



SWEDEN

Does the country or institution have their own list of designated, banned, or proscribed groups?	No.
What type of system does the country or institution use?	Sweden does not have its own system of designation.
What is the definition of “terrorism” the country or institution employs?	<p>There is no definition of the term ‘terrorism’ in Sweden’s criminal law. However, act 2003:148 regulates what constitutes “terrorist crimes.”⁹⁴ The conditions for criminal liability for terrorist crimes are set out in sections 2 and 3. Section 3 outlines the specific acts that can constitute terrorist offences (inc. murder, aggravated assault etc.).</p> <p>A terrorist crime is defined as an “act [as defined in sec. 3] that can seriously harm a state or an intergovernmental organization and the intention of the act is to (either or at least one of):</p> <ul style="list-style-type: none"> • instil serious fear in a population or a population group, • unduly force public bodies or an intergovernmental organization to take or to refrain from taking action, or • seriously destabilize or destroy basic political, constitutional, economic or social structures of a State or of an intergovernmental organization” - Section 2
How does the designation process relate to the relevant authority’s definition of terrorism?	As Sweden does not have its own designation process, there is no relationship to a standard definition of terrorism.
Does the country follow UN or EU (if relevant) designation lists and sanctions?	Yes, both the EU and UN lists are used.
Does designation have an effect on the online realm? Is content created by terrorist groups illegal?	No. Content may be illegal under generally applicable rules, but there is no specific ban on content created by terrorist groups.

⁹⁴ [Lag \(2003:148\) om straff för terroristbrott](#), Sveriges Riksdag, 2003.





<p>Is online content that incites acts of terrorism illegal?</p>	<p>Yes.</p> <p>The act on Criminal Responsibility for Public Provocation, Recruitment and Training concerning Terrorist Offences and other Particularly Serious Crime (2010:299) contains several offences that may be relevant, in particular public provocation.⁹⁵ This offence consists of urging or otherwise trying to induce others, in a communication to the public, to commit a terrorist offence and may be committed online. The same applies to the offences of recruitment and providing terrorism training.</p> <p>This law also criminalises sharing material online with the explicit purpose of providing education for others that could help to commit terrorist crimes (i.e., just sharing such material recklessly is not criminalised).¹ The decisive factor for criminal liability is what the sharer knows about the recipient's criminal purposes, not the sharer's own intentions.</p> <p>It is conceivable that criminal liability may be incurred by sharing online material capable of inciting a terrorist crime according to the law 2003:148 on punishment of terrorist crimes. Instigating a terrorism offence and conspiracy to commit a terrorist offence could also be committed online.</p>
<p>Is online content that supports designated terrorist groups illegal?</p>	<p>No, only if content falls within scope of general provisions such as those mentioned above. Note that public provocation to conspire with a terrorist organisation is criminalised. There is no specific offence of collaboration with designated terrorist groups; for the purpose of this offence a terrorist organisation is defined by reference to the crimes its members commit (e.g., terrorist offences).</p>
<p>Is there a sufficient balance between far-right and violent Islamist groups and individuals?</p>	<p>No, Sweden adheres to the EU and UN designation lists which have not designated any far-right groups.</p>
<p>Are there human rights-compliant mechanisms in place for delisting a group?</p>	<p>As Sweden does not have its own designation process, there are no delisting processes.</p>
<p>What are the weaknesses in the designation process?</p>	<ul style="list-style-type: none"> ● Sweden does not have its own list for proscription, designation, or banning. ● Sweden relies on EU/UN lists so does not have its own formal designation process in place resulting in a lack of autonomy in this area. These lists are the object of familiar criticisms, including a lack of transparency in their inclusion policies and a bias towards designation of Islamist violent extremist groups over far-right violent extremist groups. ● While there are some references to the online sphere in national terrorism legislation, such as the criminalisation of sharing material online with the explicit purpose of instructing others to commit terrorism, this law is applied on a case-by-case basis and provides a high threshold. ● Hence, there is a disconnect between designated terrorist organisations (EU/ UN lists) and the legality of their official content online, which leaves tech companies to adjudicate on what is considered terrorist content.

⁹⁵ [Lag \(2010:299\) om straff för offentlig uppmaning, rekrytering och utbildning avseende terroristbrott och annan särskilt allvarlig brottslighet](#), Sveriges Riksdag, 2010.





<p>What do we recommend?</p>	<ul style="list-style-type: none"> • We propose developing an explicit definition of online terrorist content as part of online regulation legislation, which considers the source of the content to ensure official content from designated terrorist groups can be included. This would tie designation to online regulation and thus provide tech companies with clear legal and factual basis for the removal of terrorist content. • Alongside online regulation, the establishment of a regulatory body should be considered to provide more clarity for tech companies on the practical steps tech companies can take to identify and remove illegal terrorist content. The regulator would also have punitive measures available to enforce compliance. • In addition to online regulation and a regulator, we propose considering an independent ‘classification office’ where material from designated groups and content falling under the definition of terrorist content can be considered and classified. Based on the definition of online terrorist content, counterterrorism experts alongside civil society representatives would adjudicate on the legality of specific pieces of content. This would provide additional clarity for tech companies. • Depending on EU/UN progress in this area, we advise developing a national designation process in addition to EU/UN lists to consider entities that threaten national security, with particular reference to far-right violent extremist groups. • We recommend including civil society representatives, counter-terrorism specialists, and human rights lawyers to consult on designating or delisting an entity as well as implementing regular review mechanisms. • We recommend that Sweden consider designating far-right groups or lone actors who have committed an attack by means of online regulation so that manifestos and other associated material become illegal, rather than require tech companies to adjudicate content by reference to vague definitions of terrorism. • We advise keeping records so that the designation of a group, actor, or content happens transparently and making such records available for judicial oversight.
<p>Further information and comments</p>	<p>The use of certain symbols may be punishable as agitation against a population group, when the act threatens or expresses contempt for a population group by allusion to e.g., ethnic origin, religious belief or sexual orientation.⁹⁶ Case law includes convictions relating e.g., to the Swastika. This offence applies to a statement or other communication that is disseminated (i.e., transmitted to more than a few persons) “outside the completely private sphere.” Oral and written verbal messages are covered, as are images and symbols. The offence may be committed online.</p>

⁹⁶ [Prop. 2001/02:59](#), Sveriges Riksdag, 2001.

