the organisational units. Cases in the Supreme Court and the Administrative Supreme Court are also assigned to organisational units within the courts, but there is no requirement that the cases should be assigned by lot.

104. As a rule, a judge can be removed from hearing a case only if there are grounds for her/his disqualification.⁶¹

105. Legal proceedings are to be carried out within a "reasonable period of time".⁶² The vast majority of civil cases are resolved within approximately seven months (District Courts) and five months (Courts of Appeal). Most of the criminal cases (excluding those that have priority) are resolved within approximately five months (District Courts) and

⁶⁰ Cf. section 34 of the Public Employment Act. See paragraph 129 below.

⁶¹ See paragraph 122 below.

⁶² Chapter 2, article 11 of the Instrument of Government.

seven months (Courts of Appeal). Several safeguards are in place to ensure that judges handle cases without undue delay. For example, provisions exist requiring the court to pronounce its judgment no later than one week after the completion of a hearing if the defendant in a criminal case is detained. Special rules also apply to young offenders, for instance, that such cases are to be dealt with promptly.

106. There are a few possibilities for a party to expedite an individual case. One example is that a party who believes that the procedure has been delayed unnecessarily may appeal the court's decision on that sole ground. Since January 2010, a party also has the right to request that the court accelerates the processing of a case. If the handling of a case or court matter has been unreasonably delayed, the court must, following a written application from a party in the proceedings, declare that the case or the court matter shall be prioritised.⁶³ An application for declaration of priority must be dealt with promptly. The court decision on the application is published on the website of the National Courts Administration.

107. The head of a court has the responsibility to intervene in situations where there is a serious risk that a single case cannot be settled within a reasonable period of time. If a ruling is not made within a reasonable period of time, the head of the court is obliged to determine whether the case should be handled by another judge.

108. Court proceedings are as a main rule public. If it can be assumed that, at a hearing, information will be presented which can be deemed confidential under the Public Access to Information and Secrecy Act, the court may, if it considers it to be of extraordinary importance, determine that the information is not disclosed, and direct that the hearing be held *in-camera* in so far as it relates to the information (e.g. information relating to the personal circumstances of a private party).⁶⁴

Ethical principles, rules of conduct and conflicts of interest

109. Some basic ethical principles are set forth by the Instrument of Government, in particular, Chapter 1, article 9 which states that courts, as well as others performing public administration functions, of law "shall pay regard in their work to the equality of all before the law and shall observe objectivity and impartiality." Moreover, the Code of Judicial Procedure provides provisions of an ethical nature. In particular, Chapter 4, article 11 which requires all judges⁶⁵ to take the following oath before assuming the duties of office: "I (name) promise and affirm on my honour and conscience that I will and shall impartially, as to the rich as well as to the poor, administer justice in all matters to the best of my ability and conscience, and judge according to the law of the Realm of Sweden; that I will never manipulate the law or further injustice for kinship, relation by marriage, friendship, envy, ill-will, or fear, nor for bribes or gifts, or any other cause in whatever guise it may appear; nor will I declare guilty one who is innocent, or innocent one who is guilty. Neither before nor after the pronouncement of the judgment of the court shall I disclose to the litigants or to other persons the *in camera* deliberations of the court. All this, as an honest and righteous judge, I will and shall faithfully observe."

110. In December 2009 the Government tasked the National Courts Administration with initiating discussions within the judiciary about elaborating ethical rules for judges, with a view to reinforcing the general public's confidence in the justice system. The National Courts Administration appointed an analyst (a former president of the Svea Court of Appeal) who, together with a working group which was established by the Confederation of Swedish Judges, prepared a set of three documents entitled "Good judicial practice". All judges were invited to give their opinion during the drafting process.

⁶³ Cf. section 1 of the Act (2009:1058) on declaration of priority in court.

⁶⁴ Chapter 5, article 1 of the Code of Judicial Procedure.

⁶⁵ Including both permanent and non-permanent judges, and also lay judges.

The documents revolve around four tenets: independence, impartiality and equal treatment, good conduct and treatment of others, good expertise and efficiency. The main document, entitled "principles and questions", is composed of over a hundred questions and is intended to be a living document. It is complemented by the documents "ethics and accountability" – which includes an account of international instruments dealing with good judicial practice and ethical guidelines from other countries – and "official liability and supervision". These ethical documents were inspired, in particular, by the 2002 Bangalore Principles of Judicial Conduct.

111. The above documents were published on 16 December 2011, and are available on the website of the National Courts Administration.⁶⁶ They are designed to provide non-binding guidance to all judges on handling different ethical dilemmas, to serve as a basis for discussion on ethical questions and to provide the public basic information on such questions from the point of view of judges. The documents are also intended to be used in the training of judges.

112. The Code of Judicial Procedure includes provisions on conflicts of interest in Chapter 4, article 13 which regulates the disqualification of a judge,⁶⁷ but the concept of "conflict of interests" is not otherwise described by law.

113. The GET welcomes the recent adoption of the documents on "Good judicial practice" and their publication on the website of the National Courts Administration. It is noteworthy that these documents have been prepared within the judiciary and that they take into account – and directly include – international standards such as the Bangalore Principles, and ethical guidelines from other countries. This move represents a significant step towards the provision of guidance in ethical questions to all judges in Sweden. The GET understands the approach deliberately chosen by the authors of these instruments whereby the main document titled "principles and questions", proposes a list of questions as opposed to elaborating rules and clear instructions. It was explained to the GET that they were intended to support judges, not to impede their freedom, and that solutions for individual cases are most likely to be found through a series of quite complex considerations rather than in strict rules, and that views on what characterises a good ethical attitude vary over time.

114. While the GET generally accepts these explanations, it is convinced that answers to ethical questions are nevertheless needed. It is therefore crucial that the above-mentioned documents are complemented by further guidance to judges. Such guidance could for example be provided by way of confidential counselling within the judiciary, and in any case, specific – preferably regular – training activities of a practice-oriented nature (including practical examples). In the view of the GET – a view that is also shared by several interlocutors met on site, it would also be advisable that the judicial body develops written guidelines, as a complement to the documents on "Good judicial practice". Such guidelines could usefully build on existing rules (e.g. on conflicts of interest/disqualification, accessory activities, gifts, third party contacts/confidentiality) and include practical examples, e.g. deriving from case law, statements of the Parliamentary Ombudsmen and the Chancellor of Justice, the National Courts Administration and the Judges Proposals Board. In light of the above, **GRECO recommends that the recent documents on "Good judicial practice" be complemented by further measures, including dedicated training for all categories of judges, aimed at offering proper guidance on ethics, expected conduct, corruption prevention and conflicts of interest and related matters.**

⁶⁶ See <http://www.domstol.se/Ladda-ner--bestall/Rapporter/God-domarsed>

⁶⁷ See paragraph 122 below.

Prohibition or restriction of certain activities

Incompatibilities and accessory activities, post-employment restrictions

115. Legally qualified judges may not appear as attorneys or public defence counsels, unless the Government (or the authority it designates) grants permission.⁶⁸ Furthermore, judges are not allowed to be chief guardians⁶⁹ or trustees.⁷⁰ Legally qualified judges may not be lay judges. Justices of the Supreme Court or Administrative Supreme Court are not allowed to exercise any other office.

116. According to the provisions of the Public Employment Act on "incidental employment", employees falling under the act including judges are not allowed to hold an employment or carry out an assignment or exercise any activity that may affect confidence in her/his or any other employee's impartiality or that may harm the reputation of the authority.⁷¹ The authorities indicate that in principle, the concept of incidental employment includes all types of employment or assignment, whether remunerated or not, aside from the main employment.

117. Permanent judges are obliged to report in writing and on their own initiative what kinds of incidental employment they have to their employers i.e. the head of the court.⁷² In addition all (permanent and non-permanent) judges must at the request of the employer provide the information necessary for the employer to be able to assess the incidental employment. Judges do not need permission before accepting an incidental employment, but the employer can decide that a judge must cease, or not undertake such an assignment if it is incompatible with the provisions of the Public Employment Act. While judges cannot appeal against such a decision, they can bring an action under the Labour Disputes Act (1974:371). The Labour Court is the highest court in such cases.

118. The National Courts Administration recommends that matters regarding incidental employment are handled in writing, and that information regarding incidental employment is saved in the judge's personal file. The information is public on request, unless it is classified according to the provisions of the Public Access to Information and Secrecy Act. Any citizen may ask for general information on a judge's incidental employment, such as whether the judge has accepted an arbitration assignment.

119. The authorities indicate that in practice, some judges engage in accessory activities such as writing, lecturing at university or during social gatherings for judges and lawyers, undertaking assignments as arbitrators, serving as members of Government commissions, etc. According to the established practice of the Judges Proposals Board, judges must not operate in profit-making companies or enterprises, except for family run businesses. The authorities are not aware of any recent cases where judges have been prohibited from exercising an incidental employment. The Judges Proposals Board has, however, had one case which led to a dialogue between the board and the judge. The outcome of that dialogue was that the judge did not take up the incidental employment (position as a director of a company which was owned by the judge's brother).

120. The GET recognises that Sweden has put in place a mechanism to prevent situations whereby judges exercise accessory activities that may affect the confidence of the citizens in their impartiality. That said, some of the GET's interlocutors pointed at a limited number of cases – which attracted the attention of the media – of judges at

⁶⁸ Chapter 12, article 3 and Chapter 21, article 3 of the Code of Judicial Procedure.

⁶⁹ Chapter 19, article 8 of the Children and Parents Code.

⁷⁰ Chapter 7, section 1 of the Bankruptcy Act.

⁷¹ See sections 7 to 7d of the Public Employment Act.

⁷² The Judges Proposals Board is competent for questions regarding incidental employments of chief judges in the District Courts and the Administrative Courts, and the Government is competent with regard to incidental employments of presidents in the Courts of Appeal and the Administrative Courts of Appeal and of the chairwomen/men in the Supreme Court and the Administrative Supreme Court.

higher courts who allegedly gained more income from accessory activities (in particular, arbitration) than from their main profession. While the Judges Proposals Board has developed certain restrictions on such activities (e.g. judges may not accept arbitration assignments by one of the parties concerned), it was argued that further limitations and an increase in transparency would be beneficial. Given that no concerns have come to light as to instances of corrupt behaviour by judges and that the judiciary is generally perceived as being a much trusted institution, the GET does not consider it necessary to address a recommendation with respect to accessory activities. At the same time, it is clear that reforms in this area could contribute to ensuring that the judiciary is not only free from corruption and conflicts of interest, but that it is also perceived in that manner by the general public. The authorities are encouraged to reflect on possible measures to ensure that accessory activities of judges – and arbitration activities in particular – are compatible with the judicial status, and that they do not distract from the proper performance of judicial duties nor induce conflicts of interest. Such measures could, for example, include disclosure of more detailed information on accessory activities or the establishment of appropriate ceilings for the remuneration a judge may receive annually from such activities and for the number of weekly working hours s/he may spend on them.

121. There are no specific rules prohibiting or restricting the possibilities for judges to be employed in certain posts/functions or engage in other activities after exercising a judicial function, except for the rule that a person may not appear as an attorney if s/he has previously dealt with the matter as a judge.⁷³ The GET did not find this to be a particular source of concern in Sweden. That said, this is a challenging area where conflicts of interest may well emerge, and which deserves to be kept under review by the authorities. While it is clear that former judges must be given the possibility to continue legal practice after leaving office, the elaboration of adequate rules/guidelines for situations where judges move to the private sector might be a useful tool for preventing conflicts of interest and risks of bribery in the form of lucrative employment promises.

Recusal and routine withdrawal

122. The conditions for disqualification are specified in Chapter 4, article 13 of the Code of Judicial Procedure. In accordance with this article, which is applicable to all judges – i.e. permanent judges, non-permanent judges and lay judges – a judge is disqualified from hearing a case if :

1. s/he is a party therein, or otherwise has an interest in the matter at issue, or can expect an extraordinary advantage or injury from the outcome of the case;
2. s/he and one of the parties are, or have been, married or are related by blood or marriage in lineal ascent or descent, or are siblings, or are so related by marriage that one of them is, or has been, married to a sibling of the other, or s/he is similarly related to one of the parties;
3. s/he is related as specified in item 2 to anyone who has an interest in the matter at issue or can expect extraordinary advantage or injury from the outcome of the case;
4. s/he, or any relation as specified in item 2, is a guardian, custodian or administrator or otherwise serves as legal representative of a party, or is a member of the board of a corporation, partnership, association or similar society, foundation or similar institution which is a party, or, when a municipality or similar community is a party, s/he is a member of the board in charge of the public administration of the function affected by the case;
5. s/he or any relation as specified in item 2, is related in the way stated in item 4 to anyone who has an interest in the matter at issue or can expect extraordinary advantage or injury from the outcome of the case;

⁷³ Chapter 12, article 4 of the Code of Judicial Procedure.

6. s/he is the adversary of a party, though not if the party has sought issue in order to disqualify her/him;
7. s/he, acting in another court as a judge or officer, has rendered a decision concerning the matter at issue, or s/he, for an authority other than a court, or as an arbitrator, has dealt with the matter;
8. s/he, in the case of a main hearing of a criminal case, has prior to this main hearing determined the issue of whether the defendant has committed the act;
9. s/he has served in the case as an attorney for, or counselled, one of the parties, or has been a witness or an expert therein; or
10. some other special circumstance exists that is likely to undermine confidence in her/his impartiality in the case.

123. The authorities state that in practice, cases of disqualification do not occur often, but no statistics are available. A judge may be disqualified, for example, if s/he receives a salary from a party or otherwise occupies a position of dependence in relation to a party, if s/he is a member of the organisation or association which is a party to the proceedings or if s/he previously has taken a position in the subject matter.

124. A question of disqualification may be raised by the judge her/himself or by a party in a particular case.⁷⁴ If a judge knows of any circumstance that can warrant disqualification, s/he is obliged to disclose it on her/his or own accord. If a party wants to raise a matter of disqualification, s/he has to do so on her/his first appearance in court or in her/his first written submission after learning of the relevant circumstances. The judge may not take part in the determination of the disqualification issue, unless her/his presence is essential for a quorum and another judge cannot be substituted without delay.

125. The decision not to disqualify the judge can be appealed. If a Court of Appeal comes to the conclusion that a District Court judge should have been disqualified, the Court of Appeal shall set aside the judgement or decision and send the case back to the District Court. The authorities report on two recent cases in which lay judges in District Courts have been considered disqualified. The Court of Appeal has in both cases set aside the District Court judgement and referred the case back to the District Court. Finally, it is to be noted that after a judgment in a criminal case has entered into final force, relief for a substantive defect may be granted for the benefit of the defendant if any legally qualified judge has been disqualified and it is not clear that the disqualification has been without importance as to the outcome of the case.⁷⁵

Gifts

126. There are no detailed rules on the acceptance of gifts specifically by judges. The authorities refer in this respect to the bribery offences under Chapter 10 of the Penal Code ("On embezzlement, breach of trust and bribery").⁷⁶ They furthermore state that it follows from the principle of independence and impartiality of judges that a judge may not accept any gift in relation to anything done or to be done or omitted to be done in connection with the performance of her/his judicial duties. During the interviews conducted by the GET, there was unanimous zero-tolerance of giving gifts to judges and a consistent message that it is not a practice in Sweden.

Third party contacts, confidential information

127. The matter of secrecy of certain information is mainly regulated in the Public Access to Information and Secrecy Act – e.g. information relating to the personal

⁷⁴ See Chapter 4, articles 14 and 15 of the Code of Judicial Procedure.

⁷⁵ Chapter 58, article 3 of the Code of Judicial Procedure.

⁷⁶ See paragraph 53 above.

circumstances of a private party, classified information that the court receives from another court or a public authority, certain information pertaining to an examination in court that has been recorded on video, information that has been presented during a hearing behind closed doors, information that has emerged during the court's deliberation *in camera* and certain parts of the court's judgement or decision. Breach of professional confidentiality is punishable under Chapter 20, article 3 of the Penal Code.⁷⁷

Declaration of assets, income, liabilities and interests

128. Judges are obliged to disclose any circumstance that can be considered to warrant disqualification in a particular case and to notify their employer about incidental employment (see above). However, there are no specific requirements, duties or regulations in place for judges and their relatives to submit asset declarations, nor have there been any recent discussions to introduce such requirements. Given that no concerns have come to light as to instances of corrupt behaviour by judges and that the judiciary is generally perceived as being a much trusted institution, the GET does not consider it necessary to address a recommendation in this connection. That said, the GET notes that some interlocutors supported the introduction of mandatory asset declarations, which would be in line with the general transparency policy, and it encourages the authorities to consider such a tool, for example in respect of significant interests – e.g. holding of posts and functions or engagement in accessory activities, especially if remunerated, or ownership in public or private companies – held by high-ranking judges.

Supervision and enforcement

Oversight bodies

129. Matters on disciplinary measures are decided by the National Disciplinary Offence Board which is competent for higher public officials, including judges and prosecutors. By contrast, matters concerning lay judges are handled by the heads of the relevant courts. The board also decides on removal from office of a judge, in particular if s/he through a criminal act or through gross or repeated neglect of official duties has shown her/himself to be manifestly unfit to hold office.⁷⁸ The board is composed of five members who are appointed by the Government for a fixed period of time. The chairman and the vice-chairman must be lawyers with experience as permanent judges. Only the Parliamentary Ombudsmen, the Chancellor of Justice and the employment authority in question have a right to initiate procedures in the board. The board's decisions are public. It is not possible to appeal the decisions. They can, however, be the subject of a labour dispute either in a District Court or in the Labour Court.

130. Special rules apply when a judge is reasonably suspected of having committed a criminal offence in her/his employment. The National Disciplinary Offence Board can propose that a judge be prosecuted. Legal proceedings against justices of the Supreme Court or Administrative Supreme Court may only be initiated by the Parliamentary Ombudsmen or the Chancellor of Justice. Only these institutions are competent for prosecuting justices.

131. The Parliamentary Ombudsmen, on behalf of the *Riksdag*, and the Chancellor of Justice, on behalf of the Government, supervise courts and judges in order to ensure that they comply with laws and statutes and fulfil their obligations in all other respects.⁷⁹ The Chancellor of Justice also examines claims for damages directed at the State, for example damages due to violation of the right to justice within a reasonable time. Both institutions have the right to initiate disciplinary procedures against judges for

⁷⁷ See paragraph 61 above.

⁷⁸ See paragraph 101 above.

⁷⁹ See paragraph 23 above.

misdemeanours. They also may give non-binding recommendations and critical advisory comments, for example regarding the obligation to handle cases without undue delay. By contrast, they cannot review or modify the decisions of a court. The Ombudsmen and the Chancellor of Justice respond to complaints from the public, but can also initiate their own investigations.

Sanctions and measures

132. According to section 14 of the Public Employment Act, a disciplinary measure for misdemeanours/neglect of duty may be imposed upon a judge who intentionally or by carelessness neglects her/his duties in employment. If the neglect, having regard to all the circumstances, is minor, a sanction may not be issued. There are two types of disciplinary measures, namely a warning and deduction from wages. Several disciplinary measures may not be imposed simultaneously. Deduction from wages may be made, comprising at most thirty days and the daily deduction is at maximum 25 per cent of the wage.

133. As mentioned before, several criminal law provisions may be applied, in particular bribery and related offences under Chapter 10 of the Penal Code ("On embezzlement, breach of trust and bribery") as well as breach of professional confidentiality under Chapter 20, article 3 of the Penal Code. Judges do not enjoy immunity. Criminal allegations against judges are dealt with through the ordinary criminal justice system.⁸⁰

Statistical information

134. The GET was informed during the interviews that on average the National Disciplinary Offence Board has to decide three to five cases concerning judges or prosecutors per year. A typical case would involve a decision on a coercive measure which has been taken negligently without sufficient legal basis. These typically result in a warning being issued to the handling judge. In recent years, two judges have been dismissed, in one case for repeated breach of duty.

135. Furthermore, according to statistical information provided by the authorities, during the period 2008 – 2012 the Parliamentary Ombudsmen received annually on average 394 complaints concerning general courts (individual judges and the courts themselves), 27 of which (on average) led to criticism by the Ombudsmen following examination of the case. During the same period, the Chancellor of Justice examined on average 212 complaints concerning the courts per year, 3 of which (on average) led to criticism by the Chancellor. The authorities indicate that during the years in question, no case has given rise to suspicions regarding corruption or similar irregularities. Finally, the Chancellor of Justice adjudicated a number of claims for damages due to alleged errors or omissions on behalf of the courts. In 2012, damages were granted in 26 cases. A much higher number (235) was registered in 2010, reportedly due to lengthy proceedings.

136. In addition to examining complaints, the Ombudsmen and the Chancellor of Justice annually inspect a number of courts and other public authorities. These inspections may lead them to initiate their own investigation. During the period 1 July 2011 – 30 June 2012, the Ombudsmen inspected three District Courts and delivered nine decisions relating to the courts. In one of these decisions, the Ombudsmen found that a judge had unjustly rendered decisions on an unfounded basis and transferred the case to the National Disciplinary Offence Board, which decided on a disciplinary measure

⁸⁰ In the general court system, the Courts of Appeal function as courts of first instance in cases concerning liability or private claims based on criminal offences committed in the exercise of official authority by a judge of a lower court. The Supreme Court functions as court of first instance in such cases concerning a justice or a judge of a Court of Appeal. See Chapter 2, article 2, paragraph 1 and Chapter 3, article 3, paragraph 1 of the Code of Judicial Procedure.

(warning). In 2012 the Chancellor of Justice inspected one District Court and criticised it for long processing times in some court matters.

137. The authorities report that no statistics are available on the enforcement in practice of the rules on conflicts of interest and related issues regarding judges (such as rules on disqualification and incidental employment) in recent years. They state that, for example, if a judge does not fulfil her/his duty to notify the employer about incidental employment, s/he can be subject to disciplinary measures (warning or deduction from wages), but there have not been any such cases recently. Finally, the authorities indicate that there is no knowledge of recent criminal offences by judges which would fall under the above-mentioned criminal law provisions.

138. It is the GET's impression that judges have a high level of integrity, impartiality and independence and that there are hardly any cases of misconduct. The variety of control mechanisms, namely internal control by the courts, external control by the Parliamentary Ombudsmen and the Chancellor of Justice and enforcement of the rules by the National Disciplinary Offence Board and the criminal justice system, provide independent protection against misconduct of judges. It would appear that the sanctions available in case of breach by a judge of her/his official duties, i.e. warnings/deduction from wages and criminal sanctions, are dissuasive and effective. In particular, the GET acknowledges that the Parliamentary Ombudsmen and the Chancellor of Justice play an important and pro-active role in supervising the conduct of judges. Both institutions do not only react to citizens' complaints but also take their own initiatives, based e.g. on press reports and regular court inspections. Their activity is furthermore marked by high transparency standards, in that complaints made to them and decisions taken in response, as well as their annual activity reports are published on their websites.

139. At the same time, the GET wishes to draw the attention of the authorities to the following concerns, related to the status and resources of these institutions, which were expressed by some interlocutors interviewed on site. Firstly the Chancellor of Justice does not have at her/his disposal the financial and personnel resources necessary to exercise her/his wide variety of tasks. It was highlighted, for example, that due to the insufficient number of staff (30 at the time of the visit) the Chancellor could carry out only very few inspections (in 2012, four altogether and only one concerning a court). Secondly, the Parliamentary Ombudsmen is elected (by Parliament) for a term of only four years – contrary to the Chancellor of Justice, who is appointed (by the Government) for an indefinite period of time. During the visit, it was argued that an indefinite period of service of the Ombudsmen would be a further asset for fostering their independence. Finally, GRECO regrets that recommendations by the Ombudsmen and Chancellor of Justice are non-binding. Bearing in mind the key role entrusted to the Parliamentary Ombudsmen and the Chancellor of Justice when it comes to supervision of public officials in general and judges in particular, the authorities may wish to take into consideration the aforementioned suggestions aimed at further strengthening these two institutions.

Advice, training and awareness

140. The Courts of Sweden Judicial Training Academy, which is part of the National Courts Administration, is vested with responsibility for the training of judges. All judges, regardless of seniority, including technical judges – but not lay judges – are continuously offered the opportunity to take courses in different areas of law. Normally, newly appointed judges participate in the academy's courses for a longer period of time. The academy offers non-compulsory courses on, *inter alia*, the role of a judge and the functioning of the courts, which include sections on independence and impartiality, ethical rules for a judge and basic values. The academy is also responsible for the compulsory training of non-permanent judges, which also includes sections on the aforementioned issues.

141. The authorities indicate that judges can obtain guidance on ethical questions, including those relating to disqualification and incidental employment, from the above-mentioned documents on "Good judicial practice" and from legislative history, case law as well as the recommendations and critical advisory comments of the Parliamentary Ombudsmen and the Chancellor of Justice. When it comes to incidental employment, the judges can also contact the National Courts Administration and the Judges Proposals Board for information. Both institutions have also published a memo on incidental employment on their websites, which is based on the board's decisions on such employment.

142. The GET notes that optional training courses are provided to judges, some of which also cover ethical questions. However, it would appear that no training focuses more specifically on ethics and conduct, corruption prevention, conflicts of interest and related issues. While the GET acknowledges that according to the various interlocutors met on site, integrity levels of judges are high, it also notes that debates on ethical questions have in recent years gained in importance and need to be continued, bearing in mind the complexity of modern times. In the view of the GET, a dedicated training programme for all categories of judges needs to be developed, taking into account the recently adopted documents on "Good judicial conduct". Recommendations aimed at the provision of further guidance to professional and lay judges, including by way of dedicated training, have been made in paragraphs 98 and 114 above. Finally, the GET wishes to stress again that in Sweden, there is no special independent body serving to safeguard the independence and integrity of the judiciary (judicial council), which could also be entrusted with counselling services.⁸¹ The authorities may wish to explore possibilities of establishing such a special body or entrusting an appropriate body within the existing institutional framework with consultative functions in respect of judges who seek advice on questions of ethics and conduct.

⁸¹ Cf. [Opinion No. 10\(2007\) of the Consultative Council of European Judges \(CCJE\) to the attention of the Committee of Ministers of the Council of Europe on the Council for the Judiciary at the service of society.](#)

V. CORRUPTION PREVENTION IN RESPECT OF PROSECUTORS

Overview of the prosecution service

143. The prosecution service includes the Swedish Prosecution Authority and the Swedish Economic Crime Authority. These authorities are considered as independent prosecution authorities, under the Ministry of Justice, autonomous from the courts as well as the police and other law enforcement authorities. In accordance with Chapter 12, Section 2 of the Instrument of Government, no public authority, nor the Parliament, may determine how any administrative authority – including the authorities within the prosecution service – should decide in a particular case concerning the exercise of public authority in respect to a private subject, or the application of law. This means that neither the Government nor the responsible Minister is allowed to give directions to the prosecution service in a particular case.

144. All State authorities and therefore the prosecution service are answerable to the Government and have to act in accordance with the Government's ordinances, which lay down more or less detailed rules concerning the organisation and tasks of the authority. The Government also issues annual appropriation directives for each State authority and it can also issue more specific *ad-hoc* decisions to a State authority concerning its objectives and results. The role of the Ministry of Justice in relation to the prosecution service is therefore to give indications, *inter alia*, on the budget and to establish the priorities in the fight against crime.

145. The prosecution service is regulated by the provisions of Chapter 7 of the Code of Judicial Procedure ("Public prosecutors and police authorities"). As regards the status of prosecutors, the general provisions of the Public Employment Act apply.

146. There are 39 public prosecution offices within the Prosecution Authority of which 32 are Local Public Prosecution Offices, three are International Public Prosecution Offices, and four are National Public Prosecution Offices (of the latter, one deals with anti-corruption, one with suspected crime within the police, one with national security cases and one with environmental crime). The Economic Crime Authority investigates and prosecutes economic crimes such as tax fraud, book keeping offences, market abuse and fraud related to the financial interests of the EU. The authority is headed by a Director General. Up until July 2013, it held offices in Stockholm, Gothenburg and Malmö but now has nationwide competence in the field of combating economic crime. There are around 900 prosecutors within the Prosecution Authority and 90 prosecutors within the Economic Crime Authority.

147. The Prosecutor General is the head of the Prosecution Authority and supervises the work conducted within it. S/he is the most superior prosecutor within the prosecution service.⁸² In this capacity, s/he is also responsible for ensuring that the Prosecution Authority issues the instructions needed to guarantee that the application of law is exercised in a uniform way by prosecutors. These instructions (called "ÅFS") are binding on all prosecutors within the prosecution service and contain provisions ranging from the geographical location of the prosecution offices to instructions on the registration of cases.

Recruitment, career and conditions of service

148. The Prosecutor-General and the Deputy Prosecutor General are appointed by the Government for an indefinite period of time. The Prosecutor General and the Director of Human Resources have to pass a security clearance check before they are appointed. The majority of prosecutors within the Prosecution Authority start their career as trainee

⁸² Chapter 7, section 2 of the Code of Judicial Procedure.

prosecutors. After a probationary period of 9 to 12 months, depending on their performance, they can be employed as assistant public prosecutors for 24 months. Again depending on performance, they can then be employed as public prosecutors for an indefinite period of time. More senior lawyers can start their career within the prosecution service as temporary public prosecutors. After a probationary period of 6 to 12 months, it is decided whether they can be employed for an indefinite period of time.

149. The formal criteria for employment as a prosecutor are Swedish citizenship, a Master's degree in Law and two years of service as a court clerk. When deciding to employ, only objective circumstances such as merit and skills should be considered.⁸³ The procedure for recruiting trainee prosecutors includes work-psychology tests and in-depth interviews held at a Local Public Prosecution Office, furthermore standard background checks (in particular, the criminal records are checked) and a reference check (as a rule, references are requested from at least two former employers and the District Courts where the candidates worked as legal clerks are contacted). The decision on whether or not to employ a candidate as a trainee prosecutor is made by the Director of Human Resources and cannot be appealed.

150. The Economic Crime Authority as a highly specialised authority does not recruit trainee prosecutors. It mostly employs prosecutors with several years of work experience within the Prosecution Authority, following the procedure applicable to promotions.

151. Appointments to promoted positions are made by the Prosecutor General or, in the case of the Economic Crime Authority, by the Director General, upon advice by the Advisory Board for the Prosecution Service. The board is nominated by the Government and consists of ten members: six from the Prosecution Authority, one from the Police Authority, one from the courts and two staff representatives. The decision on appointment to a promoted position can be appealed before an independent authority (*Statens överklagandenämnd*).

152. The decision to transfer a prosecutor from one office to another is usually made by the Director of Human Resources. The authorities indicate that such decisions are in practice always based on a request by the prosecutor concerned.

153. Prosecutors can be employed up until the age of 67. They can be dismissed by the National Disciplinary Board in case of violations of the law which seriously tarnish the image of the prosecution service.

154. The gross annual salary within the prosecution service ranges from 360,000 SEK/approximately 41,900 EUR for a trainee prosecutor to 1,206,000 SEK/approximately 140,300 EUR for the Prosecutor General. The salary of a newly appointed public prosecutor is 468,000 SEK/approximately 54,400 EUR and increases after a few years of service. A senior public prosecutor receives 588,000 to 720,000 SEK/approximately 68,400 to 83,700 EUR and a chief public prosecutor 840,000 to 936,000 SEK/approximately 97,700 to 108,900 EUR. The salary varies according to the actual function and is linked to performance and skills. There are no additional benefits on top of salary.

Case management and procedure

155. The chief public prosecutor, i.e. the head of the office, distributes the criminal cases. The criteria for the distribution may be a special competence or specialisation, but the workload of each prosecutor is also taken into account.

⁸³ Section 4 of the Public Employment Act.

156. According to chapter 7, section 5 of the Code of Judicial Procedure, the Prosecutor General and the highest ranking prosecutors may take over tasks/cases that would otherwise be the responsibility of a subordinate prosecutor. This is the basis for the institute of review procedure – a well-established practice within the prosecution service, the details of which have developed over many years (see below) – and other forms of supervision of individual cases.

157. Within the Prosecution Authority, there are three Prosecution Development Centres⁸⁴ headed by Directors of Public Prosecution who have the authority to revise decisions made by subordinate prosecutors at the 39 public prosecution offices. Similarly, the Directors of Public Prosecution within the Economic Crime Authority have the authority to revise decisions made by the prosecutors at the public prosecution offices within that authority. The decisions made by the Directors of Public Prosecution can be revised by the Prosecutor General, including upon request by a prosecutor whose decision has been revised, but the Prosecutor General very seldom does so in practice. When a Director of Public Prosecution revises the decision made by a subordinate prosecutor, s/he assumes responsibility for the case but, in practice, the case is most often returned to the Chief Public Prosecutor of the relevant public prosecution office for further handling by another prosecutor.

158. Basically all decisions made by prosecutors in criminal cases may be subject to revision, either after a complaint or *ex officio*. The authorities indicate that the decisions which are most commonly revised are refusals to initiate an investigation and decisions to close an investigation. Other examples include decisions not to prosecute and decisions concerning coercive measures. During the interviews, the GET was informed that annually about 2,500 cases are handled by the Prosecution Development Centres, and that in approximately 10 per cent of the cases decisions by prosecutors are revised.

159. According to instructions issued by the Prosecutor General (ÅFS 2007:5), each prosecutor has the responsibility to monitor her/his cases and to make sure that the cases are handled without undue delay by the police. In case of delay, the prosecutor must inform the chief public prosecutor, who must ask the chief of police to solve the problem, sometimes implying that the police officer managing the investigation is replaced. The chief public prosecutor also monitors the handling time in criminal cases (via IT-systems and/or manual reports from the prosecutors).

Ethical principles, rules of conduct and conflicts of interest

160. There is currently no code of conduct or ethics for prosecutors. The authorities report that in 2000, the Deputy Prosecutor General presented a Report on Ethical Matters, which provided a basis for extensive discussions among the prosecutors but did not result in any formal ethical principles or rules of conduct. In October 2012, the Prosecutor General appointed a working group tasked with elaborating a proposal on ethical guidelines and rules of conduct. Half of the 15 members of the working group were prosecutors from different levels, further members included representatives from human resources, the economic crime department, public relations department and two main unions. The working group took into account international and domestic standards, the experience of other Swedish authorities and opinions gathered from among the public prosecutors. On 28 March 2013, the working group presented a report to the Prosecutor General, which proposes eight ethical principles (rule of law, independence of prosecutors, professionalism required in contact with third parties, openness and insight, necessity to preserve the public resources, respect of the public trust when considering the acceptance of gifts, equal treatment within the prosecution office and conduct outside

⁸⁴ The tasks and competences of the Prosecution Development Centres are to promote methodological and legal development (e.g. issuing manuals for prosecutors) in various areas of criminal law and also to handle requests for revision of decisions made by the prosecutors working at the public prosecution offices.

the service) with an accompanying commentary. The report also discusses whether a code of conduct is necessary and concludes that the need for guidelines among prosecutors is strongest with regard to their free time and service abroad. The document is now the subject of internal consultations within the prosecution service and of discussions on further developing the draft ethical guidelines. The objective is that the overall examination of the ethical framework will be finalised in the first half of 2014.

161. The Code of Judicial Procedure includes rules on conflicts of interest in the provisions on disqualification from isolated cases (set out below), but the concept of "conflict of interest" is not otherwise described by law.

162. The GET welcomes the recent initiative to elaborate a set of ethical principles for prosecutors, taking into account international standards. In the GET's view, the adoption of such a reference document for the profession would undoubtedly convey a positive message to the public that high standards of ethics and conduct are upheld in and by the prosecution service. Even if the absence of such a document has apparently not created major concrete difficulties for prosecutors in the execution of their duties, it seems clear that it could provide a very useful tool for creating greater awareness among prosecutors of ethical questions and rules on conduct, while informing the general public of expected standards.⁸⁵ It would also be important to couple the development of the ethical principles with more detailed guidance on the concept of conflicts of interest – including practical examples and adequate solutions for resolving them – and on related issues (e.g. on disqualification, accessory activities, gifts, third party contacts/confidentiality). Such guidance could for example be provided by way of a complementary document, by confidential counselling within the prosecution service, and in any case, specific – preferably regular – training activities of a practice-oriented nature (including practical examples). Consequently, **GRECO recommends (i) that a set of clear ethical standards be made applicable to all prosecutors and easily accessible to the public; and (ii) that complementary measures, including dedicated training – aimed at offering proper guidance on ethics, expected conduct, corruption prevention and conflicts of interest and related matters – be made available to all prosecutors.**

Prohibition or restriction of certain activities

Incompatibilities and accessory activities, post-employment restrictions

163. Prosecutors may not appear as attorneys or public defence counsels, unless the Government (or the authority it designates) grants permission.⁸⁶

164. The provisions of the Public Employment Act concerning "incidental employment" – which is prohibited if it might affect confidence in the impartiality of the employee concerned or of any other employee or if it might harm the reputation of the authority – as detailed under "Corruption prevention in respect of judges" also apply to prosecutors.⁸⁷ In particular, the employer is under a duty to inform its employees of what constitutes prohibited incidental employment. In response to a request by the employer, the employee has to provide the information needed by the employer to assess the employee's accessory activities. However, there is no legal obligation on prosecutors to, on their own initiative, ask for permission or to report on incidental employment.

⁸⁵ See also principle 35 of Recommendation Rec(2000)19 of the Committee of Ministers of the Council of Europe to member States on the role of public prosecution in the criminal justice system, which requires States to ensure that "in carrying out their duties, public prosecutors are bound by "codes of conduct". The explanatory memorandum to the Recommendation further explains that such codes should not be a formal, static document, but rather a "reasonably flexible set of prescriptions concerning the approach to be adopted by public prosecutors, clearly aimed at delimiting what is and is not acceptable in their professional conduct".

⁸⁶ Chapter 12, article 3 and Chapter 21, article 3 of the Code of Judicial Procedure.

⁸⁷ See sections 7 to 7c of the Public Employment Act.

165. According to the Internal Rules for the Prosecution Authority, the following procedure applies when a prosecutor requests permission to engage in an activity outside her/his profession. The Chief Public Prosecutor of the relevant public prosecution office presents the request and her/his opinion on the matter to the Office of the Prosecutor General. The head of the Human Resources Department decides whether the activity should be allowed or not. A decision denying a prosecutor the right to take up incidental employment can be reviewed by a court under the legislation on employment and labour disputes.

166. The GET was told that few prosecutors are engaged in such employment and there are no problems in practice. It was indicated that prosecutors have, for example, been granted permission to act as trainers or lecturers but, for example, permission to act as a member of a company's board or to take up other employment that could create future conflicts of interest would not be granted. The authorities indicate that during the past three years, a prosecutor's engagement in incidental employment has been questioned in 12 reports cases. In eight of those cases, the prosecutors were allowed to continue their activities. In four cases, the prosecutors were asked to end the employment or activity.

167. No regulations prohibit prosecutors from taking up employment in specific posts/functions, or engaging in other remunerated or unpaid activities when they leave the prosecution service. The GET did not find this to be a source of particular concern in Sweden. That said, this is a challenging area where conflicts of interest may well emerge, and which deserves to be kept under review by the authorities. While it is clear that former prosecutors must be given the possibility to continue legal practice after leaving office, adequate rules/guidelines for situations where prosecutors move to the private sector might be a useful tool for preventing conflicts of interest.

Recusal and routine withdrawal

168. Pursuant to Chapter 7, article 6 of the Code of Judicial Procedure, similar circumstances to those that would disqualify a judge⁸⁸ (with respect to a particular offence) would also disqualify a public prosecutor from participating in the preliminary investigation or prosecution of an offence. The authorities add that the detailed content of the rules on disqualification has been developed through case law and interpretation through legal doctrine. Although disqualified, in exceptional circumstances a prosecutor is entitled to take measures that cannot be postponed. For example, a prosecutor on duty late at night can take the decisions needed, even when disqualified.

169. The authorities state that a prosecutor is under an obligation to notify the court or the accused/defence counsel of circumstances that might give reason for disqualification. The prosecutor can also withdraw voluntarily from the case if s/he is disqualified. The provisions of the Code of Judicial Procedure are supplemented by instructions by the Prosecutor General (ÅFS 2012:2) which stipulate that a request for disqualification of a prosecutor must be handled by a director of public prosecution at one of the Prosecution Development Centres (or at the Economic Crime Authority, as the case may be). Disqualification can be re-examined by the Prosecutor General. The Prosecutor General her/himself determines her/his own disqualification. Finally, it is to be noted that after a judgment in a criminal case has entered into final force, relief for a substantive defect may be granted for the benefit of the defendant if the prosecutor has been disqualified and it is not clear that the disqualification was without importance to the outcome of the case.⁸⁹

⁸⁸ Cf. Chapter 4, article 13 of the Code of Judicial Procedure. See paragraph 122 above.

⁸⁹ Chapter 58, article 3 of the Code of Judicial Procedure.

170. The GET was informed during the interviews that in practice, cases of disqualification do not occur often, there are approximately 10 cases per year.

Gifts

171. The authorities refer in this respect to the bribery offences under Chapter 10 of the Penal Code ("On embezzlement, breach of trust and bribery").⁹⁰ They furthermore indicate that the Prosecutor General has issued guidelines (ÅMR 2007:2) concerning representation and benefits, which impose strict prudence on prosecutors when offered any type of benefit, even outside the prosecutor's official discharge of duties. This document underlines the very limited extent to which prosecutors can receive gifts as well as the principal rule that a prosecutor must not receive any kind of benefit, regardless of value, if it can be related to case management. If offered a benefit, the prosecutor has to report the offer to her/his supervisor. The supervisor must report all inappropriate offers to the Prosecutor General's Office, who will then decide whether the issue should be transmitted to the National Anti-Corruption Unit. During the interviews, the GET was told that there is zero-tolerance of gift-giving to prosecutors which is not an acceptable or common practice in Sweden.

Third party contacts, confidential information

172. If a third party wants to provide information about a case, the prosecutor must ensure that the information also reaches the suspect and her/his defence counsel.⁹¹ The authorities add that the prosecutor should not have contacts with third parties other than those that are motivated by the investigation. If a third party wants to bring information to the investigation, the prosecutor must ensure that it is done in an orderly manner, which often requires the involvement of the police in order to make the arrangements as transparent as possible to the suspect and the defence counsel.

173. Regarding rules on misuse of confidential information, the authorities refer – as they do in respect to judges – to the provisions on secrecy of the Public Access to Information and Secrecy Act and to the criminal offence of breach of professional confidentiality which is punishable under Chapter 20, article 3 of the Penal Code.⁹²

Declaration of assets, income, liabilities and interests

174. As is the case for judges, there are no specific requirements, duties or regulations in place for prosecutors and their relatives to submit asset declarations. However, prosecutors are obliged to disclose any circumstance that can be considered to warrant disqualification in a particular case, to notify their employer about incidental employment and offers of gifts (see above).

175. The authorities add that according to a decision by the Government of 25 March 2010, there is an obligation on certain high-ranking prosecutors and other employees of the Economic Crime Authority to declare their financial holdings, due to their access to market information.

176. Given that no concerns have come to light about corrupt behaviour by prosecutors, and that the prosecution service is generally perceived to be a much trusted institution, the GET does not consider it necessary to formally recommend the introduction of mandatory asset declarations for prosecutors. That said, the GET notes that some interlocutors supported extending the current disclosure regime applicable to prosecutors and other employees of the Economic Crime Authority to include certain

⁹⁰ See paragraph 53 above.

⁹¹ Cf. chapter 23, section 18 of the Code of Judicial Procedure.

⁹² See paragraphs 61 and 127 above.

prosecutors of the Prosecution Authority, e.g. those working in the National anti-corruption unit. The authorities may wish to consider such a reform which would be in line with the general transparency policy, for example in respect of significant interests held by certain high-ranking prosecutors (e.g. holding of posts and functions or engagement in accessory activities, especially if remunerated, or ownership in public or private companies).

Supervision and enforcement

177. Prosecutors are supervised in order to ensure that they act in accordance with the legislative framework. The supervision is conducted by the Supervision Department at the Office of the Prosecutor General, by the Directors of Public Prosecution and by external supervisory bodies, i.e. the Parliamentary Ombudsmen and the Chancellor of Justice. A prosecutor's case management, may be overseen by the Supervision Department at the Office of the Prosecutor General if it is necessary to ensure public confidence in the prosecution service and to facilitate an eventual submission to the National Disciplinary Board. Also supervision regarding an individual case may be conducted, if there seems to be grounds for criticism from the Prosecutor General, although the grounds would not qualify for constituting a disciplinary matter before the board. The prosecution service has the right and also the duty to report a matter that could lead to disciplinary sanctions to the board. Also the Parliamentary Ombudsmen and the Chancellor of Justice have the right to report a matter.⁹³

178. As is the case for judges,⁹⁴ the National Disciplinary Board is competent to impose disciplinary measures, namely warnings and deduction from wages, upon a prosecutor who intentionally or by carelessness neglects her/his duties, and to dismiss a prosecutor. Criminal allegations against prosecutors – e.g. regarding bribery or a related offence under Chapter 10 of the Penal Code or breach of professional confidentiality under Chapter 20, article 3 of the Penal Code – are dealt with through the ordinary criminal justice system.⁹⁵ Prosecutors do not enjoy immunity.

179. As indicated above,⁹⁶ according to statistical information provided by the authorities, on average the National Disciplinary Offence Board will decide on three to five cases concerning judges or prosecutors per year. Moreover, during the period 2008 – 2012, the Parliamentary Ombudsmen received on average 258 complaints concerning individual prosecutors or the prosecution offices annually, 29 of which (on average) led to criticism by the Ombudsmen following examination of the case. During the same period, the Chancellor of Justice examined on average 78 complaints concerning prosecutors annually, 1 of which (on average) led to criticism by the Chancellor. The Chancellor of Justice also adjudicated a number of claims for damages due to alleged errors or omissions on behalf of the prosecution service. In 2012, damages were granted in 8 cases.

180. No violations by prosecutors of the rules described in the previous sections – on incidental employment, disqualification, gifts, misuse of confidential information – which would have led to criminal or disciplinary liability have been detected recently. There are no recent cases of dismissal of prosecutors or of recent criminal offences by prosecutors which would fall under the above-mentioned criminal law provisions.

⁹³ Cf. paragraph 129 above.

⁹⁴ For more details, see sections 14 to 19 and 34 of the Public Employment Act. See also paragraphs 129 and 132 above.

⁹⁵ According to instructions issued by the Prosecutor General (ÅFS 2006:12), criminal investigations concerning prosecutors and other employees of the prosecution service are handled by the National Police-related Crimes Unit, which is a part of the Prosecution Authority where only high ranking prosecutors serve, with support from specialised police officers at the Department of Internal Investigations at the National Police.

⁹⁶ See paragraph 135 above.

181. It is the GET's impression that prosecutors have a high level of integrity and are aware of their role and duties as representatives of the State. It would appear that the sanctions available in case of misconduct by prosecutors are dissuasive and effective as they are in the case of judges.

Advice, training and awareness

182. During the mandatory basic training for prosecutors (15 weeks during the first two years as assistant prosecutors) several classes on the role of the prosecutor and ethics are held. The Parliamentary Ombudsmen also make presentations regarding their supervisory role. During the entire training period, ethics are discussed alongside the specific topics. Ethical questions are also dealt with in non-mandatory continued training for prosecutors in specific areas, e.g. on economic crime or child abuse.

183. Prosecutors can obtain advice on conflicts of interest and related issues from the different departments within the Office of the Prosecutor General, mainly the Human Resources Department, the Legal Department and the Economic Department. In addition, prosecutors can consult written documents issued by the Prosecutor General and his/her Office, in particular the guidelines (ÅMR 2007:2) on representation and benefits, a more detailed manual on the same topic and the guidelines (ÅMR 2011:4) on the remuneration of prosecutors participating as speakers in external training assignments and the circumstances under which such activities are allowed. The above-mentioned documents are easily accessible to all prosecutors on the intranet.

184. The GET notes that there is currently neither a dedicated training programme focussing specifically on conflicts of interest and broader ethical issues, nor specialised and dedicated counselling on ethical questions and conflicts of interest within the prosecution service. While the GET acknowledges that the views expressed on site point to high integrity levels among prosecutors, it also notes – as it did with regard to judges and officials of Swedish authorities in general – that awareness of and debates on ethics and conflicts of interest have in recent years gained in importance and need to be continued. In the view of the GET, more specific training and dedicated counselling within the prosecution service would be beneficial to the prevention of conflicts of interest and corruption. A recommendation aimed at such practical measures has been made in paragraph 162 above.

VI. RECOMMENDATIONS AND FOLLOW-UP

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

Regarding members of parliament

- i. (i) that a code of conduct for members of parliament be adopted and made easily accessible to the public; and (ii) that it be complemented by practical measures for its implementation, such as dedicated training and counselling (paragraph 46);**
- ii. (i) that written (public) clarification of the meaning of the disqualification rules of the *Riksdag* Act and guidance on the interpretation of those rules be provided to members of parliament; and (ii) that a requirement of *ad hoc* disclosure be introduced when, in the course of parliamentary proceedings, a conflict between the private interests of individual members of parliament may emerge in relation to the matter under consideration (paragraph 52);**
- iii. that rules on gifts and other advantages – including advantages in kind – be developed for members of parliament and made easily accessible to the public; they should, in particular, determine what kinds of gifts and other advantages may be acceptable and define what conduct is expected of members of parliament who are given or offered such advantages (paragraph 55);**
- iv. that the existing regime of asset declarations be further developed, in particular (i) by including quantitative data of the financial and economic involvements of members of parliament as well as data on significant liabilities; and (ii) by considering widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public) (paragraph 65);**
- v. that appropriate measures be taken to ensure supervision and enforcement of the existing and yet-to-be established rules on conflicts of interest, gifts and asset declarations by members of parliament (paragraph 72);**

Regarding judges

- vi. that appropriate measures be taken with a view to ensuring the independence, impartiality and integrity of lay judges, *inter alia*, by introducing specific background checks in the recruitment process and organising mandatory initial and follow-up training, including on questions of ethics, expected conduct, corruption prevention and conflicts of interest and related matters (paragraph 98);**
- vii. that the recent documents on “Good judicial practice” be complemented by further measures, including dedicated training for all categories of judges, aimed at offering proper guidance on ethics, expected conduct, corruption prevention and conflicts of interest and related matters (paragraph 114);**

Regarding prosecutors

- viii. **(i) that a set of clear ethical standards be made applicable to all prosecutors and easily accessible to the public; and (ii) that complementary measures, including dedicated training – aimed at offering proper guidance on ethics, expected conduct, corruption prevention and conflicts of interest and related matters – be made available to all prosecutors** (paragraph 162).

186. 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 April 2015. These measures will be assessed by GRECO through its specific compliance procedure.

187. GRECO invites the authorities of Sweden to authorise, at its earliest convenience, the publication of this report, to translate the report into its national language and to make the translation publicly available.

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.
