

# country report

**‘THE POWER OF WORDS:  
FUTURE CHALLENGES FOR  
FREEDOM OF EXPRESSION’**



**The Power of Words – Future Challenges for Freedom of Expression** is the theme for PEN international's 88th congress, taking place in Uppsala 27 September – 1 October 2022. This report is published in conjunction with the congress.

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# FREEDOM OF EXPRESSION CANNOT BE TAKEN FOR GRANTED

*By Jesper Bengtsson, Chairman of Swedish PEN*

On 12 August 2022, an entire world held its breath as author Salman Rushdie fell victim to a ruthless attack. He was just about to begin his speech at an event dedicated to the plight of writers living under threat that addressed their need for sanctuary and protection – something Rushdie has personal experience with.

The attack came as no surprise. Salman Rushdie's life has been under threat for over 30 years, ever since Ayatollah Khomeini issued a fatwa against him in 1989. Many assumed, with good reason, that the threat was no longer imminent. Rushdie himself had said (publically) on several occasions that the threat was greater during the 1990s; now he was trying to live his life as normally as possible.

And that was when the attack came.

Salman Rushdie survived, although the extent of his injuries is not clear as these words are written.

This reveals the important and unsettling nature of the threats to freedom of expression: the person who is subjected to a threat is forced into a state of perpetual vigilance and never allowed to relax. It is there, ever present, and must always be taken extremely seriously.

In this report, the authors conclude that there is a solid foundation for freedom of expression in Sweden. We have one of most liberal constitutional protections for freedom of expression in the world, a free and independent press, a high literacy rate, one of the highest internet usage rates per capita, and there is a deep popular awareness concerning the importance of freedom of expression.

Yet threats against writers and journalists continue to increase. More and more people who write are subjected to online attacks and hatred, which all too often turn into direct threats. This is especially true for women and people with immigrant backgrounds, but also for those who write about topics that stir up strong emotions and engage in the increasingly polarised political debate. One telling example is that journalists reporting on climate change have noticed a growing number of threats in recent years.

The texts in this report highlight several other areas where there is similar cause for concern.

These include, among others, the growing digital challenges; new technologies are making it easier for authorities and private companies to monitor citizens. Through our computers and phones, we are constantly leaving digital traces online, which can be monitored, collected and

used commercially or for political surveillance. Such surveillance has been made more accessible, on the pretext that it is a necessary component in the policing of terrorism and organised crime, and the current political debate includes several proposals designed to further facilitate it.

This challenge is also linked to security policy, where there is an ongoing debate concerning increased usage of digital surveillance on Swedish soil conducted by foreign powers through state-owned companies that have been awarded contracts in the Swedish market.

These challenges also relate to the increasing global influence of China. In recent years, the Chinese Embassy in Stockholm has frequently tried to influence Swedish media in their publishing decisions. The Swedish citizen Gui Minhai – whose case Elisabeth Löfgren writes about in her text that also deals with Dawit Isaak's imprisonment in Eritrea – is still imprisoned in China, and any attempt to draw attention to his case has been met with propaganda and even threats by the Chinese Embassy.

An additional issue is the threat posed by fake news, disinformation and influence campaigns. Here the threat is twofold. It creates a conversational climate in which more and more people question science and empirical facts, favouring rumours and conjecture instead. In this climate, one can easily make the argument that there are no truths, that everything is open to debate and relativism. This, in turn, leads to a questioning of whether it is possible to practice impartial journalism at all, and feeds the suspicion that in fact everyone acting in the public sphere has an underlying political agenda. Much of the critique towards public broadcasting that Jesper Strömbäck writes about in his chapter is fundamentally related to this new political climate.

But the rise of fake news and influence campaigns also creates a backlash, which can be just as dangerous for freedom of expression. The demand for the state or private companies to control the flow of information and filter out opinions and information has increased, as Nils Funcke writes about in his article, where he uses the example of the Russian propaganda channel RT. In general, the war in Ukraine illustrates the difficult balancing act between security requirements and freedom of expression.

All in all, this report shows that we are at a crossroads. Sweden still has a strong and deeply entrenched commitment to preserving freedom of expression. In all the relevant indices, we rank among the best in the world; but something is simmering beneath the surface. And things are developing rapidly. Organisations like PEN are more important today than ever before. We must keep the conversation about free speech alive. Otherwise, the initiative will undoubtedly fall into the hands of the forces that want to restrict freedom of expression.

# 1

# THE RIGHT TO BLASPHEMY – PART OF FREEDOM OF EXPRESSION

*By Ulrika Knutson*

**O**n Sunday, October 3, 2021, a car crashed at high speed on the E4 highway near the town of Markaryd. Three men were killed. One of them was Lars Vilks, Sweden’s most famous artist, whose renown extended far beyond the country’s borders due to one single work, “Prophet Muhammad as a Roundabout Dog”.<sup>1</sup> The other two were police officers, responsible for the artist’s safety. For twelve years, Lars Vilks, living under constant death threats, had received round-the-clock bodyguard protection; he could not take a single step without being watched over by the state. However, on this Sunday in October, the police failed in their task, and instead, Lars Vilks died a violent death – while under the protection of the Swedish state. This was a national tragedy; many would even call it a trauma.

Lars Vilks was 75 years old when he died. As a conceptual artist, he achieved a greater impact than he could have ever dreamt of. People who had never cared about the art scene were familiar with Lars Vilks’ most important works and were happy to have an opinion. He had received popular acclaim in some circles – and was detested in others. Fame, however, came at a high price: he lived a conditional, circumscribed life. No longer welcome at art events; his lectures were cancelled, for both security reasons and for fear of guilt by association. He and his fiancée couldn’t even go out to look at the night sky without a bodyguard.

Even after his death, he continues to compel everyone to reflect on the aims, meaning and limits of free speech. His seemingly inconspicuous drawing of the Prophet Muhammad became the starting point for an intense debate on blasphemy, democracy and free speech, a debate that is still ongoing.

In the past year, this debate has been reignited following the burning of the Quran, performed by far-right Danish-Swedish politician Rasmus Paludan, that occurred in several places in

Sweden. The Quran burnings led to serious riots in several cities during Easter 2022. There are points of convergence between the impact of Lars Vilks’s work and Rasmus Paludan’s views, but the differences are still significant. The politician Paludan has made no secret of the fact that he is a racist, and is promoting an ethnically homogeneous Sweden. The artist Lars Vilks’ intention with his work “Muhammad as a Roundabout Dog” did not in itself have any racist overtones. To understand the nuances of the Swedish debate, it is first necessary to take a closer look at Lars Vilks’ view of art.

As early as 1980, he had started to work on his first significant work: “Nimis” on the peninsula Kullaberg in southern Sweden. It is a tower made of scrap wood and driftwood, illegally erected in a nature conservation area, in defiance of the municipal authorities, the county administrative board and the local landowners. The authorities ordered Lars Vilks to demolish the work, which he refused to do. “Nimis” eventually grew to be 100 metres long and in places 25 metres high. The construction soon became a tourist attraction, which, despite its rugged location and lack of any kind of safety features, is visited by 10,000 tourists a year, to the chagrin of the authorities.

The actual sculpture was, in any case, a rather small part of the “process art” which made up the entirety of the “Nimis” piece. The bureaucratic and judicial processes would eventually be comprised of many shelves of documents. It was all part of the artwork: scrap wood, nails, binders and despairing officials. The artwork would eventually live up to its name: Nimis is Latin and means “too much”.

In 2007, Lars Vilks made his most famous work, the drawing “Prophet Muhammad as a Roundabout Dog”. He originally made it for an art exhibition for a local community centre at a homestead in Värmland, in order to show that art did not enjoy unrestricted freedom. Even the art world had its taboos,

<sup>1</sup> A form of Swedish street art consisting of home-made dog sculptures placed on traffic roundabouts.



its limits. At first, nothing happened, but when the newspaper *Nerikes Allehanda* published Vilks' drawing that same year, militant Islamists in Örebro were galvanised in their reaction following the aftermath of the Danish "caricature feud" at the newspaper *Jyllands-Posten* in 2005. Both the editor-in-chief of *Nerikes Allehanda* and Lars Vilks were subjected to death threats.

The Danish cartoons led to a major political crisis, with riots against Danish embassies in the Muslim world and boycotts of Danish products. In Sweden, the Vilks affair was handled in a completely different way, by the then Moderate Prime Minister Fredrik Reinfeldt. The difference was striking, according to reporter Niklas Orrenius, who described this in his book about Lars Vilks, *Skotten i Köpenhamn. Ett reportage om Lars Vilks, extremism och yttrandefrihetens gränser* [The Copenhagen Shootings. A Reportage on Lars Vilks, Extremism and the Limits on Freedom of Expression] (2016):

– Reinfeldt never compromised on the issue of Vilks' artistic freedom but stressed that it was up to politicians to deal with the effects of Vilks' freedom of expression. The prime minister met with Swedish imams and diplomats from Muslim countries, outlining the implications of Swedish laws. He pointed out that in Sweden, Christians, Muslims and atheists co-existed side by side.

After the publication of his drawing, Lars Vilks' life became complicated. His lectures were disrupted by threats and protests from angry Islamists; in 2010, for example, a lecture at Uppsala University had to be cancelled. His home in Skåne was set on fire, and two men were charged and convicted. As of 2010, he was living with round-the-clock personal security.

The debate on the Roundabout Dog became heated at times. I myself was ambivalent about it. While I found it to be an interesting project, I was provoked by how the artwork could be used to promote xenophobia and contempt for Muslims. In a column, I wrote that it was necessary to assert two positions at the same time – to never interfere with Lars Vilks' freedom of

expression on the one hand, but also to maintain the right to criticise the content of the work on the other. The artist himself welcomed all comments! After all, all opinions on the Roundabout Dog were part of the artwork, Vilks argued, just like the processes surrounding the sculpture "Nimis".

Lars Vilks was consistent and refused to satisfy neither his critics nor his supporters. When reporters asked if he was racist, he refused to answer. When Vilks travelled to the US and took part in far-right demonstrations against Islam – for the sake of the artwork – even his most ardent fans were nonplussed.

But Lars Vilks did not want to be pitied. And he didn't mind being called a coward, a useful idiot or a racist. Here's what he says in Lars Orrenius' book:

– It's interesting to be on the receiving end. To create suspicion. It's part of the artist's right to investigate things. The uncertainty surrounding him made his art projects better. But there were limits. When "the Roundabout Dog" started claiming lives, it was, in Lars Vilks' own words, "not so fun anymore".

When a terrorist accidentally blew himself up on Drottninggatan in Stockholm in 2010 – after issuing threats specifically aimed at Vilks – the artist wrote on his blog that "the Roundabout Dog had" now claimed its first victim. But after the 2015 Copenhagen terror attack, in which Vilks was the target but the killer killed two other people, he stopped talking about death in connection with "the Roundabout Dog" altogether.

The Copenhagen shootings came just a month after the attack on the French satirical magazine *Charlie Hebdo*. As in Paris, the killer in Copenhagen targeted first a satirist, then individual Jewish citizens. By that time, Lars Vilks' contacts with the art world were frostier than ever. Individual artists and journalists passionately defended Lars Vilks – as did many xenophobic groups, albeit for very different reasons – but the big art institutions were cold and dismissive. In 2015, Lars Vilks offered to donate "the Roundabout Dog" to Moderna Museet in Stockholm, but the director Daniel Birnbaum turned him down.

In an article in the newspaper *Dagens Nyheter*, Birnbaum wrote that Swedish constitutional protection for freedom of expression gave Lars Vilks the right “to show images that many find offensive and more and more people find unnecessary because they create so much hatred”.

Daniel Birnbaum described Lars Vilks’ roundabout dog as a “social sculpture” that had its merits, but he rejected the idea of exhibiting the drawing at Moderna Museet: “It’s available digitally everywhere, it needs no further exposure.”

The museum’s stance was one of many factors that led art critic Mårten Arndtzén to change his view of Lars Vilks’ work. Mårten Arndtzén is employed by the Swedish Radio’s cultural editorial department, and this autumn his book on Lars Vilks and “the Roundabout Dog” will be published. The book is an attempt to finally give Lars Vilks’ work an official review:

– I myself was critical of “the Roundabout Dog” for a long time but changed my position. It became so clear that the work punctures the art world’s perception of itself as tolerant and broad-minded. The art world has developed in a disappointing direction in recent decades, towards consensus and black-and-white thinking. There is something frightening about how the art world has united in ostracising someone using their voice like Lars Vilks did.

Mårten Arndtzén believes that Lars Vilks was clear that the dig against Islam was not the main point, the important thing was to show the limits of tolerance in the art world:

– His process work is an extremely strong argument for freedom of expression and for the particular open-minded nature of art. Which maintains artists’ right to challenge us, without having to explain themselves.

Shortly after Vilks’ death, Mårten Arndtzén and other critics made a new proposal to Moderna Museet to incorporate the Roundabout dog into the collection, but the current director, Gitte Ørskou, also rejected the suggestion. She wrote in the newspaper *Sydsvenskan* that Lars Vilks’ drawings have become: “a magnet for hatred and threats, discussion and debate certainly makes them an interesting phenomenon of their time – but that does not automatically make them interesting art”.

Not only the art world thinks of itself as broad-minded and tolerant. The same is true of the Swedish nation. In international comparisons, Sweden scores highly in various democratic indexes. We have strong political rights and freedoms, a free press and low levels of corruption. When the SOM Institute

at the University of Gothenburg asks Swedes to rate themselves, we are also top of the class. But now two Uppsala researchers have thrown a spanner into the works. Instead of asking nicely whether people like democracy better than dictatorship, they have asked which legal rights and freedoms the respondents would want to grant to groups whose views they really dislike. And that made the respondents change their tune.

Not many pay tribute to Voltaire’s old motto: “I do not share your opinions, but I am prepared to die for your right to express them”. In Sweden, it is the other way around, a shocking number of Swedes seem prepared to strangle their neighbour’s freedom of speech, right to demonstrate or right to stand as a candidate in free, public elections. Either the respondents really hold these opinions, or they have no idea what democracy is all about. Both are equally serious, according to two political scientists from Uppsala University, Sten Widmalm and Thomas Persson.

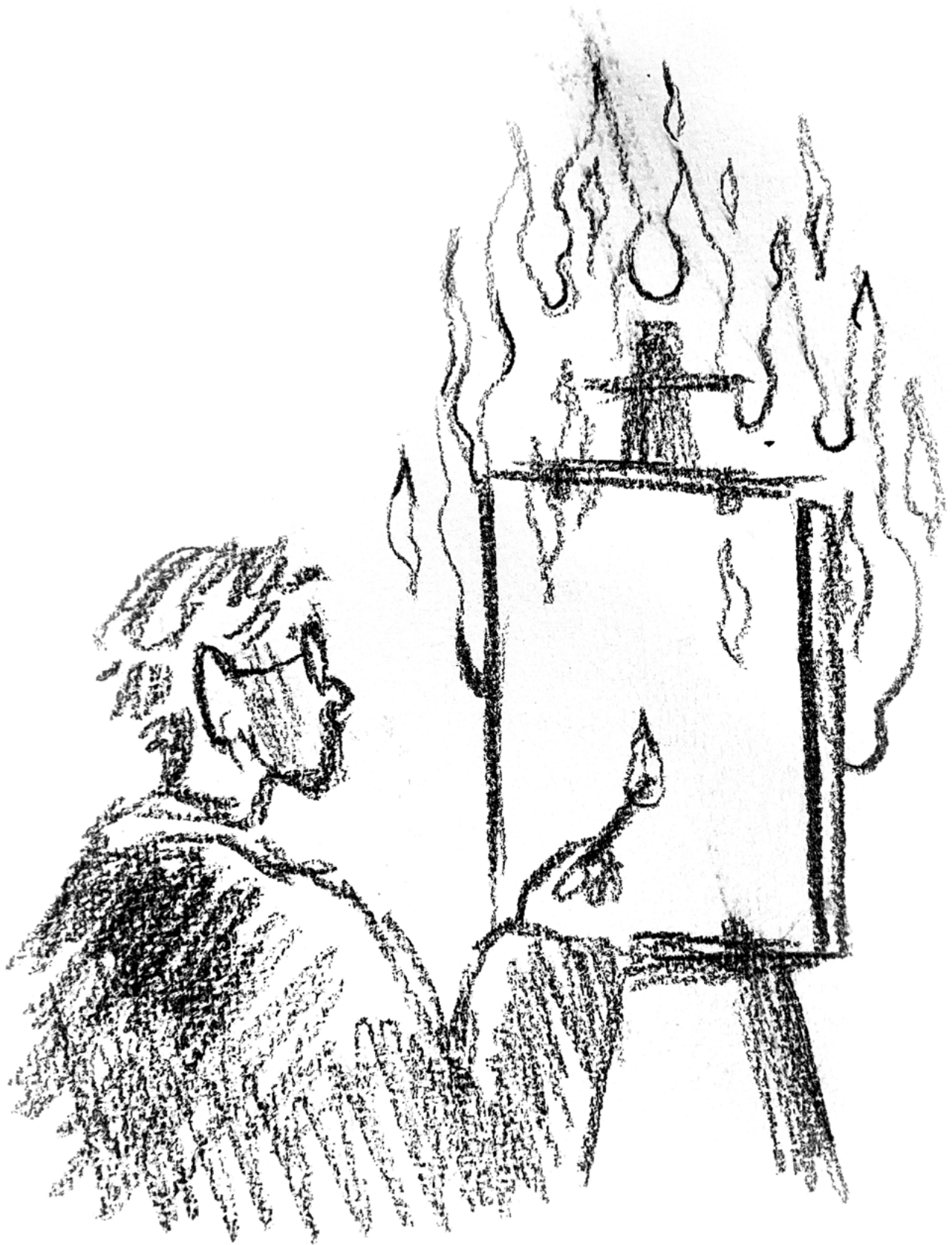
The increasing levels of intolerance in Sweden seem to ironically coincide with a growing number of moral concepts and basis for values, an increase in the critique of norms in many workplaces, and the fact that schools are putting a lot of effort into educating people about democracy, but without these tendencies making any lasting impression. The external threats to democracy are often framed in terms of political populism on the right or left, the triumph of lies on social media and the weakening of the judiciary. But the internal threats to democracy are just as important and dangerous, says Professor Widmalm:

– One-sided attacks on individual citizens, in the press and on social media, cancel-culture and self-censorship, and the increasingly harsh state control of norms in research, culture and media are real threats. I would say that we have a better debate climate in public media, but a more restricted one in government and administration.

In the winter of 2021, the Konstfack University of Arts, Crafts and Design in Stockholm, one of the two major state art schools in Sweden, became a litmus test for this issue. For some time, the school had conducted an internal debate on structural racism and inclusion. A group of activists – as well as the school’s administration – were accused of falsifying history by a professor, Sara Kristoffersson. She was publicly accused by 44 colleagues, of *being a tattletale*, and voicing “personal opinions”. She later described this conflict in her book “*Hela havet stormar*”<sup>2</sup> [Musical Chairs], a very brave book, according to political scientist Sten Widmalm:

<sup>2</sup> In Swedish the game Musical Chairs is known as “The whole sea is storming”.





– The leadership at Konstfack demonstrates a culture of such extreme normative control that it becomes Kafkaesque. Here we see an example of a Swedish attitude that unfortunately is prevalent in many organisations. We are so eager to dogmatically follow regulations, both broadly and to the letter, that our judgement fails us.

Easter 2022 coincided with the end of the Muslim fasting month of Ramadan. Now was the time for both Christians and Muslims to celebrate this major religious occasion. Muslims recall the time when the Quran was revealed to the Prophet Muhammad, and Christians commemorate the death and resurrection of Christ. It was precisely during this period, starting on Maundy Thursday, that Rasmus Paludan chose to stage his first of a series of burnings of the Quran, in the district Skäggetorp in the city of Linköping.

Rasmus Paludan was already known to be a Danish far-right extremist, with anti-Muslim leanings. Rasmus Paludan makes no secret of the fact that he is an “ethno-racist”. With his party “Stram kurs”, he participated in the 2019 Danish parliamentary elections and received 1.8% of the vote. He only needed 0.2% to get into parliament. In Denmark, he has been convicted several times for “agitation against an ethnic or national group”, and for making racist statements about black politicians in South Africa.

As a “*Quran-burner*”, Rasmus Paludan is notorious in many European countries. He is banned from entering Germany, France and Belgium. He has however been to Sweden and burned copies of the Quran several times, but was previously banned from entering the country for two years. Because Rasmus Paludan’s father is Swedish, he is afforded civil rights in Sweden too, and the law allows him to burn the Quran as well as any other texts or writings.

Previously, the attention he received in Sweden had been modest, but the events of Easter 2022 turned out to be explosive in every sense of the word. Rasmus Paludan burned the Quran in Skäggetorp in Linköping, Navestad in Norrköping, Rinkeby in Stockholm and Vivalla in Örebro – all neighbourhoods located in what are called “socio-economically deprived areas”, with a high proportion of Muslim immigrant population. The violent reactions were extreme and included stone throwing, car burnings and Molotov cocktails. Hundreds of police officers were injured in the clashes. The police appeared to have been taken by surprise. The police union protested and the police authorities initiated an inquiry into their own actions in order to investigate possible shortcomings within their organisation

and use of resources. The investigation was soon dropped as no evidence of a crime or violation was found.

On the other hand, several demonstrators were charged and convicted for violent rioting, assault, vandalism and resisting arrest. The political debate that followed the riots was lively. The Quran riots were seen as the culmination of years of violence, with gang crime, shootings and bombings. Could citizens no longer trust the police to uphold the state’s monopoly on violence? The fact that women and children were also involved in the stone-throwing raised particular concerns and suspicions. During the first days of the unrest, the police themselves suggested that religious fanatics had entered into an unholy alliance with gang members, who were happy to throw stones at the police, regardless of the fact that Rasmus Paludan had committed an act of blasphemy against the prophet.

Ebba Busch, leader of the Christian Democrats, received a lot of attention when she, in an interview with Swedish Radio, expressed her surprise that the police did not put up more resistance against the perpetrators of violence: “We have at least a hundred injured police officers and the big question that should be asked is: Why don’t we have at least a hundred injured Islamists, a hundred injured criminals, a hundred injured rioters?”

Politicians of all stripes wanted to support the officers and blame the police command in the same breath. A minority blamed Rasmus Paludan, but the leader of the Centre Party, Annie Lööf, suggested that “not all days were suitable for blasphemy”.

Even more worrisome was that police officers dropped the proverbial ball in terms of how to act within the remit of the law. The police authorities in the city of Borås rejected Rasmus Paludan’s application for a permit to hold a public gathering, in view of the previous riots. Emilie Kullmyr, head of command in the western region police jurisdiction, made her own comment in a press release:

– Rasmus Paludan employs a rhetoric that aims to create disorder and chaos. We need to work together to dispel this rhetoric.

The *Dagens Nyheter* reporter and author Niklas Orrenius reacted to the police chief’s statement:

– Of course, Paludan wants to create chaos. I’ve seen him in action in Malmö several times. If the reactions are lame, he does not hesitate to address individuals in the audience directly, and harass them. The fact that the police in Borås refused his request was perhaps entirely acceptable, but appealing to the public to stop him from exercising his legal right to commit blasphemy against Islam and burn the Quran? That gave me pause.

How come the Easter riots were so violent? Niklas Orrenius says he prefers to travel to the neighbourhoods which experienced the most violence, in order to ask the people who live there: What really happened?

– There is a hatred of Muslims in Sweden, and many people of faith certainly experience a lack of awareness regarding religious issues in secular Sweden, but that doesn't explain the violence.

Niklas Orrenius' theory is that the criminal gangs cultivate a hatred of the police and law enforcement, which is sometimes cloaked in religious terms. Their rhetoric had an impact and could have instigated the events, despite the fact that imams and others tried to defuse the situation and stop the stones from being thrown.

*“You don't get a pat on the back for entering the debate and defending neo-Nazis, lunatics and provocateurs like Paludan. But that is what freedom of speech is.”*

– The police have been “hard at work” in these areas, successfully disrupting gang activity. When the Prophet was desecrated during Ramadan, the criminals managed to exploit a general sense of frustration.

According to Niklas Orrenius, all of the ruckus is not really about Rasmus Paludan:

– In Denmark, no one bats an eye anymore when Paludan jumps up and down, shouting. They think he's a jerk, the spell is broken. I think the risk of riots will be reduced in the future.

Rasmus Paludan is not the only one burning the Quran. In

*Dagens Nyheter*, Niklas Orrenius interviewed Omar Makram from Egypt, an atheist activist who had his Swedish asylum application rejected in 2015. The Migration Board did not consider that he had sufficiently proved that he was an atheist. Omar Makram then recorded a video in which he tore up the Quran, spat on it and burned it. His application was then approved. In the interview, Omar Makram states that he thinks Rasmus Paludan is doing an important job:

– As long as you can't burn the Quran in Sweden, we have a problem.

Sakine Madon is head of the editorial department at the liberal newspaper *Uppsala Nya Tidning*. She recently published her book “Nothing is Sacred”, in which she points out that the defence of freedom of expression is about phenomena that we detest:

– You don't get a pat on the back for entering the debate and defending neo-Nazis, lunatics and provocateurs like Paludan. But that is what freedom of speech is.

In spite of everything, Sakine Madon feels that the debate has evolved for the better ever since Lars Vilks made his drawing of the roundabout dog. Apart from the newly formed Nyans [Nuance] party – which caters to Muslim voters – there are no debaters in Sweden who advocate a ban on blasphemy.

– There is greater awareness of violent Islamism today. A Swedish foreign minister would not apologise for Muhammad cartoons, as Laila Freivalds did in 2006. That same year Freivalds was forced to resign her post after she contributed to shutting down the Sweden Democrats' website, where they had published one of the Danish cartoons. This intervention violated Swedish law.

But Sakine Madon calls for a more vigorous discussion about the fear of Islamist violence:

– We need to talk about how fear leads to censorship in cultural contexts in Sweden, where people in charge argue in favour of removing images that may offend “groups”. Identity politics threatens freedom of expression and is a disservice to minorities within minorities, such as gay Muslims. This has happened several times, such as when a major Swedish museum removed a photograph depicting three gay Muslim men from Elisabeth Ohlson Wallin's exhibition “Jerusalem”. The lesson from her earlier exhibition “Ecce Homo” is to insist on, and defend the freedom of art.

In 2000, Elisabeth Ohlson Wallin's images presented in the exhibition “Ecce Homo” sent shockwaves through the Church of Sweden and among other Christian communities in Sweden.

In large photographs, she had created scenes where Jesus sat at a table joined by not only harlots, sinners and publicans, but also homosexuals and transgender people. Here was not only neither Jew nor Greek, but also neither gay nor straight. The images sparked a debate that had been simmering for decades, about the church's relationship to same-sex marriage, about female priests and gay priests.

Sakine Madon is generally sceptical about too many references to "groups" in the context of legislation. The law should protect individuals, she says. The emphasis that is placed on offended groups within the discourse of identity politics, should be closely guarded against:

– We who have cultural ties to the Muslim world, will we continue to be lumped together in this patronising way? Are we not responsible and accountable citizens by right? This has bothered me for a long time. There is, of course, a complex array of opinions and beliefs among Muslims too.

– What is unique about Sweden is that we were early adopters of freedom of expression, our laws from 1766 are the oldest freedom of the press laws in the world. That's probably what gives me some hope. We can learn from history. Even during the Second World War, we did not introduce a ban on communist parties, as many other European countries did.

In 1706 the bailiff Johan Schönheit was brutally executed for blasphemy and spreading unauthorised writings. In the mid-nineteenth century, Sweden took a major step towards religious freedom. But "blasphemy" was not actually removed from the legal statutes until 1970. The justification for the change was that the provisions on penalties for the offences: "agitation against an ethnic or national group", "defamation", "disturbing a function or public meeting" could be applied instead.

Author Ola Larsmo, who chaired the Swedish PEN Association for many years, points out that pious people may have the most to lose by trying to outlaw blasphemy:

– Religious freedom is in many ways the birthplace of Swedish democracy. So many of the popular movements have their beginnings in the struggle for those rights during the mid-nineteenth century, and the fight against The Conventicle Act.<sup>3</sup> The ban on blasphemy had absurd consequences. So it is in the interests of all people that religious freedom is intact, both for believers and non-believers.

But just because you can't stop Rasmus Paludan from committing blasphemy doesn't mean you can't criticise his actions, says Ola Larsmo:

– When we say that this kind of blasphemy is part of freedom of expression, we also take responsibility for the other values of democracy. Anyone who wants to defend freedom of speech must then make use of it and say publicly what they think about his attempts at provoking violence. That it is reprehensible and disgusting, and that he tried and succeeded in dividing Swedish society. I am surprised that more people did not say this. It was sad.

Problematising freedom of expression in Sweden is not easy. Very few want to question everyone's freedom of expression or everyone's right to commit blasphemy, be it against Allah, Yahweh or God the almighty father. Or against democracy. Niklas Orrenius takes a cautious approach to this dilemma when he says that the debate about Rasmus Paludan has a tendency to lean towards fundamentalism:

– Everyone prefers to speak for their "crowd". I have noticed that those who ardently defend Rasmus Paludan would like to see a ban on the Muslim veil/headscarf. I would like to hear voices that advocate both the right to wear the veil and the right to burn the Quran!

In his book about Lars Vilks, Niklas Orrenius interviewed the lawyer Hans-Gunnar Axberger, who has devoted his professional life to the issue of Swedish freedom of expression, acting as an author, legal ombudsman, press ombudsman and lecturer on freedom of the press issues for future journalists. Hans-Gunnar Axberger is not afraid to problematise freedom of expression. On the contrary, he thinks it is necessary:

"Unfortunately, most journalists, writers and humanists are ignorant about the issue. They hide their ignorance under dogmatism and seem to take freedom of speech for granted, as a kind of trade union right. [...] But there is always a limit to free speech. It is not self-evident that you can commit blasphemy, draw malicious caricatures of Mohamed, or burn the Quran," he says in Niklas Orrenius' book.

When I interviewed Hans-Gunnar Axberger, he clarified:

– "I'm not particularly impressed by the argument that we can just "pour it on" as regards offence and that through this we

<sup>3</sup> A Swedish law, which was in effect between 1726 and 1858, which outlawed all conventicles, or religious meetings of any kind, outside of the Lutheran Church of Sweden.

will finally reach an agreement on the sanctity of free speech. There is nothing to suggest that success has been achieved by offending people.

Hans-Gunnar Axberger recalls the discussion in the United States, where the law refers to “clear and present danger”. If there is no fire, it is prohibited to shout “Fire!” in a crowded cinema. In Sweden, the freedom of expression can also be suspended in situations where there is a threat of civil unrest.

– And then there’s another side to it, which is the limit when your freedom of speech violates someone else’s freedom of opinion. It’s not an absolute limit. But it is true that nothing is sacred – not even the right of the provocateur. In the long run, the best thing we can do for the freedom of expression is to be open to its complexities, and the difficult lines of demarcation.

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## **Selected literature:**

Axberger, Hans-Gunnar: Ord och ordning, ur Festskrift till Johan Hirschfeldt, 2008. [Words and order, from commemorative publication for Johan Hirschfeldt]

Larsmo, Ola: Kan man vaccinera sig mot rasism? [Can you vaccinate yourself against racism?] *Litteraturbanken*, 2022.

Madon, Sakine: *Ingenting är heligt* [Nothing is Sacred], 2022.

Orrenius, Niklas: *Skotten i Köpenhamn* [The Shots fired in Copenhagen], 2016.

Persson, Thomas and Widmalm, Sten:

Politisk tolerans och självcensur i orostider [Political tolerance and self-censorship in times of turmoil], 2022.

Persson, Thomas and Widmalm, Sten:

Skör Demokrati [Fragile Democracy], 2022.

# 2

## ONLINE HATE CRIMES ARE ON THE RISE BUT MANY REMAIN UNREPORTED

*By Christina Jutterström*

**“You’re a total imbecile.”**

**“I, and many others like me, wish you’d get a job in a stable, that way you’d only have to talk to horses and pigs, which is all you know how to do.”**

**“Climate whore.”**

**“Criminal hag”**

**“I know where you live and where your children go to school.”**

**Hatred and threats directed toward people in various occupations in Swedish society have increased and become more severe during the second millennium. The examples shown above represent a tiny fraction of what people in some occupational groups are exposed to.**

This harassment is mainly found in email inboxes, on Facebook, Instagram and Twitter and sometimes, but more rarely, it occurs face-to-face on the street. Very few who engage in hate and threats dare to do so eye to eye. Politicians, journalists, social workers, and teachers – professions where the practitioners frequently encounter the public – are the most vulnerable according to surveys of employees within these fields. Organisations of various kinds such as religious, ethnic and LGBT organisations also experience threats and hatred. This is part

of the social climate throughout the world in countries where there is a constitutional protection for freedom of expression.

Obviously, threats and hatred have a particular impact on the individual. They cause fear, inhibit professional practice and, in the worst cases, lead to self-censorship or cause practitioners to leave their profession. We now have a better understanding of this, since more and more companies and organisations in Sweden consider it necessary to carry out regular surveys among their members. The Swedish National Council for Crime Prevention (BRÅ) and various academic studies have also provided background research and evidence regarding the development and impact of threats and hatred towards individuals and society. Ultimately, threats and harassment against various occupational groups are a matter of concern for the basic functioning of society and democracy.

Xenophobic and racist crimes are the most commonly reported hate crimes to the police and they can, although very rarely, lead to court convictions.

So what is a hate crime? The Swedish police, who handle reports of this type of crime, defines it as follows:

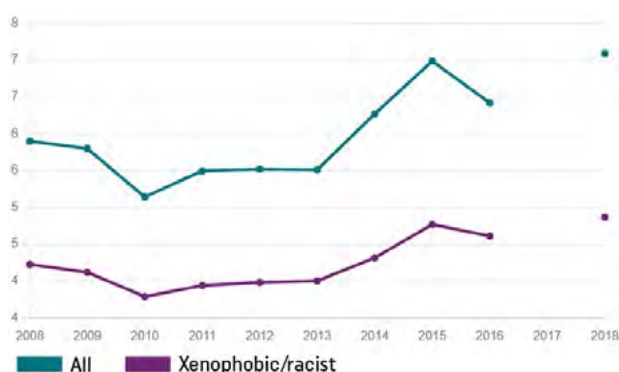
“A hate crime is a violation of fundamental human rights and contrary to the principle of equality of human beings. What defines a hate crime is that the perpetrator carries out the attack because of their negative attitude towards certain perceived characteristics of a person.”<sup>1</sup>

<sup>1</sup> [www.polisen.se/lagar-och-regler/lagar-och-fakta-om-brott/hatbrott](http://www.polisen.se/lagar-och-regler/lagar-och-fakta-om-brott/hatbrott)

Hate crime is, in the legal sense, a multifaceted crime. It includes agitation against a national or ethnic group and unlawful discrimination, but also offences where the motive for the offence has been to insult a person, a community or another such group of persons on grounds of race, colour, national or ethnic origin, creed, sexual orientation or transgender identity. Meanwhile, any crime can be considered a hate crime if it is committed on the basis of the perpetrator's negative attitude towards any of the listed groups. According to the National Council for Crime Prevention (BRÅ), the most common hate crimes involve harassment and unlawful threats.<sup>2</sup>

The number of hate crimes reported to the police is now well documented. They have increased sharply in recent years: during the period 2013–2018 from 5,500 reports to just over 7,000, an increase of 30 %. This is according to BRÅ, who have changed their measurement methods since 2020, making it difficult to compare more recent figures. However, the national council clearly states that despite the use of these new methods there is no indication that threats and hate crimes have decreased.<sup>3</sup>

## Number of reported hate crimes 2008–2018 (BRÅ's Statistics)



A lot of what individuals experience as threats and hatred is never reported to the police. Usually, this is because people don't think the police will bother to follow up on a report.

This is common among, for instance, members of the press, whose confidence in the judiciary has been shown in surveys to be low. In the period 2013–2018, only between 3.4% and 5.2% of crimes were solved<sup>4</sup> by the justice system.<sup>5</sup>

There is now an ongoing debate regarding the severity of contemporary hate crimes for the development of society as a whole as well as for the survival of democracy. Do these crimes reflect the fact that we are living in a new reality where traditional rules of behaviour no longer apply and where political life around the world is increasingly dominated by populist national parties? The Democracy Index, which measures the state of democracy in the world each year, shows in its latest index (2022)<sup>6</sup> that only 14% of the world's countries are considered full democracies. This number has been steadily declining for the last 16 years. More than a third of the world's population lives in a country with an authoritarian regime. This is a frightening development.

Sweden is one of few countries in the world that is considered a full democracy. We have some of the most progressive laws on freedom of expression and freedom of the press, dating back to the 18th century. A full democracy also means that a nation has free elections, free media, free courts, and guarantees the right to form any kind of association and to form political parties that can operate freely. In 2022, Swedish democracy celebrated 100 years since women were first given the right to hold a seat in the Swedish parliament. Yet today there is a fear that liberal democracy, with the characteristics mentioned above, is in danger in many parts of the world; a fear that a gradual shift away from the main principles of democracy is taking place.

Several scholars and commentators even caution against developments in Europe and the United States resembling those that took place in Germany in the 1930s before the Nazi takeover. One of them is Yale professor Timothy Snyder who, in books and debate articles<sup>7</sup>, straight out calls for great vigilance against the spread of populism which, he argues, poses a real threat to today's liberal democracy.

There are a lot of facts about the development of hatred and threats against various professional groups in Sweden, but I have chosen to concentrate on politicians and journalists and the media.

<sup>2</sup> [www.bra.se/statistik/statistiska-undersokningar/hatbrottsstatistik](http://www.bra.se/statistik/statistiska-undersokningar/hatbrottsstatistik)

<sup>3</sup> [www.bra.se/publikationer/arkiv/publikationer/2021-12-08-polisanmalda-hatbrott-2020](http://www.bra.se/publikationer/arkiv/publikationer/2021-12-08-polisanmalda-hatbrott-2020)

<sup>4</sup> This refers to person-based clearances i.e. offences that are processed offences in which an indictment has been issued against at least one person suspected of the offence.

<sup>5</sup> [www.bra.se/publikationer/arkiv/publikationer/2021-02-17-handlagda-hatbrott](http://www.bra.se/publikationer/arkiv/publikationer/2021-02-17-handlagda-hatbrott)

<sup>6</sup> [www.economist.com/graphic-detail/2022/02/09/a-new-low-for-global-democracy](http://www.economist.com/graphic-detail/2022/02/09/a-new-low-for-global-democracy)

<sup>7</sup> Om tyranni: tjugo lärdomar från tjugonde seklet. Bonniers 2017 [On Tyranny: Twenty Lessons from the 21st Century]

Like many other professional organisations and interest groups, the Swedish Union of Journalists and the Swedish Association of Local Authorities and Regions (SKR) regularly conduct surveys among their members.

Municipalities and regional authorities are encouraged by the SKR to develop strategies for preventing, counteracting and dealing with threats and hatred, but by 2021, few had produced such a document<sup>8</sup>. The SKR has also called on the government to reinforce legislation in this area.<sup>9</sup> The law was made somewhat stricter in 2020.

## Threats and hatred aimed at politicians

Since 2014, The Swedish National Council for Crime Prevention has regularly examined the exposure of elected representatives to threats, harassment and violence through PTU, the Politicians' Security Survey. Most politicians in the survey are members of municipal or regional councils, just over 2 per cent are members of parliament. Here are some results from the 2020 survey:<sup>10</sup>

- 26% of elected representatives report having been subjected to some form of threat, hate, violence, vandalism or theft.
- There was a higher reported incidence of exposure to threats among elected officials during the election years of 2014 and 2018 compared to the intermediate periods.
- In most cases in 2020, the perpetrator was unknown or anonymous.
- In those cases in which the victim had some idea of the identity of the perpetrator, it was usually a man estimated to be 45–64 years old, acting alone and perceived as an angry citizen.
- In about half of the cases, the perpetrator was associated with some kind of group, usually a right-wing extremist or racist group. In terms of party affiliation, most of the victims

belonged to the Green Party. Politicians belonging to the Social Democrats and the Christian Democrats were the least exposed. For the Sweden Democrats, 2020 saw the lowest proportion of victims compared to all previous years. Women accounted for a larger share than men, except for the Liberals, the Moderates and the Social Democrats, where the exposure rate was even.

- Very few incidents involving threats and hatred against elected representatives were reported to the police. The reason given by respondents was that they do not believe that reporting would bring about any results.

The next PTU survey will be conducted during the 2022 election year. The results will be important to consider, given the increase in politicians' vulnerability in the 2014 and 2018 election years. In 2020 after the law was made stricter, regional politician Emma Stjernlöf (Moderates) in the province of Blekinge reported to the police that she had been threatened, and this report led to a conviction. Twice before, she had contacted the police after being threatened, but both investigations were dropped. In an interview with Swedish Television's regional studio in Blekinge (the region where local elected representatives are most exposed to threats and harassment) Emma Stjernlöf said:

"I am only human and I feel very upset and so I have stopped reading comments. It's really a threat to democracy, because when you get a lot of emails, phone calls or comments on social media, you think twice about what you say and write."<sup>11</sup>

Since there is not yet a systematic collection of convictions on these cases, the impact of introducing stricter penalties is not clear.

<sup>8</sup> [www.skr.se/skr/demokratiledningstyrning/hotmotdemokrati ochsamhallssystem/hotthatvaldmotfortroendevalda/forebyggandearbeteochexempel/atverkforatt-medsystematikforebyggahotatochvald.26925](http://www.skr.se/skr/demokratiledningstyrning/hotmotdemokrati ochsamhallssystem/hotthatvaldmotfortroendevalda/forebyggandearbeteochexempel/atverkforatt-medsystematikforebyggahotatochvald.26925)

<sup>9</sup> [www.skr.se/skr/omskr/styrelseochberedningar/handlingarochbeslutstyrelsen/handlingarfranskr/rygghetochsakerhetiderasdemokratiskauppdragikommunallagen.66175](http://www.skr.se/skr/omskr/styrelseochberedningar/handlingarochbeslutstyrelsen/handlingarfranskr/rygghetochsakerhetiderasdemokratiskauppdragikommunallagen.66175)

<sup>10</sup> [www.bra.se/statistik/statistiska-undersokningar/politikernas-trygghetsundersokning](http://www.bra.se/statistik/statistiska-undersokningar/politikernas-trygghetsundersokning)

<sup>11</sup> [www.svt.se/nyheter/lokalt/blekinge/hot-och-trakasserier-ar-vardag-for-m-toppen-emma-stjernlof](http://www.svt.se/nyheter/lokalt/blekinge/hot-och-trakasserier-ar-vardag-for-m-toppen-emma-stjernlof)





## The everyday life of journalists

According to the Department of Journalism, Media and Communication at the University of Gothenburg (JMG), during the years it has been conducting surveys on the subject, almost 30% of Swedish journalists report having received threats.<sup>12</sup> This figure is fairly consistent over the three survey years 2012, 2016 and 2019. The surveys show that journalists are being threatened in different ways – here are some examples:

- 30% of threatened journalists have been subjected to threats of violence against their person.
- 10% have received threats of sexual violence, and these are almost exclusively aimed at female journalists.
- Around 5% of journalists who received threats also reported threats of various forms of violence aimed against their relatives.
- The share of journalists subjected to offensive/negative comments has decreased from 80 per cent in 2013 to around 70 per cent in 2019. The decrease is largely due to media outlets shutting down online comment sections where readers, viewers and listeners used to be able to comment.
- More than 4 out of 10 journalists who have been exposed to threats have on occasion refrained from covering certain topics or persons/groups due to the risk of threats.
- Among the journalists under threat, one in five have at some point considered quitting journalism. Many have also taken steps to protect themselves from harassment by changing to an unlisted phone number and blocking the previously known “perpetrators” on email, phone and social media.

<sup>12</sup> [www.gu.se/forskning/hot-och-hat-mot-journalister-2019](http://www.gu.se/forskning/hot-och-hat-mot-journalister-2019)

The response rate in the study is quite low<sup>13</sup>, so these statistics should be treated with caution, but there is a tendency among journalists to report fewer and fewer threats to the police. The cause for this is attributed to mistrust of the police. On the other hand, in recent years, more journalists have contacted their companies' security departments when threatened. This is an indication that media companies have mobilised their security departments and acquired better skills in order to respond to threats and hatred aimed at their employees.

By far the most common cause of harassment in terms of subject matter is that people have published texts or news items related to immigration/refugees/integration. Climate (change), foreign conflicts, religion and wolf populations are some of the other topics mentioned in the study.

Very few trials have taken place as a result of threats and hatred against journalists. However, in 2019, three women, one a lawyer and the other two journalists, chose to report a member of the violent neo-Nazi organisation, the Nordic Resistance Movement (NMR), to the police for a series of anti-Semitic text messages and related incidents of harassment. The charges led to the prosecution and imprisonment of the man in 2020. One of the journalists was Helle Klein, editor-in-chief of *Dagens Arbete*. She commented on the verdict in her newspaper:

“For me, having fought long and hard for society to take threats and hatred against us journalists very seriously, this feels like a milestone. In that sense, it has been worth the effort to push this to a trial.”<sup>14</sup>

In the spring of 2022, another conviction was handed down for threats and hatred against a journalist, involving a threatening tweet against SVT presenter Cecilia Gralde. A person had posted a picture on Twitter showing a firearm pointed at her. Although the man was acquitted by the district court, the court of appeal ruled against him and wrote in its judgement:

“The threat is directed against a journalist in the context of her professional practice and, in the Court of Appeal's view, is intended ultimately to influence the formation of public opinion.”<sup>15</sup>

It is too early to say whether these sentences are a sign that the judiciary, in general, has started to take threats and hatred against journalists seriously. Perhaps they will lead to more journalists being inclined to report to the police when they feel threatened or harassed.

The JMG studies also showed that some of the targeted journalists are being affected by threats, with respect to their professional practices. They sometimes refrain from covering a sensitive topic, for example. A relevant question is whether harassment of journalists can lead to self-censorship. If so, this could ultimately be a threat to democracy. In order to answer the question of how journalists are affected by threats and hatred, a study has been underway since 2020 at Lund University and Halmstad University.<sup>16</sup> What has been discovered so far is that many of those who are exposed feel psychologically distressed and that their working environment is affected. However, there are no conclusive results yet on what professional self-censorship might mean for society at large.

## The responsibility of tech giants

Many of the threats and expressions of hate occur on social media. For several years, there has been a lively and sometimes heated debate about the extent to which the tech giants – Facebook, Google, Twitter, and China's TikTok – should take responsibility for what is posted on their platforms. This issue has reached the political level in both the US and Europe. In the summer of 2022, the European Parliament passed landmark rules<sup>17</sup> that will force tech companies to quickly remove disinformation and illegal content. Some advertising will be stopped and sensitive personal data stored online will have to be removed. The big tech companies are also banned from using their position to distort competition.

So now tech companies are under more political pressure than ever. They also have to report to the EU on what they are doing to comply with these new EU laws. In 2018, Facebook launched a counter-move to the regulatory threats from politicians. It set up an “independent” Oversight Board<sup>18</sup>: a kind of self-regulating committee tasked with reviewing Facebook's publishing decisions. The committee is made up of several

<sup>13</sup> The sample for the 2019 survey consisted of more than 5,000 members of the Swedish Union of Journalists and the response rate was 30 %.

<sup>14</sup> [www.da.se/2021/11/dom-i-dag-fangelse-for-nazisten](http://www.da.se/2021/11/dom-i-dag-fangelse-for-nazisten)

<sup>15</sup> [www.omoss.svt.se/arkiv/nyhetsarkiv/2022-04-13-rattvisa-ar-skipad---hovratten-domer-for-twitterhot-mot-cecilia-gralde](http://www.omoss.svt.se/arkiv/nyhetsarkiv/2022-04-13-rattvisa-ar-skipad---hovratten-domer-for-twitterhot-mot-cecilia-gralde)

<sup>16</sup> [www.soclaw.lu.se/hotochhatmotjournalister](http://www.soclaw.lu.se/hotochhatmotjournalister)

<sup>17</sup> [www.reuters.com/technology/eu-lawmakers-pass-landmark-tech-rules-enforcement-worry-2022-07-05](http://www.reuters.com/technology/eu-lawmakers-pass-landmark-tech-rules-enforcement-worry-2022-07-05)

<sup>18</sup> [www.oversightboard.com](http://www.oversightboard.com)

well-respected researchers and media people from around the world. According to the rules stipulated, Facebook must comply with and make public their decisions- but this self-policing did not stop the members of the European Parliament from passing legislation.

Whether the new EU laws will have any positive impact on the general social media climate or the propensity of individuals to harass politicians, journalists, social workers and teachers remains to be seen, but the effects will be both important and interesting to monitor.

Meanwhile, Swedish politicians continue to work on tougher penalties for hate crimes. Early this year (2022), a government inquiry concerning threats and hatred against people who perform “socially essential services” was presented.<sup>19</sup> It includes proposals to strengthen criminal law protection for journalists, among others, but there is no government proposal on the matter yet. At the same time, when penalties of this kind are made more severe, care must be taken to protect freedom of expression. The balance between people’s right to express their views and the protection of those who are subject to harassment will always be both difficult and important.

## Who is making threats and voicing hatred?

A commonly held belief suggests that it is mainly men on the far right who, after a stiff drink or a beer on a Friday night, engage in harassment of politicians and journalists on social media. There may be something to this, but it is not a satisfactory answer. Similar emails from some racist organisation or climate change denial group may provide another piece of the puzzle. But deeper digging is needed, both to improve our understanding of the phenomenon and, more importantly, to motivate people who engage in threats and hatred to stop.

Safety and concern for vulnerable professions should be an obvious priority for employers, as should severe penalties for those who harass other people and organisations. Is there any way other than through laws and self-regulation to deal with this new breed of tormentor?

I believe that the issue of harassment ultimately reflects a larger social problem of our time. The Swedish social contract is under severe pressure today. Some commentators use the expression “we live in two parallel societies”. One society where

facts are respected and where belief in humanistic values prevails. The other is where facts are freely determined according to one’s own opinions and where respect for human values is often conspicuous in its absence. I am looking for some relevant and interesting evidence that can provide at least some answers as to why some people now feel the need to harass others, especially journalists and politicians. I have decided to use the so-called Trust Barometer<sup>20</sup>, a survey conducted in 2009, 2017 and 2020 led by Professor Lars Trädgård at Ersta Sköndal Bräcke University College, now Marie Cederschiöld University College.

*“A commonly held belief suggests that it is mainly men on the far right who, after a stiff drink or a beer on a Friday night, engage in harassment of politicians and journalists on social media.”*

The study shows that Swedes generally have a high level of trust in those around them, in their immediate community and society at large. Many people trust the social contract between citizens and the state to function. As a citizen, you work, live in accordance with the law and pay taxes. The state, in turn, must provide citizens with security, various rights and social services. Although overall trust has declined slightly since 2009, it is considered fairly stable. At the same time, many surveys show that people are becoming progressively more insecure. The social climate is perceived as increasingly harsh.

<sup>19</sup> [www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2022/02/sou-20222](http://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2022/02/sou-20222)

<sup>20</sup> [www.mchs.se/arkiv/projekt/ccf/tillitsbarometern](http://www.mchs.se/arkiv/projekt/ccf/tillitsbarometern)

Gang crime has spread across the country; the political landscape is divided into two irreconcilable blocs on the right and left; social media is increasingly full of hate and harassment. The Trust Barometer researchers did not find that general trust is a satisfactory measure for understanding people in contemporary Swedish society.

Therefore, the Trust Barometer survey switched to measuring people's trust in the local community/municipality and some urban districts in big cities. This made the results much more complicated and interesting. Large differences were found between municipalities. In the municipalities of Sorsele, Södermalm and Hammarö, for example, trust in both the community and people in the neighbourhood was generally very high, 75–79%, while in the immigrant-dense districts of Rosengård, Fosie and Rågsved, only 23–32% of residents had trust in the community as a whole and in people in their immediate surroundings.

In the immigrant-dense neighbourhoods, the researchers contend that there is a dramatic crisis of trust and conclude that Sweden today is a highly fragmented country in terms of people's trust in their local community and also in their neighbours. Trust was twice as high among the highly educated as among the less educated, and people with low incomes had significantly lower trust than those with high incomes. The less educated, those with long-term illnesses and homeworkers also felt high levels of insecurity, while the most secure were business owners.

The researchers conclude that the decline in trust in some communities/municipalities may be due to the failure of politicians to deliver on their part of the social contract. Security, social services and justice are failing. Moreover, increasingly market-oriented thinking and privatisations are leading to further fragmentation and polarisation of society. As a result, dissatisfaction and crime flourish in the less well-off municipalities/urban areas. Here people do not trust society, or even their closest neighbours.

While neither the trust researchers nor I can of course claim that low trust in the local community is the breeding ground for some people's need to hate and threaten journalists, politicians, social workers and teachers, I would still venture to say that many of those who harass politicians and journalists in various ways live in communities where they believe that politicians, authorities and the journalists who act as their "intermediaries" are not

doing their job. Local politicians have a herculean task ahead of them if they are to change the social climate and increase the level of trust, but the same can be said for the media, the police, social services and schools. Do those in charge have the competence and tenacity to do what is necessary?

## The role and responsibility of the media

Journalists should not be subjected to threats and hatred. Those who commit such acts should be brought to justice whenever this is possible, but the media also bear a great responsibility for how societal debate develops. To some extent, newspapers, radio and television set the agenda. In recent years, I have reflected on and grown critical of a lot of the media's agenda-setting. I am aware that as a former political reporter, editor-in-chief and publisher, I am now venturing into mined territory.

My criticism concerns, among other things, how topics and events are selected and prioritised, and the type of journalism that is prioritised. One example is the reporting on gang crime and shootings. Obviously, this should be reflected in media reporting, but does every new shooting have to be front-page news? Why are there not more attempts to broaden reporting, such as tracing the buyers of narcotics that provide such a lucrative income for criminals which subsequently leads to an increase in competition and thus a rise in shootings?

There is no disputing that source criticism has become increasingly important in recent years. Against this background, a recently published study of Swedish press coverage of violence and extremism from 1990 to 2019 is of particular interest.<sup>21</sup> Media professor Ester Pollack shows that anonymous sources in these criminal contexts have increased significantly in recent years. "... violent crime and violent extremism constitute an area where the norm of identifying sources is often compromised," she concludes. Studies also show that the use of politicians as sources has expanded significantly over the past 30 years.<sup>22</sup> The results are an invaluable basis for discussion in media editorial offices.

I question whether the news editorial staff is willing to discuss in depth how today's agenda-setting and source criticism are relevant, important and interesting – the three core criteria for judging journalism. This is because what is relevant, important and interesting changes with developments in society.

<sup>21</sup> [www.su.se/institutionen-for-mediastudier/nyheter/ny-forskning-om-v%C3%A5ld-och-extremism-i-svensk-press-1.615428](http://www.su.se/institutionen-for-mediastudier/nyheter/ny-forskning-om-v%C3%A5ld-och-extremism-i-svensk-press-1.615428)

<sup>22</sup> Det svenska tillståndet: en antologi om brottsutvecklingen i Sverige. Studentlitteratur 2022

Another example: radio and television debate programmes often prioritise fierce confrontation between two opponents who hold contrary opinions rather than more informative programmes for the audience/voters. This constant confrontation suits the political parties and various interest groups but rarely provides the audience with any useful knowledge.

Recently, however, SVT, in particular, has produced a new type of political programme in which a topical issue, such as climate and crime, is examined with the help of scientists and researchers and afterwards party representatives express their views. The audience gets the facts and can clearly see the differences of opinion between the parties. This benefits politicians and research, but most importantly the audience/voters. *Dagens Nyheter's* examination of various topics using fact-finding and research is another example of innovative journalism. Both examples belong to what is nowadays called constructive journalism, journalism that actively serves to provide people with knowledge and contributes to fostering informed and educated citizens. Obviously, the discussion about the content of journalism should be independent of the influence of political, economic and other spheres of power.

Today, more responsibility than ever falls on the media, not least on local newspapers, local radio and television. My view has been reinforced by the results of the Trust Barometer. Moreover, the content of the traditional mainstream media outlets often forms the basis for those who engage in hate, threats and all manner of harassment of journalists and politicians on social media.

People's lack of trust in their local community in several Swedish municipalities and neighbourhoods probably contributes to some people needing to find scapegoats. This is how elements of the current climate of hatred and intimidation can emerge, which damages both people and the social climate. Restoring people's confidence in the social contract is not a quick and easy task. It requires hard and conscious work, especially from politicians and the media, whose professions are the most vulnerable to threats and hatred. It also requires a functioning legal system that has the confidence of vulnerable politicians and journalists.

Finally, there is another stakeholder who is crucial to the functioning of the social contract and consolidation of trust: the individual citizen. We citizens bear a heavy responsibility for acquiring knowledge and for how we behave. In all aspects of our daily lives, on social media and in how we cast our vote on election day. It is worth repeating many times what former Swedish PEN president Ola Larsmo said:

You are what you say and write. Your words define who you become.

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# 3

## CONSPIRACY THEORIES – A THREAT TO DEMOCRACY

*By Kent Werne*

**C**onspiracy theories have proliferated, largely as a result of the COVID-19 pandemic, and people are increasingly beginning to believe them. As a result, policy makers have begun advocating for restrictions on freedom of expression, but opinions differ on whether this is the right way to go.

The COVID-19 pandemic triggered a flood of dubious and misleading information. Online channels were quickly inundated with what Donald Trump’s adviser Kellyanne Conway had called “alternative facts” three years earlier, and which others would normally dismiss as rumours, fake news and conspiracy theories.

The World Health Organization (WHO) described it as an “infodemic” that was exposing the world’s population to harmful lies. Some of these were just misinformation, while some were disinformation, i.e. falsehoods deliberately disseminated in an attempt to mislead. In either case it resulted in growing confusion, mistrust and fear. Or as WHO Director-General Tedros Adhanom Ghebreyesus put it in February 2020, “At WHO, we are now not only fighting the virus, we are also fighting the internet trolls and conspiracy theorists who undermine our efforts.”<sup>1</sup>

At that time, the “infodemic” was in its early stages. During 2020 and 2021, conspiracy theories in particular gained an increasingly strong hold on the disease-ridden and periodically locked-down world.

“The Coronavirus has given a big boost to various conspiracy theories,” the Swedish news magazine *Faktajouren* concluded in May 2020.<sup>2</sup>

Was the Coronavirus a Chinese bioweapon? Was the pandemic planned by the vaccine industry and IT billionaire Bill Gates? Were people actually getting sick because of the new 5G network? Were covid vaccines actually genetically engineered poison injections? Or was the pandemic in fact a gigantic hoax, orchestrated by a global elite who wanted to enslave humanity?

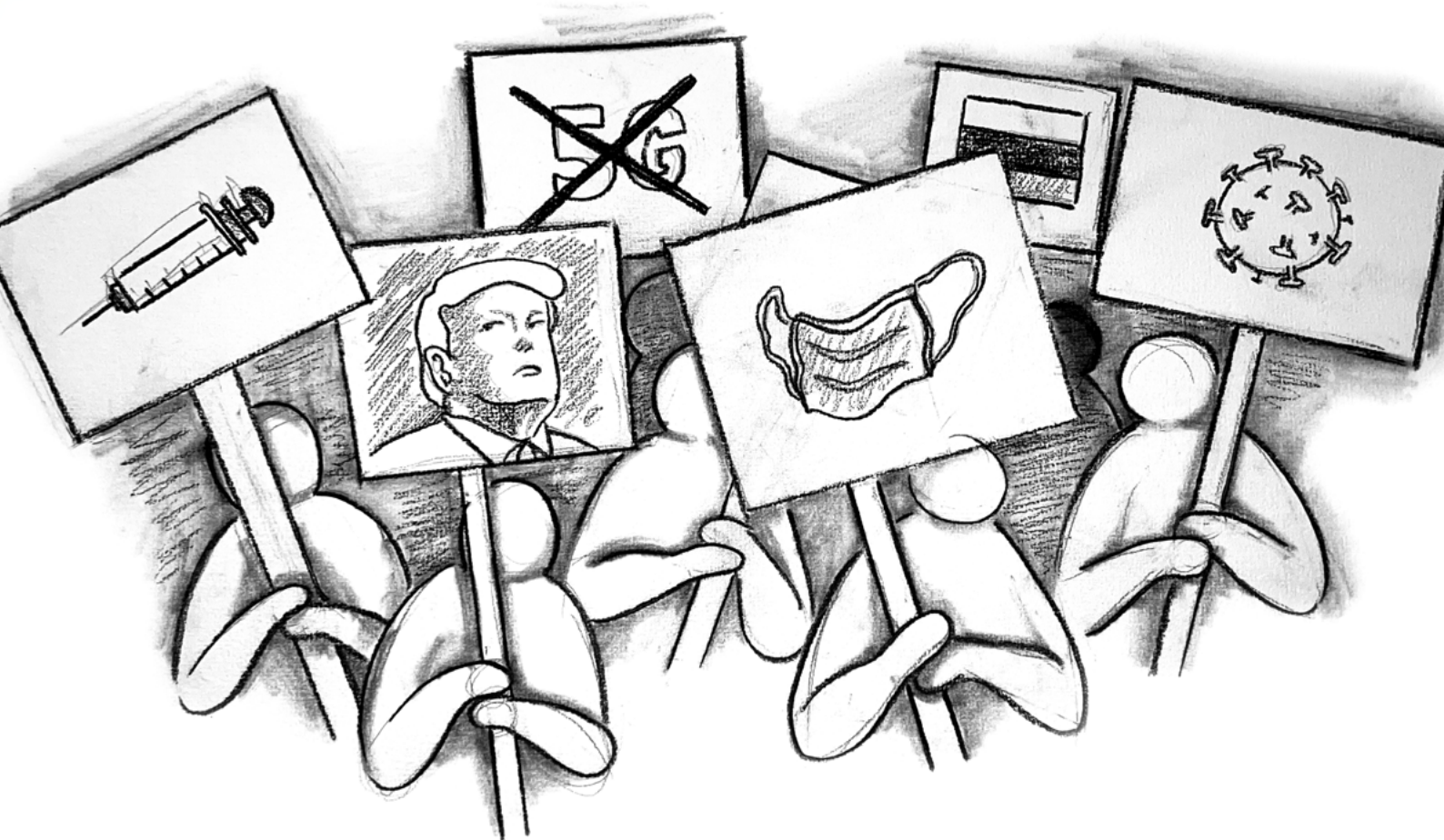
Indeed, more and more people appeared to actually believe the most wildly improbable claims. A series of opinion polls showed that not only were the conspiracy theories spreading faster and more widely than the virus itself, they were also becoming entrenched in people’s minds. In the spring of 2020, for example, almost a third of the US population and a quarter of UK residents believed that the Coronavirus had been created in a laboratory and deliberately spread, whereas a quarter and a tenth respectively linked the pandemic to the use of 5G technology.<sup>3</sup>

Sweden may not have been the epicentre of the infodemic, but even here the digital public sphere was being filled with conspiracy theories, and several Swedes assumed prominent positions in the street protests against shutdowns and vaccinations that were held across Europe. Thousands of people, many of whom were pandemic deniers and anti-vaxxers, also demonstrated in major Swedish cities, chanting slogans such

<sup>1</sup> “WHO Director-General’s statement on IHR Emergency Committee on Novel Coronavirus (2019-nCoV)”, who.int, 2020-01-30

<sup>2</sup> Nyhetsbrev: Faktajouren om Infodemin #3, Medieinstitutet Fojo, Linnéuniversitetet

<sup>3</sup> Joseph E. Uscinski et al. “Why do people believe COVID-19 conspiracy theories?”, Harvard Kennedy School (HKS) Misinformation Review, 2020-04-28, Rory Cellan-Jones, “Coronavirus: Social media users more likely to believe conspiracies”, BBC, 2020-06-18



as “Swedes are sick, stop 5G”, “No to vaccines”, “Politicians and the media are lying to you” and “The pandemic is a fraud”.<sup>4</sup>

So, conspiracy theories and other misleading information not only shaped people’s perception of reality, but drove them to act on their beliefs, and thereby influenced reality itself.

## Conspiracy theories thrive in times of crisis

What was the root cause of the infodemic and conspiracy fever?

The pandemic itself, of course. People are particularly susceptible to conspiracy theories when trying to cope with anxiety and fear in the context of overwhelming, frightening and inexplicable events.<sup>5</sup> History is also rife with examples of crises that have triggered conspiratorial thinking such as revolutions, depressions, wars, terrorist attacks and pandemics.<sup>6</sup> Conspiracy theories provide an answer to questions such as “who” and “why” and assign one’s fears a clear cause and point of origin: an evil power that can be exposed and combated.

The conspiracy belief, however false it may be, simply provides a feeling of control, a sense of knowing what is *really* going on behind the scenes.

That the COVID-19 pandemic would give rise to conspiracy fever was therefore perhaps not so surprising. “Here we have a global pandemic, a crashing economy, social isolation, and restrictive government policies: All of these can cause feelings of extreme anxiety, powerlessness, and stress, which in turn encourage conspiracy beliefs,” wrote US political scientists Joseph Uscinski and Adam Enders in *The Atlantic* magazine in April 2020.<sup>7</sup>

When Uscinski, Enders and a number of other researchers later examined Americans’ conspiracy beliefs during the Coronavirus pandemic, they found that these beliefs were largely rooted in a deep distrust of scientists, mainstream media and political leaders.<sup>8</sup> A survey conducted by the SOM Institute at the University of Gothenburg revealed the same trend in Sweden: among the 13% of Swedes who were already convinced that the Coronavirus was a man-made bioweapon, the survey found exceptionally low levels of trust in experts, authorities, politicians and the media.<sup>9</sup>

Previous research has also shown that conspiracy thinking thrives in groups and environments where trust is generally low. Or, to put it another way, it has been shown that those who distrust the establishment are also largely susceptible to conspiracy theories.<sup>10</sup>

<sup>4</sup> Kent Werne, *Konspirationsfeber*, Ordfront Förlag, 2021

<sup>5</sup> Jan-Willem van Prooijen & Karen Douglas, “Conspiracy theories as part of history: The role of societal crisis situations”, *Memory Studies*, 2017

<sup>6</sup> Kent Werne, *Allt är en konspiration: en resa genom underlandet*, Ordfront Förlag, 2018

<sup>7</sup> Joseph E. Uscinski & Adam M. Enders, “The Coronavirus Conspiracy Boom”, *The Atlantic*, 2020-04-30

<sup>8</sup> Joseph E. Uscinski et al. “Why do people believe COVID-19 conspiracy theories?”, *Harvard Kennedy School (HKS) Misinformation Review*, 2020-04-28

<sup>9</sup> Henrik Ekengren Oscarsson & Jesper Strömbäck, “Covid 19: Kunskap och konspirationer”, *SOM-undersökningen om coronaviruset 2020*, SOM-Institutet, 2020

<sup>10</sup> Michael Butter, *The nature of conspiracy theories*, *Polity*, 2020

And then, of course, there's the internet, and social media in particular. As early as in February 2020, there was talk of "the first true social-media infodemic".<sup>11</sup> Researchers were soon able to confirm what many had already realised: Facebook, Twitter, Instagram and YouTube were the main distribution channels for false and dubious information about the Coronavirus. Their surveys also showed that people who believed in conspiracy theories were often major consumers of social media, while non-believers relied more on traditional sources such as newsrooms and government agencies.<sup>12</sup>

## A new information landscape

When the American political scientist David Rothkopf coined the term "infodemic" in 2003, he described it as a witch's brew consisting of "A few facts, mixed with fear, speculation and rumour, amplified and relayed swiftly worldwide by modern information technologies."<sup>13</sup> But 2003 is a long time ago, and the information technology that worried the pessimists then, now feels like a mere prelude. Now we have the whole world in our pockets, on our smart-phones, and life is largely played out on social media. We are constantly connected, updated, immersed in a never-ending flow of information shaped by the algorithms of tech giants and the sum of our preferences.

"It's a whole new information landscape, which sadly we are ill-equipped to handle well," as Åsa Wikforss, professor of philosophy, academic and author of the book *Alternative Facts – On Knowledge and Its Enemies*<sup>14</sup> stated during an interview I conducted with her earlier this year.

The book was published three years before the outbreak of the Coronavirus, and addresses the increasingly widespread resistance to facts and knowledge that was already being intensely debated at the time. In it, Åsa Wikforss discusses a variety of psychological mechanisms that impede access to the truth, including motivated reasoning (we believe what we want to believe, not what we have good reason to believe), and

confirmation bias (we seek information that confirms what we already believe and avoid information that contradicts our beliefs) – but also the external circumstances that exacerbate the problem.

"The change we've seen in the information landscape over the last 10–15 years is perhaps the most radical transformation to occur since the arrival of the printing press", says Åsa Wikforss. "Partly because this has made it possible to cheaply and quickly create any kind of content and distribute it globally, and partly because we as individuals are part of the distribution process, via social media. And it's especially in social media that the psychological mechanisms kick in."

Meanwhile, the types of media acting as information carriers in the 20th century have been undermined. "In the past, the main source of information about the current state of affairs was traditional media, where there were still basic rules about how to operate and publish things," says Åsa Wikforss.

The mass media used to have a gate-keeping function. Journalists and editors, trained in press ethics and source criticism, determined what was true and interesting. But with the spread of the internet, social media and so-called alternative media have been able to bypass the gatekeepers, and as a result, the information that reaches the public is increasingly dubious or false. It is by no means always based on verifiable facts and knowledge, but to a large extent on speculation, lies and so-called "alternative facts", i.e., unsubstantiated claims that are elevated to the status of facts.

## An insurmountable divide

It is often said that we are now living in the age of post-truth, an era where previously acquired knowledge is discarded and everyone asserts their own truth.

According to those academics who argue that there is no objective truth and that all knowledge is relative, subjective and contextual, this in itself is not a problem.

<sup>11</sup> Karen Hao & Tanya Basu, "The Coronavirus is the first true social-media 'infodemic'", MIT Technology Review, 2020-02-12

<sup>12</sup> Daniel Allington et al. "Health-protective behaviour, social media usage and conspiracy belief during the COVID-19 public health emergency", Psychological medicine, 2020-06-09

<sup>13</sup> David J. Rothkopf, "When the Buzz Bites Back", Washington Post, 2003-05-11

<sup>14</sup> Åsa Wikforss, *Alternativa Fakta: Om kunskapen och dess fiender (Alternative Facts: about knowledge and its enemies)*, Fri tanke, 2017



In their book *Post-Truth, Fake News and Democracy*, Johan Farkas and Jannick Schou actually characterise the notion of a Truth with a capital T as deeply undemocratic.<sup>15</sup>

Åsa Wikforss opposes this kind of relativism. She argues that it is perfectly legitimate to speak of objective truths and that some statements are true irrespective of the beliefs held about them. The earth is round, whales are mammals, this text is written on a MacBook Air, and so on. She does not shy away from speaking about the truth in definite terms.

“It is often said that the concept of an objective truth is dogmatic. In fact, it’s the other way around.” as Wikforss claims, “The very fact that truth is objective, quite unconstrained by us and our opinions, makes it such a threat to all the autocrats of the world. For they know that if the truth is revealed, their power may be threatened.”

Blurring the line between truth and lies is therefore a path to tyranny, says historian Timothy Snyder. And it all starts, according to Snyder, with the “open hostility to verifiable reality”.<sup>16</sup> A point that Åsa Wikforss agrees with: “What I find most interesting is the growing disagreement about what constitutes a lie and the truth, that it appears to be increasingly difficult for people to agree on the most obvious facts. And that’s very damaging to democracy.”

In a democracy, there are two types of disagreement, according to Wikforss: “One is disagreement about the facts, about what the world actually looks like. The second is disagreement about values, about how the world ought to be. It is more difficult to reconcile the disagreement on values, so we have to live with it. But it’s manageable as long as we don’t disagree too much about the facts. However, once we begin disagreeing about both facts and values these disagreements become unmanageable, and then democracy ceases to function, because it is based on being able to compromise and live together.”

Many people find it difficult to sort out the information, to distinguish truth from falsehood. Basically, it’s about credibility: about which sources you trust, and which ones you distrust.

“If we rely on different sources of information, our disagreements

will not be resolved. Normally, if you disagree on the facts, you go to a source and find out what the truth of the matter is, but if we don’t trust the same source, we can’t do that,” says Wikforss.

The internet and social media are teeming with self-proclaimed “experts” who, in the eyes of many, appear knowledgeable and trustworthy, but who actually can’t back up their statements, and simply engage in pseudoscience or in spreading conspiracy. Such “experts” often appear in alternative media, where journalism and press ethics are disregarded.

Meanwhile, there are established media outlets, such as conservative Fox News in the US, where dubious information and conspiracy theories are legitimised and disseminated to a viewership in the millions. And their audience, i.e. the consumers, trust their media and their experts, and so believe what they hear and see, while they distrust everything that is said in the so-called mainstream media.

“Those who rely on alternative sources are being fed a lot of false information, which in turn will affect how they judge other sources. For example, people judge information provided by public service broadcasters on the basis of false beliefs they have (already) adopted,” says Åsa Wikforss.

The fact that mainstream media and journalists are also targeted by conspiracy theories, branded as propagandists and purveyors of lies, obviously does not make the situation any easier. This exacerbates the problem, which Åsa Wikforss calls “polarised trust”.

## The attack on democracy

Åsa Wikforss’ latest book, *Why Democracy*, co-authored with her brother Mårten Wikforss, is about how conspiracy theories and propaganda threaten democracy, and how democracy falls apart if knowledge is undermined.<sup>17</sup>

She maintains that the nature of the threat is that severe. But it is not merely the result of technology: “Of course, this requires actors that are willing to exploit new technologies and the loss of a shared reality to pursue their own political ends.”

<sup>15</sup> Johan Farkas & Jannick Schou, *Post-truth, fake news and democracy: mapping the politics of falsehood*, Routledge, 2020

<sup>16</sup> Timothy Snyder, *Om tyranni: tjugo lärdomar från tjugonde århundradet*, Albert Bonnier, 2017, översättning Margareta Eklöf

<sup>17</sup> Åsa Wikforss & Mårten Wikforss, *Därför demokrati: om kunskapen och folkstyret*, Fri tanke, 2021

And indeed, there are actors who exploit and reinforce this trend: populist leaders and demagogues who exploit mistrust and who pit “ordinary people” against the establishment, the nation against the foreigners, who incorporate conspiracy thinking and lies into their propaganda and mobilise the masses against an imagined enemy.

The most prominent example of this is, of course, Donald Trump. The Washington Post counted over 30,000 false or misleading statements by Trump during his four year tenure in the White House,<sup>18</sup> which earned him the epithet “Conspiracy theorist in chief”.<sup>19</sup> He systematically used conspiracy theories as a rhetorical device: inconvenient media scrutiny was dismissed as “fake news”, journalists were branded as “enemies of the people”, investigations were described as organised “witch hunts”, social movements were dismissed as mere puppets, and political opponents were painted as evil conspirators.<sup>20</sup> At his disposal were Twitter and other social media platforms, which provided a direct communication channel to voters.

When he was facing the prospect of losing the presidential election, Trump resorted to the most far-reaching conspiracy theory of them all: that the election was a fraud, that it had been stolen from him, that he and his people were the victims of a gigantic conspiracy.

Which in turn led to the events of January 6, 2021, when a fired-up crowd of conspiracy zealots stormed the Capitol in search of “traitors”.

Then, if not before, it became obvious that Trump’s propaganda posed a serious threat to democracy. Millions of his followers had already confused fiction and reality. They had begun to view their president as the principal source of truth in a world full of conspiracies and illusion. Whatever he did, whatever mistakes he made, whatever abuses he committed, they still believed their leader when he claimed that every allegation was a lie.

But the big lie – proclaiming Trump had won an election he had in fact lost – that one hurt democracy most of all.<sup>21</sup> It was a full-on assault on the electoral process, on the judiciary and on the constitution. And it drove thousands of Americans to storm the Capitol, believing they were defending democracy when in fact they were in the process of destroying it.

## The threat to Sweden

The situation has not reached that level in Sweden. However, Swedish authorities and researchers do view conspiracy thinking as a potential threat. In spring 2021, the Swedish Civil Contingencies Agency (MSB) released a report on conspiracy theories, written by Andreas Önnorfors, professor of intellectual history.<sup>22</sup>

According to Önnorfors, “Conspiracy theories increase the polarisation of society and, in the worst case, can lead to radicalisation and violent extremism or terrorism.”

In the same vein as Åsa Wikforss, he argues that conspiracy theories undermine democracy by eroding trust in the legitimacy of expertise, independent media, research, the exercise of government and public authority, politicians and democratic processes.

He even views conspiracy theories as a threat to national security.

“We have seen, for instance, how influence operations, mainly Russian-led, have sought to undermine public confidence in the capacity of the authorities to manage crises. Through the spread of false narratives, an image is created where Sweden is portrayed as awash in chaos and disorder. Political forces within Sweden have picked up these stories and reinforced them, which has contributed not least to a considerable polarisation of Swedish politics.”

<sup>18</sup> “In four years, President Trump made 30,573 false or misleading claims”, Washington Post, 2020-01-20.

<sup>19</sup> Chris Cillizza, “Conspiracy Theorist in Chief”, Washington Post, 2017-03-05

<sup>20</sup> Angelo Fichera & Saranac Hale Spencer, “Trump’s Long History With Conspiracy Theories”, FactCheck.org, 2020-10-20.

<sup>21</sup> Timothy Snyder, “The American Abyss”, New York Times Magazine, 2021-01-09.

<sup>22</sup> Konspirationsteorier och COVID-19: mekanismerna bakom en snabbväxande samhällsutmaning, MSB, 2021.

That foreign powers, mainly authoritarian regimes and dictatorships, use disinformation to destabilise and discredit democratic countries became clear in 2016, when Russian intelligence agencies and troll factories tried to influence the US presidential election. However this was equally evident during the COVID-19 epidemic.

In the EUvsDisinfo database, the European External Action Service (EEAS) lists hundreds of examples of Russian disinformation about COVID-19. These are mainly fake news and conspiracy theories published by Russia Today (RT), Sputnik News and other media linked to the Kremlin.<sup>23</sup> At the same time, the US State Department identified a number of anti-vaccine sites with links to Russian intelligence.<sup>24</sup> In 2021, the French newspaper *Le Monde* also revealed that a Russian public relations firm had offered French influencers large sums of money to spread anti-vaccine propaganda.<sup>25</sup>

## The response from Big Tech

So, it is not unwarranted that conspiracy theories and disinformation are perceived as threats to democracy. Nor is it surprising that this has spawned a reaction in the form of various attempts to curb the spread of harmful misleading information, which in turn has sparked a debate about the limits of freedom of expression and how best to defend democracy.

During the COVID-19 pandemic, the debate focused on social media and the companies behind the major platforms. What were their responsibilities and obligations with regard to the problem?

In mid-February 2020, WHO digital strategist Andrew Pattison flew to Silicon Valley. The aim was to get the tech giants to rally against the infodemic.

Years before, Facebook and other tech companies had already begun blocking terrorists and extremists and removing hate speech and incitements to violence. However, the restrictions on the free flow of information were rather modest.<sup>26</sup>

The pandemic brought about a shift. As early as the end of January 2020, the major tech companies had already begun increasing fact-checking, and thousands of posts were marked with a warning: "False information." After Pattison's meeting with representatives of Facebook, Twitter, Google and other companies, Silicon Valley signalled that they were ready to accept responsibility. In a joint statement, the companies agreed to work more with independent fact-checkers to "combat fraud and misinformation" in order to keep communities healthy and safe.<sup>27</sup>

Initially, the fact-checkers constantly lagged behind, the measures were insufficient, and many things slipped through. But soon their efforts started to gather steam.

Following the US presidential election and the storming of the Capitol, tech companies went into overdrive. Platforms that had almost become the infrastructure of Trumpism and conspiracy thinking, and which had faced massive criticism for failing to act in the past, now made short work of the ex-president. Trump's propaganda machine was disabled, and many of his followers, especially people connected to the QAnon movement, were suspended.

A Reuters investigation revealed that thousands of Facebook groups had been used to incite violence after the presidential election. Thousands of comments had been found containing messages like "we need a civil war" and "kill them all!"<sup>28</sup>

That kind of violent propaganda would now definitely be removed, Facebook promised.

<sup>23</sup> Disinfo database, EUvsDisinfo.eu

<sup>24</sup> Michael R. Gordon & Dustin Volz, "Russian Disinformation Campaign Aims to Undermine Confidence in Pfizer, Other COVID-19 Vaccines, U.S. Officials Say", *Wall Street Journal*, 2021-03-07

<sup>25</sup> Florian Reynaud, "Des youtubeurs français incités à dénigrer le vaccin contre le COVID-19 de Pfizer-BioNTech", *Le Monde*, 2021-05-24

<sup>26</sup> Shirin Ghaffary et al. "Here's how Facebook, YouTube, Twitter, and 8chan handle white supremacist content", *Vox*, 2019-08-04

<sup>27</sup> Christina Farr et al. "Facebook, Amazon, Google and more met with WHO to figure out how to stop coronavirus misinformation", *CNBC*, 2020-02-14

<sup>28</sup> Martin Gelin, "Sociala medie-jättarna får nu räkna med att ställas till svars", *Dagens Nyheter*, 2021-01-10

In February 2021, Facebook also announced that it would weed out all false information about vaccines. And advances were made: many vaccine opponents were banned, and groups were shut down, although the actions mainly affected English-speaking users and groups. Nevertheless the trend was clear: it became increasingly difficult to spread conspiracy theories and other questionable information on platforms such as Facebook, Twitter and YouTube.

Major social media platforms took on an increasingly prominent gatekeeper role. This led to them also being blacklisted by the conspiracy theorists, and the people who had always accused the authorities of censorship and silencing now got their money's worth.

But it's not just conspiracy theorists who have raised warning flags. "If the tech giants are encouraged, or forced, to moderate more, they risk becoming a kind of censorship apparatus for the ruling establishment," writes author Jonathan Lundberg, for example, in his latest book about cyber war and the attempts to stem the flow of allegedly harmful information. The risk, he says, is that we will have "a system where the currently powerful decide what the currently powerless can express on the Internet".<sup>29</sup>

Jesper Bengtsson, President of Swedish PEN, is also increasingly concerned about this development.

"It is certainly a problem that misleading information and conspiracy theories are becoming increasingly widespread, especially when they are deliberately disseminated in order to create uncertainty and confusion," Bengtsson says. "But in stage two, this leads to demands for restrictions and control, and I see that as a bigger long-term threat."

Philosophy professor Åsa Wikforss, however, does not see the actions of tech companies as a threat to freedom of expression or democracy. She claims that "It is not an infringement of someone's freedom of expression to take them off Facebook. Facebook is a private actor that is not obligated to publish conspiracy theories any more than Dagens Nyheter is."

*If the tech giants are encouraged, or forced, to moderate more, they risk becoming a kind of censorship apparatus for the ruling establishment*

## Censorship and Blocking

But what happens if the state censors certain media? Or if the EU does? Because that is exactly what has happened. Following Russia's invasion of Ukraine, the Council of the European Union announced that the Russian state-controlled media RT and Sputnik News would be shut down across the entire union "until the aggression against Ukraine is put to an end, and until the Russian Federation, and its associated media outlets, cease to conduct propaganda actions against the Union and its Member States".<sup>30</sup>

In Sweden, the Swedish Post and Telecom Authority urged internet service providers (ISPs) to block RT and Sputnik News sites. Almost all ISPs complied with the regulation. One exception was the firm Svenska Bahnhof that refused to, and the company's CEO Jon Karlung explained why in the newspaper Ny Teknik:

"I share the view that Russia is conducting a disgusting propaganda and disinformation campaign. But I am convinced that the only real remedy is more openness and democracy, not censorship and blocking."<sup>31</sup>

<sup>29</sup> Jonathan Lundberg, *Från världskrig till nätkrig: hundra år som formade internet*, Piratförlaget, 2021

<sup>30</sup> EU-sanktioner mot statsägda RT:s och Sputniks sändningar inom EU, [EU sanctions against state-owned RT and Sputnik broadcasts in the EU] [www.consilium.europa.eu](http://www.consilium.europa.eu)

<sup>31</sup> Kalle Wiklund & Ania Obminska, "Svenska operatörer blockerar ryska medier – är censur rätt metod?", Ny Teknik, 2022-03-11

Swedish PEN's president, Jesper Bengtsson, believes that the limits of what is democratically justifiable have definitely been exceeded with this type of state intervention.

"This can have long-term consequences, because now suddenly there is someone who is going to sit and evaluate whether or not something should be expressed. And now we might think that these are wise people who are restricting specifically Russian propaganda channels. That might be well and good, but only for as long as they think and reason in the same way as we do."

Åsa Wikforss remains conflicted on the issue:

"You have to be able to do some pretty radical things in a democracy in order to defend it, but this has to be done very carefully because there is always the risk that you hurt democracy more than you help it. It's a balancing act, and whether the right approach has been taken in this case is perhaps questionable, I'm not convinced on which is the better option," she says.

What's the alternative? Are there other ways to defend fact-based knowledge against its enemies? Other ways to respond to the spread of misinformation and conspiracy theories?

Åsa Wikforss calls for measures that increase confidence in democracy, and improve it further. She argues in favour of a strengthening of the institutional repositories of knowledge such as schools, universities, and the free press.

The intellectual historian Andreas Önnarfors believes there is a need for psychological preparedness/readiness:

"By improving people's critical thinking, source criticism, media and information literacy and thereby their confidence in legitimate media sources, it is possible to counteract their susceptibility to conspiracy theories."

Jesper Bengtsson wants to highlight the importance of writers in this context. As public intellectuals they have a responsibility to uphold the principles of knowledge, truth and democracy: "And they can stand up for independence, show that it is possible to be independent."

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*Kent Werne is a freelance journalist, non-fiction writer and lecturer. He is the author of two books on conspiracy theories: Everything is a Conspiracy – A Journey Through Wonderland (Ordfront, 2018) and Conspiracy Fever (Ordfront, 2021).*

# 4

## THREE MAJOR THREATS TO SWEDISH PUBLIC BROADCASTING – INCREASINGLY POLITICALLY CONTESTED

*By Jesper Strömbäck*

**There are three overarching threats to public broadcasting in Sweden. As this report will show, one is the threat to the capacity of public broadcasting institutions to fulfil their mission, the second is the threat to the independence of public broadcasting institutions themselves, and the third is the long-term campaign to portray the public broadcasting as left-wing and biased, thereby undermine trust in public broadcasting. In order to understand these threats, it is important to first paint a picture of what the mission of public broadcasting in Sweden is.**

Over the past decade, a wave of more or less authoritarian right-wing populism has swept across the Western world, and in countries such as the US, Poland and Hungary these populist movements have come to power.<sup>1</sup> In countries with public broadcasting institutions, it has not taken long for the authoritarian populist actors to take control of these institutions and turn them into more or less government-run media channels. A recent report by the European Commission identifies the Czech Republic, Slovakia, Cyprus, Malta, Greece, Poland and Hungary as member states where public broadcasting institutions have become politicised and lack sufficient editorial independence.<sup>2</sup> In the case of Hungary and Poland, the EU Commission report

notes that both public broadcasting media and the authorities which regulate it are too beholden to the ruling political parties, which in turn affects the content of the broadcasting and has created a situation where media outlets associated with the ruling parties are favoured while other media are disadvantaged. This is done, for example, through staff appointments and the channelling of state advertising revenue to regime-friendly media<sup>3</sup>. In practice, this means that the freedom of the media is severely curtailed and that public broadcasting is unable to fulfil its mission: to factually and impartially provide the information that people need to be able to orient themselves on political, social and cultural issues. Such restriction also entails a restriction of democracy.

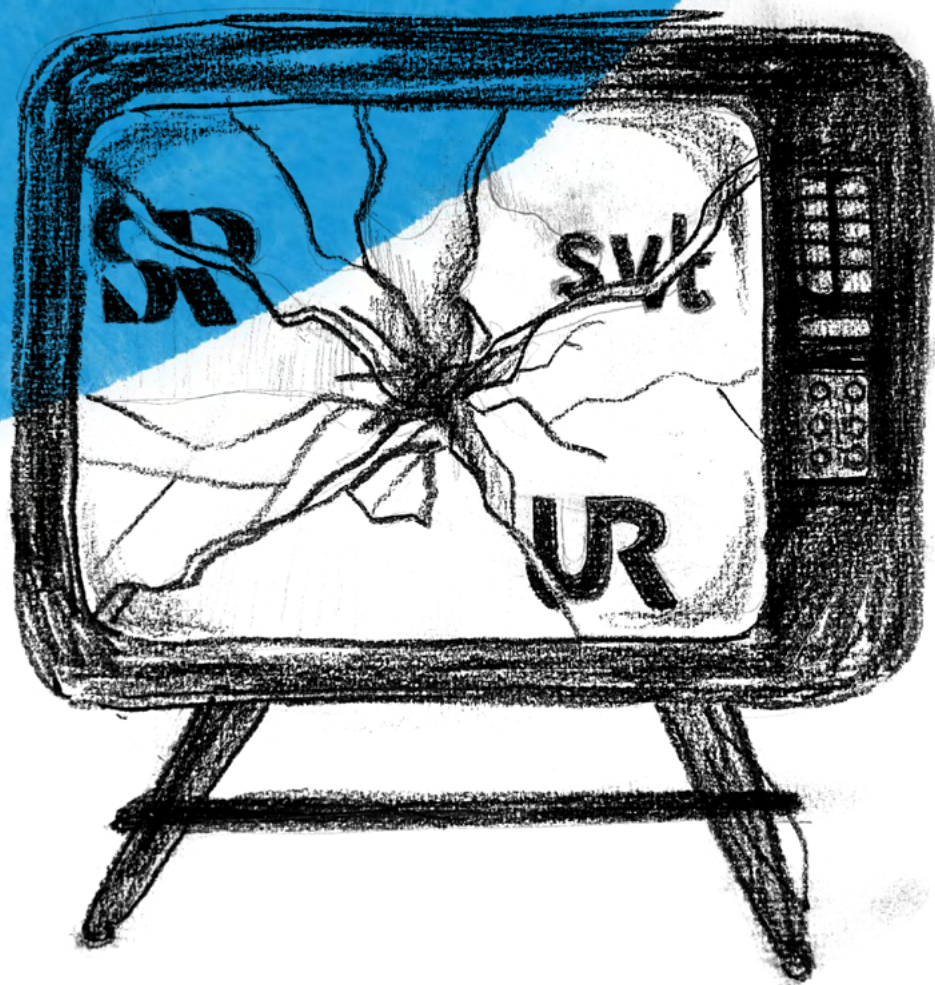
### Public broadcasting in Sweden

Public broadcasting in Sweden consists of three independent companies: Sveriges Television [Swedish Public Television] (SVT), Sveriges Radio [Swedish Public Radio] (SR) and Utbildningsradion [The Swedish Educational Broadcasting Company] (UR). Their respective missions are described in their broadcasting licences, and the current broadcasting licences extend until 31 December 2025. As stipulated in the broadcasting licence, SVT is required to provide television broadcasting “in the public

<sup>1</sup> Aalberg et al., 2017; Norris & Inglehart, 2019

<sup>2</sup> European Commission, 2022

<sup>3</sup> European Commission, 2022b, 2022c



interest”. It emphasises that “the operations must be characterised by independence and strong integrity and they must be conducted independently of both influence from the state as well as economic, political and other interests and spheres of power in society.”<sup>4</sup> With regard to content, it is emphasised that public broadcasting must provide a “a diverse range of programming, spanning those with broad spectrum audience appeal to more distinctive types of content.”, and that programming activities should include “a gender equality and diversity perspective and be characterised by high quality”, and that as a whole, it should “be characterised by an ambition to act in the spirit of popular education”. With regard to news broadcasting, it is stressed that public broadcasting must “provide news, stimulate debate, comment on and highlight events and developments, and in so doing provide the comprehensive information that citizens need to be informed and to take a position on social and cultural issues.”<sup>5</sup>

These formulations reflect that public broadcasting is viewed as an important part of the democratic infrastructure. More generally, it is often stated that the purpose of journalism is to provide the information that people *need* to take free and independent stances on social issues,<sup>6</sup> but for commercial media there are

always sharp constraints in terms of, among other things, the need for success in competing for people’s attention, advertising revenue and investment capital.<sup>7</sup> This creates strong incentives for commercial media entities to focus on content that attracts the largest possible audience among the target audiences that advertisers are interested in, as opposed to content that provides the information people *need* to be well-informed and take independent positions on political, social and cultural issues.

In other words, free and independent media are an integral part of democracy and necessary for its functioning, and public broadcasting is about increasing access to, and the dissemination of information that is not commercially viable. At the same time, in order to reach groups that are less interested in the information they *need* to orient themselves and take a stand on social and cultural issues, it is important that public broadcasting and its content is made widely accessible and attractive. Otherwise, public broadcasting risks reaching only those who are very interested in politics, society and culture.

Research also shows that Swedish public broadcasting is generally living up to its mission.<sup>8</sup> Among other things, public broadcasting media – compared to commercial channels – is characterised by a greater and broader range of both

<sup>4</sup> [www.riksdagen.se/sv/dokument-lagar/dokument/statens-offentliga-utredningar/innehallsvillkor-for-public-service-pa-internet--\\_HAB35](http://www.riksdagen.se/sv/dokument-lagar/dokument/statens-offentliga-utredningar/innehallsvillkor-for-public-service-pa-internet--_HAB35)

<sup>5</sup> Corresponding wording is found in the broadcasting licences for SR and UR

<sup>6</sup> Kovach & Rosenstiel, 2021

<sup>7</sup> Hamilton, 2004

<sup>8</sup> See for example Asp, 2017; Bjerling, 2022

news reporting and reporting on social or political issues, their content is less commercialised, and they help to make people more informed about, and interested in, politics and society.<sup>9</sup> There is also no evidence to suggest that public broadcasting is politically biased along party lines. This is a topic on which there is extensive research.<sup>10</sup>

Research also indicates that confidence in SVT and SR on an aggregate level is both high and stable, and higher than for other media.<sup>11</sup> According to the latest SOM survey<sup>12</sup>, 75% and 72% of respondents said they had a high or fair amount of confidence in the content provided by SVT and SR respectively. TV4 came in third, receiving 57% of very high or fairly high confidence ratings. This pattern has also been found in prior surveys.<sup>13</sup> Public broadcasting is also considered by respondents to have a greater societal value and to be more independent than other media. For example, just under 70% and just over 60% of respondents agree that SVT and SR are “independent in relation to political, economic or other special interests, when they report on society and the world”, while the corresponding share for TV4 is just over 40%. Similarly, around 80 % consider SVT and SR to have a very or fairly high societal value, compared to just over 50 % for TV4.<sup>14</sup> This has implications for confidence in public broadcasting.<sup>15</sup> It is also linked to the way public broadcasting is used: not unexpectedly, there are clear links between the frequency of use of different media and the level of trust people have in them.<sup>16</sup> In other words, widespread use of public broadcasting media contributes to the perceived societal value of public broadcasting, which in turn contributes to the high level of trust.

Based on this, one might conclude that most people are satisfied with public broadcasting and that there are no threats to speak of. However, closer analysis shows that this is not the case.

## Increased criticism of public broadcasting institutions

Two of the most important changes in the world of media in the last 10–15 years are the emergence of, and the increasing importance of social media and political alternative media.<sup>17</sup> Among other things, these have created platforms for politically motivated criticism of mainstream news media, which has been particularly exploited by right-wing alternative media as well as by politicians and commentators who are more or less on the far right. As a result, allegations of bias, left-wing bias, political agendas, etc., against mainstream media have become much more common and apparent. This is not only true in the US, where former President Donald Trump and his supporters regularly accused mainstream media of being biased and enemies of the people, which was then repeated and reinforced by various right-wing alternative media.<sup>18</sup>

Similar trends can be found in other countries, including Sweden, where public broadcasting is the main target.<sup>19</sup> There are strong indications that it is a deliberate strategy on the part of right-wing politicians and organisations to try to undermine trust in public broadcasting, thereby protecting their own agenda from criticism and creating more space for political alternative media.<sup>20</sup> In particular, the criticism comes from right-wing alternative media, Sweden Democrats and their supporters on social media, but also from Moderate politicians and sympathisers. Relevant in this context is the prevalence of delegitimizing criticism, by which is meant criticism that is characterised by rudeness, disrespect and absence of reasoning or argument<sup>21</sup>. This can include, for example, calling SVT “state television” or a “propaganda factory”. A recent study of Swedish

<sup>9</sup> See, for example, Asp, 2017; Bjerling, 2022; Jönsson, 2022; Strömbäck, 2017; Strömbäck & Shehata, 2019; Strömbäck & Shehata, 2022. One caveat is that research on public broadcasting is primarily about television, while there is much less research about radio.

<sup>10</sup> Johansson, 2022; Johansson & Strömbäck, 2019

<sup>11</sup> Andersson, 2021; Andersson & Ghersetti, 2022; Medieakademien, 2022

<sup>12</sup> SOM stands for Society – Opinion – Media, and the SOM survey is an annual survey conducted by the SOM Institute at the University of Gothenburg.

<sup>13</sup> Andersson & Ghersetti, 2022

<sup>14</sup> Andersson, 2021

<sup>15</sup> Andersson, 2021, 2022

<sup>16</sup> Andersson, 2022; Andersson & Ghersetti, 2022; Strömbäck et al., 2020

<sup>17</sup> Holt, Figenschou & Frischlich, 2019; Strömbäck et al., 2022; Van Aelst et al., 2017

<sup>18</sup> Benkler, Faris & Roberts, 2018; Carlson, Robinson & Lewis, 2021

<sup>19</sup> Figenschou & Ihlebaek, 2020; Holt, 2018; Ihlebaek & Nygaard, 2021

<sup>20</sup> Cf. Benkler, Faris & Roberts, 2018; Carlson, Robinson & Lewis, 2021

<sup>21</sup> Egelhofer et al, 2021; Liminga, 2022



parliamentarians' tweets found, for example, that Sweden Democrat parliamentarians accounted for around 60 % of all delegitimizing criticism of the media, followed by Moderate parliamentarians who accounted for just under 20 %. The most common allegation was of left-wing bias and partiality and the most common target was public broadcasting.<sup>22</sup> Similar patterns have emerged in previous studies, which also found that of all the tweets from members of parliament that related to the media in one way or another, those containing media criticism received the most reactions.<sup>23</sup> This suggests that in some groups, attacking the media in general and public broadcasting in particular can be a successful strategy.

## Increased polarisation of media trust

While criticism of public broadcasting for being left-leaning and biased has become increasingly prominent both in social media and in right-wing alternative media, research shows that trust in the media has become increasingly polarised and politicised.<sup>24</sup> This is especially true for trust in public broadcasting institutions. It is reflected in the fact that trust in SVT and SR is evidently higher among slightly or clearly left-leaning respondents compared to slightly or clearly right-leaning respondents. While 90% and 87% of slightly or clearly left-leaning respondents report that they have trust in SVT, the corresponding rates are 79% and 58% among slightly or clearly right-leaning respondents. In the case of SR, 84% and 83% of those who position themselves clearly or slightly to the left report that they have trust in SR, while the corresponding rates are 73% and 61% among those who position themselves slightly or clearly to the right. The equivalent gap does not exist in the case of TV4.<sup>25</sup>

Another illustration of how trust in public broadcasting has become polarised and politicised is that sympathisers of the Sweden Democrats (SD) are much less likely to believe that SVT and SR have a high societal value and that they are independent, and compared to other party sympathisers, they have much less trust in public broadcasting institutions. To some extent,

supporters of the Moderates (M) and the Christian Democrats (KD) also stand out by being less likely to believe that SVT and SR are independent compared to other party supporters. While at least 80% of supporters of the Left Party (V), the Green Party (MP), the Social Democrats (S) and the Centre Party (C) consider SVT to be independent, the corresponding shares are 64%, 65% and only 46% respectively among supporters of KD, M and SD.<sup>26</sup> Another study, based on panel data where the same individuals are questioned on several different occasions, also found that trust in SVT and SR was lower among SD sympathisers compared to those of other parties – and that it was the only group where trust declined during the survey period (2014–2016).<sup>27</sup>

In other words, the overall pattern is that trust in public broadcasting is lower primarily among Sweden Democrat sympathisers, but also among supporters of the Christian Democrats and the Moderates. It is these parties which constitute the core of the new political cooperation that has formed on the right in recent years.

## Increased demands for leaner but sharper public broadcasting

Traditionally, there has been a relatively broad political consensus regarding public broadcasting and its mission, and all parties except SD voted in favour of the bill that set the broadcasting conditions for the current licence period.<sup>28</sup> In recent years, however, it has become clearer that M, KD and SD are advocating a policy that can be described as leaner and more small-scale but with what they call a “sharper” public broadcasting. This policy states that focus should be on news, culture and public service announcements, and places emphasis on the protection of the Swedish language, Swedish cultural development and Swedish film production. At the same time, it is stressed that public broadcasting should not “crowd out commercial radio and TV, or compete unfairly with local newspapers on the web”, to quote the Moderates.<sup>29</sup> The basic idea is that public broadcasting should, in principle, only offer content

<sup>22</sup> Liminga, 2022

<sup>23</sup> Widholm & Mårtensson, 2018

<sup>24</sup> Andersson & Gherseti, 2022; Strömbäck & Karlsson, 2017

<sup>25</sup> Andersson & Gherseti, 2022

<sup>26</sup> Andersson, 2021. Results based on the SOM survey 2020

<sup>27</sup> Strömbäck & Karlsson, 2017

<sup>28</sup> [www.riksdagen.se/sv/dokument-lagar/arende/betankande/villkor-och-riktlinjer-for-radio-och-tv-i\\_H701KrU2#stepBeslut](http://www.riksdagen.se/sv/dokument-lagar/arende/betankande/villkor-och-riktlinjer-for-radio-och-tv-i_H701KrU2#stepBeslut)

<sup>29</sup> [www.moderaterna.se/nyhet/sverige-behovet-en-ny-mediepolitik](http://www.moderaterna.se/nyhet/sverige-behovet-en-ny-mediepolitik)

that commercial channels do not offer. Eurovision, sports and other more popular forms of content should not be offered by public broadcasting according to this view. If adopted, this policy would in all likelihood lead to a loss of audiences for public broadcasting institutions. There are also calls for the closure of the Swedish Educational Broadcasting company and for a merger of the remaining public broadcasting companies.

While such a policy is not a threat to public broadcasting per se, it is a threat to the type of public broadcasting institutions that Sweden has had so far. In the long term, such a policy would likely undermine the trust in and legitimacy of public broadcasting. As described above, there is a connection between being able to reach a broad audience, being perceived as independent and societally important, and subsequently enjoying a high level of public trust. Narrowing the remit of public broadcasting would reduce the scope of its prospective audience, which is likely to lead to a decline in viewership and listenership, and a reduced share of media consumers who perceive public broadcasting as societally important and independent, as well as a decline in trust. This in turn would open the door to further curtailments of the public broadcasting mission and its independence from political influence.

## Increased control of public broadcasting institutions

Another recurring feature when examining how M and SD view public broadcasting is that these parties want to increase control over its institutions. For example, M has proposed a new licensing process in which public broadcasters themselves would be tasked with “presenting future operations in at least two alternative funding perspectives – one zero option based on current funding levels, and a second option based on a reduced funding level.”<sup>30</sup> One interpretation is that this would make it easier to cut public broadcasting budgets. More far-reaching, however, is the Moderate proposal that all public broadcasters should set up what they call an “internal audit function”. This is said to “ensure that the alternatives put forward are reasonable and realistic and that the companies do not fall into the

temptation of securing their funding by proposing cost-cutting measures that they know are politically impossible”. Moreover, they state that the “internal audit function” should “be responsible for providing broad and scientifically based reviews of the various public broadcasting companies’ objectivity and impartiality and have a central auditing role in the new licensing and budget process”.<sup>31</sup> They also propose that the internal auditors be appointed by the Foundation Management for SR, SVT, and UR. Considering that this body is appointed by the government and is partly composed of representatives of various political parties, this opens the door to increased political control and reduced independence, as critics have pointed out.<sup>32</sup>

However, the party that is most openly critical of public broadcasting is SD (The Sweden Democrats). At the same time, there is a discrepancy between the official party line and statements made by various prominent Sweden Democrats. As described above, SD was the only party that voted against the bill which provides the foundation for the current broadcasting licences. In their parliamentary motion in response to the bill, they write that they notice that “public broadcasters are increasingly criticised for failing in their mission, and not infrequently the criticism is justified”. In particular, SD is critical of what they perceive as a lack of impartiality and objectivity, and therefore want to “set up a specialised body which, prior to a review case, would put together a scientific council with the task of checking the objectivity of programmes or individual news reports that have been brought to the boards attention”. Like the Moderates, they want to decrease the resources for and increase the control and scrutiny of public broadcasting. This would once again open the door to increased political control and reduced independence. It is also curious that they claim that public broadcasters are “losing trust among the population”, when this is only true for the supporters of certain parties.<sup>33</sup> They also object to the idea that public broadcasting should be characterised by diversity and representativeness in terms of ethnicity, gender and sexual orientation.

At the same time, the question is how much the official policy actually reveals about how SD views and wants to change public broadcasting. Like authoritarian right-wing populist parties

<sup>30</sup> Moderaterna [The Moderates], 2021, p 32

<sup>31</sup> Moderaterna [The Moderates], 2021, p 33-34

<sup>32</sup> Scherman, 2021; Wadensjö Karén, 2021

<sup>33</sup> All quotes come from motion 2019/20:58 by Aron Emilsson and others.

in other countries, SD characteristically adapts their official policy and rhetoric to what is deemed viable<sup>34</sup>, which means that analysts must also give great weight to what leading party representatives say. More radical proposals often emerge in the debate, from shutting down the P3 radio channel to punishing journalists accused of bias with pay cuts or termination of employment.<sup>35</sup> At one point, Linus Bylund, the SD representative in the Foundation Management for SR, SVT, and UR, also requested that the Riksdag's [Swedish Parliament] Committee on Culture summon the heads of SVT and SR to discuss specific programmes that according to the Sweden Democrats lacked impartiality and objectivity.<sup>36</sup> The same person (Bylund) has also, like Trump, accused the Swedish press corps of being "enemies of the nation",<sup>37</sup> and there are plenty of other posts on social media where Sweden Democrats make very negative statements about public broadcasting.<sup>38</sup> Other leading SD parliamentarians have moved to motion in parliament for the government to invite election observers to review the media's election coverage, stating, among other things, that: "In Sweden, we have a situation where very many people now claim that Swedish public broadcasting, including both SVT and SR, is biased. It is claimed that election coverage, election reporting, daily news reporting and news evaluation but also entertainment programmes, cultural and children's programmes are biased and subjective. It is further claimed that management, governance/leadership, recruitment and programming are one-sided and favour one side of the political spectrum. We share this criticism of Swedish public broadcasting."<sup>39</sup>

In light of this, and the fact that in other countries where authoritarian right-wing nationalist parties have gained control, they have severely limited the autonomy and independence of public broadcasting institutions, there are strong reasons to be concerned that the autonomy and independence of public broadcasting institutions would also be severely limited in Sweden, should the Sweden Democrats gain a controlling influence.

## Summary analysis

While no party in Sweden claims to want to abolish public broadcasting, it is clear that the issue of public broadcasting and its mission has become more politically contested. The question of public broadcasting, its mission and its future will in all likelihood be brought to a head when the conditions for the next broadcasting licence (2026–2033) are to be decided. More specifically, three threats to Swedish public broadcasting can be identified. The first is the ambition of the Sweden Democrats (SD), the Moderates (M) and the Christian Democrats (KD) to reduce the resources and scope of public broadcasting and limit its mission. A "leaner but sharper" public broadcasting would lead to reduced use of public broadcasting media, which in turn would lead to fewer people perceiving public broadcasting as independent and societally important. This would lower public trust in these institutions.

The second threat is the ambition of SD, M and KD to increase control and governance of public broadcasting. This ambition is most evident in the proposal to set up an internal audit function and specialised bodies within the public broadcasters that would, inter alia, scrutinise their activities.

The third threat – which is related to how far SD, M and KD are willing to go in their ambitions to change public broadcasting – concerns the long-term campaign or opinion-forming strategy of presenting public broadcasting institutions as left-wing, partisan and as "state-run media", to quote some of the terms that recur in the debate and which are regularly put forward by Sweden Democrats and Moderates in particular. This has contributed to increased politicisation of the view of public broadcasting and polarisation in regard to trust in it, which in turn opens the door to increased demands for public broadcasting governance. It also leads to increased differences in media use between different groups, with those who distrust public broadcasting increasingly turning to right-wing alternative media, which in turn can be expected to further reduce trust in public broadcasting institutions.

<sup>34</sup> Norris & Inglehart, 2019. See also party secretary Richard Jomshof's statement that "Since Sweden is not Hungary, since we are not in government (yet) and since the media in Sweden does not work like the media in Hungary, we have to adapt to the reality that prevails here. This means, not least, that we have to adapt our rhetoric to the current situation. "

<sup>35</sup> [www.sverigesradio.se/artikel/7031333](http://www.sverigesradio.se/artikel/7031333)

<sup>36</sup> [www.svt.se/kultur/linus-bylund-sd-strafta-journalister-som-ar-partiska](http://www.svt.se/kultur/linus-bylund-sd-strafta-journalister-som-ar-partiska)

<sup>37</sup> [www.svt.se/kultur/medier/nationens-fiender](http://www.svt.se/kultur/medier/nationens-fiender)

<sup>38</sup> Liminga, 2022

<sup>39</sup> Motion 2021/22:78, by Björn Söder and Sven-Olof Sällström

The widening gap between how public broadcasting is viewed by representatives of various political parties and their supporters can therefore be seen as an expression of successful advocacy efforts by those who are critical or outright hostile to public broadcasting institutions. To put it plainly, this refers to right-wing alternative media, Sweden Democrat politicians and their sympathisers, and, to some extent, Moderate and Christian Democrat politicians and their supporters.

I believe these threats should be taken very seriously, especially since the Moderates (M), Christian Democrats (KD) and the Liberals (L) have opened the door to the Sweden Democrats (SD), and made themselves politically dependent on SD if they are to form a government after the 2022 election. This will give SD considerable influence over the policies of a possible right-wing government. The lessons from other countries are also frightening: wherever authoritarian right-wing populists have gained a dominant influence, they have curtailed the autonomy and independence of public broadcasting institutions. Given the chance, they will try it in Sweden too.

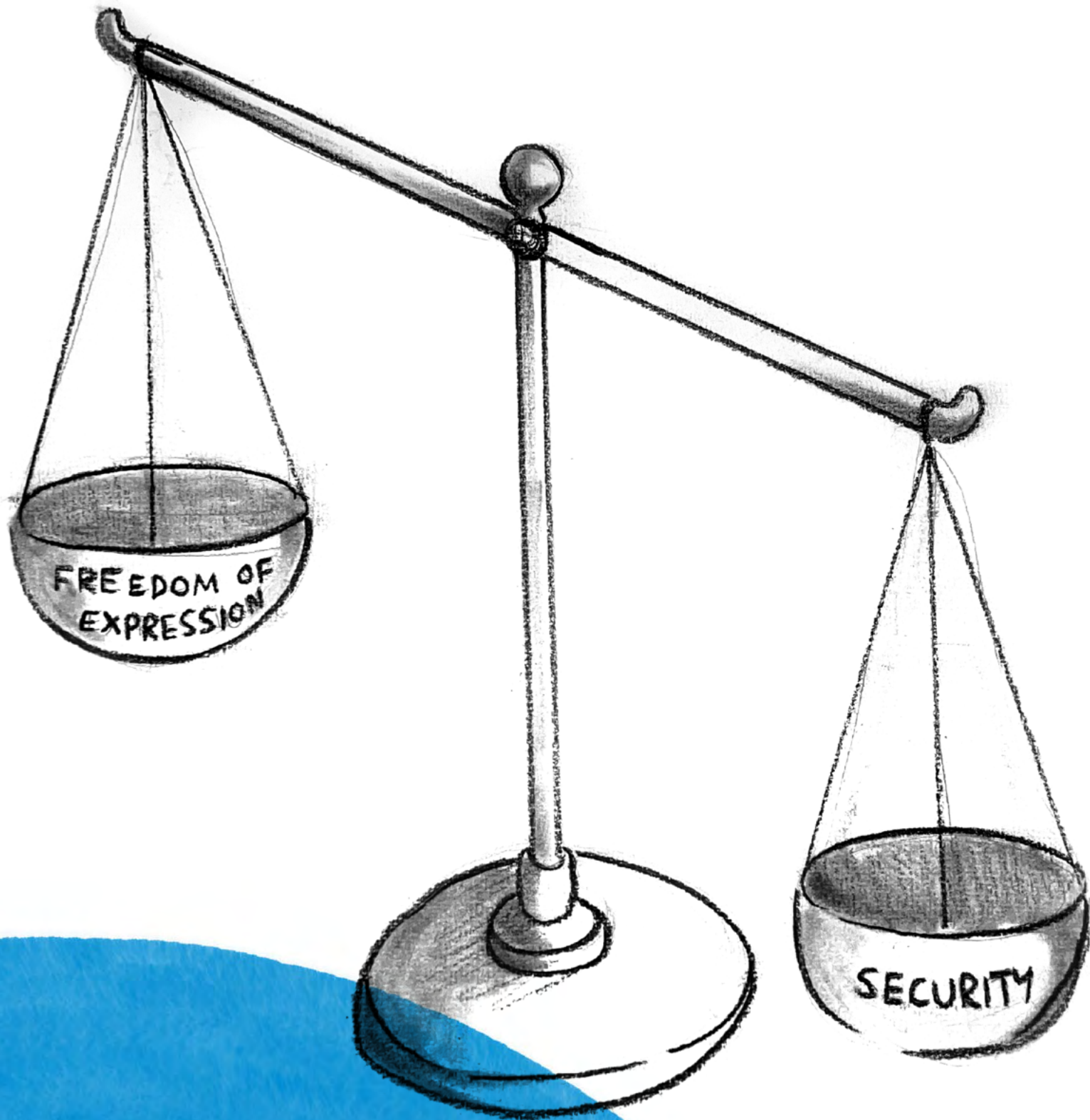
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# PROTECTION OF FREEDOM OF EXPRESSION AT RISK DUE TO NEW LAWS

*By Nils Funcke*

**F**reedom of expression has a strong legal protection in Sweden. However, the caution shown in previous reforms of the constitutional regulation, as rooted in the 1766 Freedom of the Press Act, has since been abandoned. Instead of remedying the deficiencies that do exist, new ones have been added without further justification – and more are to be expected.

The question of freedom of expression and its limits is related to formal regulation through laws and ordinances, to the approach taken by the legislator and the final application by the authorities.

The Russian war of aggression against Ukraine has proven to be a touchstone test of strength in the defence of freedom of expression. According to the EU Council of Ministers' regulation amendment<sup>1</sup>: "It shall be prohibited for operators to broadcast or to enable, facilitate or otherwise contribute to broadcast, any content" from Sputnik and Russia Today (RT). All broadcasting licences or authorisations, transmission and distribution arrangements shall be suspended.

The blocking of the two aforementioned state-controlled media outlets will be maintained until the aggression against Ukraine ceases, and until they "cease to conduct propaganda actions against the Union and its Member States."

The regulation, which applies as a law in all member states, represents a clear departure from the principles of net neutrality adopted by the council in November 2015<sup>2</sup>. According to that regulation, internet service providers should, "treat all traffic equally, without discrimination, restriction or interference", independently of its sender, receiver or content.

In the directive aimed at stopping Sputnik and RT, member states are given the right to not take measures that may conflict with national constitutional rules on freedom of expression.

Sweden has not passed this stress test. Instead of referring to the fundamental right to free formation of opinion enshrined in the constitution as part of the 1974 Instrument of Government, the government has supported the directive. The minister in charge, Cultural Minister Jeanette Gustafsdotter (S)<sup>3</sup>,

<sup>1</sup> The EU Council of Ministers' regulation 2022/350, [www.eur-lex.europa.eu/legal-content/SV/TXT/?uri=CELEX:32022R0350](http://www.eur-lex.europa.eu/legal-content/SV/TXT/?uri=CELEX:32022R0350)

<sup>2</sup> The EU Council of Ministers' regulation 2015/2120, [www.eur-lex.europa.eu/legal-content/SV/TXT/?uri=CELEX%3A32015R2120](http://www.eur-lex.europa.eu/legal-content/SV/TXT/?uri=CELEX%3A32015R2120)

<sup>3</sup> The Social Democrats.

has stated that the directive does not affect “free media” and independent news distribution but is rather aimed at “propaganda and disinformation” used as a tool in Russia’s warfare. The statement has prompted most Swedish internet operators to block Sputnik and RT.

The government’s position is an expression of a lack of understanding of the right to disseminate opinions and values, and only to risk punishment for their content after the fact and only when this content is in clear violation of law. Distribution has always been crucial in ensuring the free formation of opinion. This is the point at which states have always blocked the spread of information and values and will always try to block information and values that are considered objectionable.

The lack of respect and concern for the regulations on freedom of the press and freedom of expression has manifested itself in a large number of changes made to The Freedom of the Press Act (TF) and The Fundamental Law on Freedom of Expression (YGL), since 2015. In several cases these changes have been made despite inadequate preparation in the drafting process, without clear reasons or factual basis, and in some cases without any detailed justification.

## The Freedom of Expression Committee

The parliamentary Freedom of Expression Committee<sup>4</sup> made a number of proposals for changes to the legislation. The government chose to proceed only with proposals that in different ways and to varying degrees weakened protection.

On the basis of the Freedom of Expression Committee proposal, the fundamental rule of law regarding the presumption of innocence was dealt a blow. The principle starting point is that everyone should be considered innocent until proven guilty and that an acquitted person should not suffer any penalty.

Today, it is possible for an individual who has lost a freedom of the press case against a mass media company to avoid having to pay the other party’s legal costs. The acquitted party is thereby forced to pay a penalty by having to bear their own legal costs, which can amount to hundreds of thousands of Swedish krona (SEK).

Meanwhile, the opportunity for the Swedish state to side with

an individual (plaintiff) was expanded in defamation cases. Previously, the state could only prosecute through the Chancellor of Justice (JK) or a public prosecutor when considered necessary from the standpoint of public interest, and when there were “special reasons”. The requirement for “special reasons” was removed in 2015, which has lowered the threshold for bringing a public prosecution for defamation, see for example the prosecution of the author Cissi Wallin<sup>5</sup> for publicly identifying a man that she accused of rape.

Another amendment to law that has been decided by the Riksdag [The Swedish Parliament] is the reduced protection for persons who provide information to foreign correspondents in Sweden. If the information is transferred outside Sweden’s national borders, the freedom to communicate information intended to guarantee the anonymity of the informant does not apply. The amendment was implemented to enable Sweden to assist other countries with legal measures in the area of freedom of expression to a greater extent. The change was not motivated by demonstrating a concrete need and lacked an analysis of potential consequences for opposition figures in exile.

The committee proposed several suggestions which aimed to strengthen protection of freedom of expression, these included: strengthening the right to distribute written publications, introducing a limitation rule for constitutional amendments, correcting the liability coverage for databases and addressing liability issues for databases and strengthening the protection of news media for people with disabilities, all of which were disregarded by the government.

## The Media Constitutional Law Commission

The outcome of the official report by the The Media Constitutional Law Commission<sup>6</sup> was no better.

The most serious long-term change is the particular trial procedure in freedom of the press and freedom of expression cases that include participation of a jury. As part of Sweden’s adaptation to the EU and international cooperation, trial by jury will no longer be seen as a fundamental principle of law. This

<sup>4</sup> An overview of the Freedom of the Press and Freedom of Expression, SOU 2012:55, [www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2012/08/sou-201255](http://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2012/08/sou-201255)

<sup>5</sup> In an autobiographical book, Cissi Wallin has identified a man as a rapist. She was acquitted by a press freedom jury in March 2022. However, she has been convicted in the district court for having pointed out the same man on social media. That verdict has been appealed to the Court of Appeal.

<sup>6</sup> Changes to Constitutional Media laws, SOU 2016/58, [www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2016/09/sou-201658](http://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2016/09/sou-201658)



will broaden the possibilities for Swedish authorities to assist other countries with, for example, investigative measures and coercive measures also in the area of freedom of expression. The decision undermines the status of the jury system.

The changes also have long-term significance in another area. With a few specific exceptions, such as alcohol and tobacco advertising, the constitutional protections for freedom of expression have always been blind regarding the content of an opinion. Allowing the purpose of an opinion or statement to determine whether or not it is worthy of (constitutional) protection, may be a fine idea. However, six government committee inquiries have concluded that regulation based on the content of an opinion cannot be introduced without significantly restricting freedom of expression.

As of 1 January 2019, a new delegation rule will apply, which means that it will be possible to set legal requirements for the formulation of warning messaging, declaration of contents and other information if necessary, for reasons such as consumer protection. The change may seem marginal or even good; but it is, as we shall see, the first step towards a wider more general regulation to bring the constitutional provisions in line with the EU.

In the Riksdag, a government proposal to regulate publication of information from criminal convictions in ordinary law proceedings, was blocked. A majority in the Swedish Parliament's Constitutional Committee realised how ill-conceived the proposal was, since it would stratify the right to freedom of expression between different professional groups. On the other hand, the parliament adopted the introduction of a delegation provision that criminalises the disclosure of information about an individual's ethnic origin, political opinions, religious and philosophical beliefs, if the information is published in such a way that it is, or can be, compiled.

## The government inquiry on enhanced integrity

On 1 January 2019, despite not having been investigated by a parliamentary committee, and lacking a justification or identification of need, the scope of what counts as unlawful threat was extended. A proposal from a sole investigator<sup>7</sup> had an impact on the constitution. The inquiry was conducted from an entirely different perspective than that of protecting freedom of expression. The changes meant that the necessary prerequisite "serious fear" was replaced with "serious concern". Concurrently some other peace offences became freedom of press and freedom of expression offences.

In the case of insulting behaviour, "attacks on a person's sense of honour" is replaced with "disparaging comments", which expands the scope of what counts as punishable and can create unpredictable interpretations. Changes such as these should, if they can be justified, only be implemented outside of the remit of constitutional law. As concluded by the Committee on Freedom of Expression and in the report by The Media Constitutional Law Committee, violations of the personal integrity of individuals do not mainly occur in constitutionally protected media.

## The 2018 Freedom of Press and Expression Committee

Following two inquiries that resulted in a weakening of the Freedom of the Press Act and the Fundamental Law on Freedom of Expression, more changes are on the way. The government has submitted a bill<sup>8</sup> 2021/22:59 to the Riksdag based on the Committee on Press and Freedom of Expression report from 2018.<sup>9</sup> If approved by the Riksdag, the proposals will enter into force by 1 January 2023.

What characterises the Freedom of the Press Act (TF) and the Fundamental Law on Freedom of Expression (YGL) is that what is protected is not defined in terms of its content but rather by formal requirements concerning how statements are transferred – for example publication produced in print and transmissions broadcasts by wire. Depending on the spirit of the times, legislators have specified what ought to be a punishable offence bearing in mind the concerns of society, the public interest and the individual. As a rule, this has generally been done through

<sup>7</sup> Integritet och straffskydd, [Integrity and Legal Protection], SOU 2016:7, [www.riksdagen.se/sv/dokument-lagar/dokument/statens-offentliga-utredningar/integritet-och-straffskydd\\_H4B37](http://www.riksdagen.se/sv/dokument-lagar/dokument/statens-offentliga-utredningar/integritet-och-straffskydd_H4B37)

<sup>8</sup> Adequate protection of freedom of the press and freedom of expression, proposition 2021/22:59, [www.riksdagen.se/sv/dokument-lagar/dokument/proposition/ett-andamalsenligt-skydd-for-tryck--och\\_H90359](http://www.riksdagen.se/sv/dokument-lagar/dokument/proposition/ett-andamalsenligt-skydd-for-tryck--och_H90359)

<sup>9</sup> Innovation through information, SOU 2020:55, [www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2020/09/sou-202055](http://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2020/09/sou-202055)

the introduction of new offences in the so-called list of offences.

Instead, what has characterised the last decades is that certain statements have been defined as being exempted from constitutional law. This has been accomplished through the introduction of delegation provisions, which has limited the scope of application of the Freedom of the Press Act and the Fundamental Law on Freedom of Expression.

Delegation provisions are located in amongst others, Ch. 1, 11–14 §§ in TF and in Ch.1, 16–21 §§ in YGL. Exceptions are made, inter alia, to meet the financial and non-profit interests of copyright holders, for package leaflets containing information accompanying pharmaceutical products and for certain advertising. These exceptions are subject to review under ordinary law. Most of the exceptions are clearly defined: for example, The Act on Tobacco and Similar Products, and the Alcohol Act apply to commercial advertising in daily press publications and broadcast media.

The question of excluding certain opinions from the constitution has led to strong objections being raised, not least from the point of view of the press. There is a risk that the exceptions are too far-reaching or that they have no distinctive boundaries and thus restrict the free formation of opinion.

The government states that “any restriction must never go beyond what is necessary”, the precautionary principle must be applied, and, in other words, delimitations require “careful consideration”<sup>10</sup>. The 2018 Freedom of Press and Expression Committee explains that new delegation provisions should be carefully considered, as they “open up for more exceptions in the future”.

Despite being aware of the risks, the government proposes that new exceptions should be made to the scope of application of the constitutional laws on freedom of expression.

In connection with the revision of the Freedom of the Press Act (TF) and the Fundamental Law on Freedom of Expression (YGL) in 2019, a delegation provision was introduced that exempted the publication of privacy-sensitive information from the constitutional provisions. According to the Freedom of the Press Act (TF) the publication of such information can be regulated in law if it is part of a searchable data collection and is provided in such a way that “there is a special risk of undue intrusion into the private integrity of individuals”.

Now the government is making another attempt. Data from criminal convictions, instead of being covered by the constitutional principles of freedom of expression, will be covered by

the Data Protection Act and the EU’s General Data Protection Regulation (GDPR). The proposal was rejected by the Swedish parliament in 2018. The parliament argued that the proposal would be incompatible with the purpose of the constitution, namely, to exclude large groups from access to this data, which typically is made more available to amongst others, journalists and judges.

The bill proposes to prohibit by law the publication of information “relating to convictions in criminal cases or violations of the law involving criminal offences or related detention orders and other pre-trial supervision measures”. The government also proposes that, instead of the modalities for provision of the data, the “the nature of the data collection” should be decisive in assessing whether “there are particular risks of undue” violations of integrity.

The Parliamentary Ombudsmen and media outlets such as Swedish Television (SVT-Swedish public service television) and Swedish Radio (SR – Swedish public radio) also emphasise the risk that the changes in regulations also might affect data collection procedures worthy of protection, such as investigative journalism, as it is not uncommon for media entities to compile information on, for example, criminally convicted politicians.

The government states in the bill that “certain search engine services” should be exempt and continue to be included in the constitutional protection on freedom of expression. However, the government does not provide any examples nor any justification for the exception.

*The freedom to procure information, as it is called in the constitution, is central to all publishing activities.*

<sup>10</sup> See proposition 2021/22:59 s. 49

The freedom to procure information, as it is called in the constitution, is central to all publishing activities. It was introduced after the IB affair<sup>11</sup>, in which two journalists were sentenced to prison for espionage. The purpose was and continues to be to protect journalistic work and opinion formation activities. In order to ensure that the freedom to procure information provision does not extend so far that criminal acts of obtaining information become exempt from prosecution, a delegation provision was introduced in the Freedom of the Press Act (TP) and The Fundamental Law on Freedom of Expression (YGL), which states that the “manner” of procurement can be tried under ordinary law, such as unlawful intrusion, secret wire-tapping and unlawful data infringement.

Following a ruling in the Supreme Court (HD) in which the newspaper *Dagens Nyheter* was acquitted on charges of having photographed a restricted security site in the Stockholm archipelago in 2014, the government intends to criminalise image reproduction and descriptions of facilities that are important for Sweden’s total defence<sup>12</sup>.

Several media corporations claimed in their parliamentary consultation responses that publication of data of major significance for Sweden’s overall defence is already criminalised. In the Committee’s view, a foreign power could “infiltrate a newspaper editorial office” or allow a representative to act undercover as a free-lance photographer and thus be able to visually document secret installations with impunity.

The government proposes that state supervision of broadcast media should be increased. This is to be done by the The Swedish Broadcasting Commission, which in from now on will examine, not only regular scheduled broadcasts, but also any publications made by SVT (Swedish Television), SR (Swedish Radio) and UR (The Swedish Educational Public Broadcasting Company) on their websites and within their streaming services.

Objections raised by several media companies claiming the provision could also apply to media and press receiving support from the state, have been rejected by the government, referring to the statute comment that states the provision only covers companies that are “essentially financed by public funds”. According to the Council on Legislation, the legal text gives the impression that even activities which are financed to a lesser extent by public funds could be covered and the council

recommended that the text of the law should state directly what was intended.

The webcast rule was introduced in 2003 in order to clarify that the Fundamental Law on Freedom of Expression (YGL) also covered broadcasts of programmes via the internet. The government now wants to limit the constitutional protection to only cover an editorial office for a periodical publication and to those who have applied for and been granted a publication certificate for the broadcast.

Press subsidies have been distributed according to rigid criteria that leave no room for interpretation. Support has been based on circulation, among other things, and has been blind to content. In June, the Riksdag decided that, in order to be eligible for the new forms of support, the media format must, in addition to being connected to a publisher, also maintain “good media ethics”, be characterised by “high quality” and operate an “independent news service”. These requirements will mean that authority must necessarily evaluate the content and assess what constitutes good and independent journalism. In the past, this would be completely unthinkable considering that it could provide an instrument for the state to control the content in media outlets receiving state support.

The proposal for new forms of support for the media is linked to the government’s ambition to increase control of state support for opinion-forming and related activities. A total of SEK 13 billion is paid out annually by 30 authorities under 80 different regulations, including endowments for literature and religious communities. According to the government, activities that counteract gender equality, human equality or the fundamental values of society in general should not receive contributions from society.

## Foreign Espionage

Early 2022, the parliamentary Committee on the Constitution will consider the government’s proposal to introduce three new offences against freedom of the press and freedom of expression: espionage abroad, gross espionage abroad and disclosure of secret information in international cooperation<sup>13</sup>.

Foreign espionage means that a person, “in order to aid a foreign power or equivalent actor, transmits, provides or discloses secret information without authorization”, in regard

<sup>11</sup> IB was a secret Swedish intelligence organisation, which was revealed in 1973 through articles in the magazine *Fib/Kulturfront*. The journalists Peter Bratt and Jan Guillou were each sentenced to one year in prison for espionage. The Court of Appeal reduced Jan Guillou’s sentence to ten months.

<sup>12</sup> Swedish authorities employ this term to encapsulate a defence policy combining and extending the concept of military defence to also include broader civil defence capabilities.

<sup>13</sup> Proposition 2021/22:55

to information which occurs within a framework of Sweden's cooperation with another state or international organisation or another organisation of which Sweden is a member. The act is punishable if the disclosure of the information "is likely to cause serious harm to Sweden's relations" with another state or international organisation.

The proposal imposes restrictions on transparency, the freedom to procure and to communicate information. There is a risk that irregularities and abuses in international operations will not be detected. What is to be kept secret will be decided by foreign officers, not by the Swedish Parliament.

The proposal has not been prepared by a parliamentary committee, as is normally the case in Sweden's constitutional praxis. The issue regarding foreign espionage, on the other hand, has been examined by a special investigator and has subsequently been prepared and processed within the Ministry of Justice. The main perspective has been to accommodate an unspoken demand from foreign states and intergovernmental organisations. The freedom of the press and freedom of expression concerns have been seen as and treated as secondary issues.

According to the proposal, such an act would not constitute a criminal offence if the disclosure was justified. This safety valve cannot be described as anything other than a cosmetic effort to appease critical parliamentary consultation bodies. It is difficult to conceive of a situation in which the act of intentionally transmitting information in order to aid a foreign power would be considered justifiable and therefore exempt from punishment.

The government is dramatic in its description of what might happen if the new offences are not introduced. This might reduce "trust in Swedish authorities" and the willingness to cooperate and exchange information with Sweden. Ultimately, according to the government, it could lead to "Sweden being excluded from bilateral and multilateral cooperation that is necessary to protect the country".

The government refers only to fictitious examples and assumptions. Neither does it provide any evidence that the legislation, which the government currently considers inadequate, would prevent or even make difficult the cooperation that has been part of Sweden's foreign policy for decades.

The proposed provisions would "apply to information treated as secret in the context" of international cooperation and that "can relatively easily be established as secret in the individual case, for example by means of a classification, an order to subordinates or a notice prohibiting access by unauthorised

persons". According to the government, even the very existence of cooperation should be classified as secret. This means that in a peace or security promoting operation, the person in command, often a senior foreign officer, will decide what is to be considered secret.

The Riksdag adopted the bill in April 2022. In order for it to enter into force, a second decision is required after the autumn 2022 elections as this is a constitutional amendment. During the first deliberation, The Left Party and the Liberals voted against the proposal<sup>14</sup>.

## Restrictions during wartime and crisis

The public service companies, SVT (Swedish Television), SR (Swedish Radio) and UR (The Swedish Educational Public Broadcasting Company) are financed via the state budget. Their boards are appointed indirectly by the government through the foundation for management of public broadcasting, known as "Förvaltningsstiftelsen". SVT and SR enjoy a high level of public trust and are a central part of news dissemination in Sweden. The companies also play an important role in contributing to the overall defence of Sweden. According to the broadcasting licence that is decided by the government, SR and SVT must, in the event of a heightened or increased state preparedness, if possible, continue working as independent organisations but simultaneously "be directly subordinate to the government". The broadcasters have been trying for several years to have this obedience provision removed but have been met with even stricter indications from the government that they are part of the overall defence.

There are a number of provisions in the constitutional law on the Freedom of Expression that are activated in cases of heightened preparedness. These provisions have existed in the Freedom of the Press Act since at least 1950 but have never been applied. Crimes that can trigger an activation of these provisions include cases in which a person conducts espionage on behalf of other countries by way of constitutionally protected media. Such a provision is justified, as is the criminalization by opinions that, with foreign aid, give rise to the potential danger that Sweden will become embroiled in war.

But there are also punitive provisions here that can be used against vitally important journalism. Anyone who spreads false rumours or other false statements liable to endanger the security of the country when Sweden is at war, and which may "provoke

<sup>14</sup> The Swedish Parliamentary Preliminary (provisional) record 2021/22:94

disloyalty or dishearten” “members of the armed forces” can be convicted of dissemination of rumours, which is deemed an offence against the freedom of the press.

The provisions “unauthorised handling of secret information” and “carelessness with secret information” could also be used in the event of war, to penalise any person who, without any intention of aiding a foreign power, transmits information that could pose a danger to the security of the country.

## Expanded Freedom to Communicate Information

Sweden has a strong, and in international comparisons, far-reaching protection for persons who provide information for publication in constitutionally protected media. The so-called Freedom to Communicate Information means that the public, the state and authorities may, only in exceptional circumstances, inquire into the identity of those who have provided information and may not issue reprisals against those who have exercised their right to freedom of expression. The right to anonymity and the ban on reprisals has allowed the disclosure of information that would otherwise most likely not have been made public. Misconduct and abuses of power have been exposed and, in some cases, even given rise to legal proceedings.

As of February 2017 the bans on inquiries and on reprisals were expanded to cover not only the public sector/public enterprises but also enterprises in the health, education and care sectors which are privately run but partly or entirely financed through tax revenue<sup>15</sup>.

In April of 2022 the first charge was brought against a private health care provider. Three managers at the Attendo group stand accused of having initiated an unlawful and punishable act of reprisals against a nursing assistant. The woman in question was accused of disloyalty and was reprimanded with a written warning for having notified media sources that health care work at a nursing home in Stockholm was being performed in a way which entailed an increased risk of spreading covid-19 among the residents.

The range of punishment for violations of the Act (2017:151) on the protection of informers in privately-owned business can range between fines or imprisonment for up to one year. The case has been featured in the radio documentary: “The disloyal nursing assistant”<sup>16</sup>.

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<sup>15</sup> Act (2017:151) on the protection of informers in privately-owned business, 2017:151, [www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2017151-om-meddelarskydd-i-vissa-enskilda\\_sfs-2017-151](http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2017151-om-meddelarskydd-i-vissa-enskilda_sfs-2017-151)

<sup>16</sup> [www.sverigesradio.se/avsnitt/1712975](http://www.sverigesradio.se/avsnitt/1712975)

# 6

## SWEDISH CITIZENS ABROAD – PRISONERS OF THE DICTATORSHIP

*By Elisabeth Löfgren*

**Several hundred Swedish citizens have been imprisoned abroad, most of them convicted of drug offences or violent crimes and the majority receive consular assistance from Swedish authorities. However, two people belong to a different category. One is the Swedish-Eritrean writer and journalist, Dawit Isaak, who has been imprisoned in Eritrea for over 20 years without trial. The other is the Swedish-Chinese publisher and writer, Gui Minhai, who was kidnapped from his holiday apartment in Thailand by Chinese police in October 2015. In February 2020, he was sentenced to ten years in prison for providing secret information to foreign countries. Despite national and international campaigns for the release of these two men all efforts have been in vain.**

### DAWIT ISAAK

On 23 September 2001, three men in civilian clothes arrived at the Isaak family home in Asmara to arrest Dawit Isaak, who a few months earlier had returned to Eritrea after years in exile. Dawit tried to reassure his family: “it’s probably just a routine interrogation, I’ll be back soon”<sup>1</sup>

21 years have now passed since the family last saw Dawit Isaak.

### Up until the arrest

Dawit Isaak was born in October 1964, in Asmara, which at the time belonged to Ethiopia. Due to the escalating conflict between Ethiopia and Eritrea, he fled to Sweden on 17 August 1985. He first arrived in Markaryd and later moved to Lerum, where he held various jobs. In his spare time he did a lot of writing and was involved in the Eritrean National Union as editor of the Union’s magazine *Dimitsi Eritrawian*.<sup>2</sup>

The war between Ethiopia and Eritrea ended in 1991. Dawit Isaak was granted Swedish citizenship but applied for Eritrean citizenship in order to participate in the referendum on national independence. On the 24 of May, 1993, the Eritrean declaration of independence was adopted. In the years that followed, Dawit Isaak travelled frequently between Eritrea and Sweden. He married Sofia Berhane in 1992 and they had three children.

In June of 1996, a new press law was passed in Eritrea allowing the establishment of free independent newspapers. The publication *Setit* was founded in August 1997 by Aaron Berhane. A few months later, Dawit Isaak became a co-owner in the newspaper. But the political climate grew harsher and in 1998 war between Ethiopia and Eritrea flared up again and Isaak returned to Sweden. In the spring of 2001, he travelled back to Eritrea to continue writing for the newspaper.

<sup>1</sup> Dawit och friheten [Dawit and Freedom] Johan Karlsson & Rikard Sjöberg, SILC, 2006

<sup>2</sup> Ibid



Sofia Berhane and their children travelled to Asmara in September 2001 – a week later Dawit Isaak was arrested.

The situation in Eritrea was very difficult in 2001; promises of democratic elections and the adoption of a constitution were not fulfilled. In May 2001, 15 people, who came to be known as the G15 group, wrote an open letter to President Isaias Afwerki, pleading for political reform. The letter was published in several newspapers, including *Setit*.

The regime reacted harshly and on September 18 the president cracked down on his critics. He ordered the arrest of all G15 members and the closure of all independent media. A few days later a series of arrests began targeting journalists; Dawit Isaak was among those detained. The G15 group and all journalists were subsequently branded as traitors and accused of being involved in an attempted coup d'état.

## Initial Contacts

Dawit's younger brother, Esayas, contacted the Swedish Ministry for Foreign Affairs. The officer at the consular section called into question whether Dawit Isaak was even a Swedish citizen, and when Esayas insisted that he was, he was told that if Dawit Isaak had dual citizenship, the Foreign Office could do nothing. Esayas Isaak also contacted the media, but his efforts elicited no interest there either.<sup>3</sup>

Sweden had no embassy in Eritrea at the time, but two weeks after Dawit's imprisonment, the Honorary Consul, Lis Truelson, made an initial request to visit him; she repeated her request in April 2002, the request was denied.

On the 26 of April 2002, the Swedish Foreign Ministry sent an aide-mémoire to Eritrea's chargé d'affaires in Stockholm demanding that Eritrea comply with the Vienna Convention and allow Dawit to receive a consular visit. This request was denied. A few weeks later, Folke Löfgren, the Swedish government's special envoy, visited Asmara and requested to meet Dawit Isaak, this request was also denied.<sup>4</sup>

Months passed, and in early January 2003 the Eritrean ambassador had a meeting with the head of the Africa Unit at the Ministry of Foreign Affairs. The ambassador referred to the fact that Dawit Isaak is an Eritrean citizen. Meetings between

Swedish representatives of the Foreign Ministry and representatives of the Eritrean regime came and went. The response from Eritrea was always the same: they did not accept Swedish citizenship and considered the Swedish interest in Dawit Isaak to be meddling in their internal affairs. This was contradicted by the fact that Dawit had used his Swedish passport several times when travelling to and from Eritrea, including when he entered in April 2001.

In a Swedish parliamentary debate on the 16 December 2003, Foreign minister at the time, Leila Freiwalds said:

The problem with Dawit in relation to other cases – he is not alone in this problem, I would like to emphasise – is the problem we have in regard to the fact that we in Sweden accept dual citizenship. This is the basis for the difficulties we are having in getting further in the case. And we have not really got anywhere, I must admit.<sup>5</sup>

In October 2003, Sweden appointed Folke Löfgren as ambassador to Eritrea, based in Stockholm. It took seven months before he was allowed to meet President Afwerki.

## The November 2005 release

On 19 November 2005, Dawit Isaak called his wife Sofia to tell her that he had been released. He also called Leif Öbrink, who had, together with Dawit Isaak's family, started the *Free Dawit* support committee at the Gothenburg Book Fair a year earlier.

Leif Öbrink contacted the Swedish news agency TT *Nyhetsbyrån*. This time there was considerable interest from the media which also reached Eritrea via the exiled Eritrean radio station *Eritrean Voices*. Sweden's Eritrean Ambassador Bengt Sparre, who had succeeded the retired Folke Löfgren, was interviewed on 21 November on Swedish Radio. He spoke of having "built up personal relations with those in power in Eritrea" and mentioned, in particular, the Eritrean Defence Minister, who had relatives in Sweden and whom Bengt Sparre visited on several occasions. Bengt Sparre that his actions had played a major role in the release of Dawit Isaak. On the same day, Dawit Isaak was arrested again and taken back to Karsheli prison.<sup>6</sup>

<sup>3</sup> Dawit och friheten [Dawit and Freedom], Johan Karlsson & Rikard Sjöberg, SILC, 2006

<sup>4</sup> Dawit och friheten [Dawit and Freedom], Johan Karlsson & Rikard Sjöberg, SILC, 2006

<sup>5</sup> Ibid.

<sup>6</sup> Transcription of interview in Swedish Radio, Erik Jennische



*“Now show us that Eritrea is a state we can cooperate with.”*

The Swedish government’s actions in connection with the “release” of Dawit Isaak have been strongly criticised. It was very clear that there was no plan in place for how Dawit Isaak would be brought out of the country in the event of his release. The public outcry and statements by the ambassador, Bengt Sparre, are cited by many as a likely cause of Dawit Isaak’s re-arrest. Former Foreign Minister Margot Wallström:

I guess it was a case of people not being able to keep quiet. There was just too much attention before he had time to get to safety. It’s terrible what happened.

Former Foreign Minister Jan Eliasson, who has met President Isaias Afwerki on several occasions:

It is important that the other party does not lose face. It must appear that they have made the decision, without any external pressure. Anything else is a fundamental error in diplomacy and, in this case, an unparalleled tragedy.<sup>7</sup>

## Quiet Diplomacy

Since Dawit was imprisoned in 2001, Sweden has had nine foreign ministers (two of whom served for a very brief period). Initially, the focus was on the consular work, i.e. getting permission to visit Dawit Isaak in prison, which has been met with a total refusal from the Eritrean side. In the more than 20 years that have passed, no Swedish representative has been allowed to visit Dawit Isaak.

On 27 October 2020, Reporters Without Borders published a report<sup>8</sup> on the Swedish government’s work on behalf of Dawit Isaak. The report included interviews with several former foreign ministers and senior officials at the Ministry of Foreign Affairs.

Jan Eliasson first met President Isaias Afwerki in the early 1990s. When they met again in 2007, Jan Eliasson asked for a meeting in private:

I brought up Dawit Isaak and he frowned heavily, his body language became very dismissive. I think he even said something like: “How can you bring that up, you

are my friend?” I said that’s exactly why I brought it up and that he should listen to his friends and that he was making a huge mistake.

Afwerki argued that Dawit Isaak had been part of a coup against him, that the matter was therefore purely internal. It doesn’t matter, I said, Dawit Isaak has the right to a trial. I told him “now show us that Eritrea is a state we can cooperate with”, but he just got angry.<sup>9</sup>

In September 2006, there was a change of government in Sweden. The Social Democrats lost power and a liberate conservative coalition took office. Carl Bildt became Minister for Foreign Affairs from 2006 to 2014, a period during which he and the representatives of the Ministry of Foreign Affairs relied on quiet diplomacy in their efforts to free Dawit Isaak.

In May 2009, Swedish Radio published an interview with President Isaias Afwerki:

We will not have a trial and we will not release him. We know how to deal with him and others like him. For me, Sweden is irrelevant. The behaviour in recent years of some government officials, and the incident I mentioned about the Swedish Foreign Ministry interfering with other governments in bilateral relations, is very irritating and uncivilised.<sup>10</sup>

From the interview it can be deduced that relations between Sweden and Eritrea seemed to have been at rock bottom. Nevertheless, Sweden chose not to apply pressure when the EU negotiated a new aid package with Eritrea, Dawit Isaak’s name was not mentioned even once in the instructions given to the negotiating delegation.

Not until July 2013, when he had been foreign minister for seven years, did Carl Bildt meet an Eritrean minister of state, his counterpart Osman Saleh, but still nothing happened. The relations, which were already strained, deteriorated even further during a meeting in Finland that ended in turmoil. Sweden’s reaction was to deport an Eritrean diplomat, the first really sharp warning issued against the country.

<sup>7</sup> [www.reportrarutangranser.se/ny-rapport-fran-reportrar-utan-granser-samvetsfange-sedan-2001-varfor-sitter-dawit-isaak-fortfarande-fangslad](http://www.reportrarutangranser.se/ny-rapport-fran-reportrar-utan-granser-samvetsfange-sedan-2001-varfor-sitter-dawit-isaak-fortfarande-fangslad)

<sup>8</sup> [www.rsf.org/sites/default/files/update\\_3\\_-\\_rsf\\_sweden\\_-\\_report\\_-\\_prisoner\\_of\\_conscience\\_since\\_2001.pdf](http://www.rsf.org/sites/default/files/update_3_-_rsf_sweden_-_report_-_prisoner_of_conscience_since_2001.pdf)

<sup>9</sup> [www.reportrarutangranser.se/ny-rapport-fran-reportrar-utan-granser-samvetsfange-sedan-2001-varfor-sitter-dawit-isaak-fortfarande-fangslad](http://www.reportrarutangranser.se/ny-rapport-fran-reportrar-utan-granser-samvetsfange-sedan-2001-varfor-sitter-dawit-isaak-fortfarande-fangslad)

<sup>10</sup> [www.sverigesradio.se/artikel/2862761](http://www.sverigesradio.se/artikel/2862761)

In the 2014 elections, the bourgeois coalition lost power and a new Social Democratic foreign minister, Margot Wallström, was appointed. Following the change of government, Sweden launched a new strategy toward Eritrea.

Margot Wallström took the view that the Foreign Ministry led by Carl Bildt, had put so much pressure on the Eritrean government that President Isaias Afwerki was deeply annoyed and did not want to deal with Sweden:

We took over at a time when relations with Eritrea were frozen solid, when there was no contact at all. It could not have been worse. We had tried the hard way, now we wanted to try a different track, to use more diplomatic methods to achieve good contact. That needs to be done fairly consistently and you need to give it time.<sup>11</sup>

The Swedish Ministry of Foreign Affairs stopped asking foreign ministers, ambassadors and high-ranking EU officials to plead on behalf of Dawit Isaak. Instead, more direct engagement and more Swedish visits took place.

Eight years passed and the “softer” line proved equally ineffective. Relations with Eritrea improved, but Dawit Isaak was still imprisoned and completely cut off from contact with the outside world.

Many organisations involved in Dawit Isaak’s fate have strongly criticised the government’s actions. Many believe that Eritrea is the big winner and that the current approach should’ve been reconsidered a long time ago.

## Sweden's Judicial Processes

Reporters Without Borders (RSF) is an organisation that has been lobbying in favour of holding the Eritrean government to account. They have submitted a legal opinion to the Ministry for Foreign Affairs, the European Commission and the President of the European Parliament, arguing that Sweden not only has a right but also an obligation to help Dawit Isaak. Next, they worked on a habeas corpus petition, which was sent to Eritrea’s Supreme Court in 2011. No response from the court has yet been received. Domestic options were thus exhausted and

RSF contacted the African Commission. The Commission’s decision came in 2016. The African Commission on Human and Peoples’ Rights found Eritrea in violation of several articles of the Charter and demanded:

- **[T]hat the respondent state [Eritrea] should**
  - 1. release or bring to a speedy and fair trial the 18 journalists (including Mr Dawit Isaak) detained since September 2001, and to lift the ban on the press;**
  - 2. grant detainees immediate access to their families and legal representatives; and**
  - 3. take appropriate measures to ensure payment of compensation to the detainees’;**
- **Strongly urges the Respondent State to take all necessary measures to implement its decision in the said Communication. thout further delay<sup>12</sup>**

Six years have passed and none of this has been implemented. In 2014, Dawit Isaak’s Swedish-French legal team charged Eritrea’s president, his special adviser and several ministers with, among other things, crimes against humanity.

According to the prosecutor, the case cannot be investigated because Eritrea cannot be expected to cooperate. After a review, the Prosecutor General said that there were suspicions of crimes against humanity and that the case could be investigated in Sweden, but after consultation with the Ministry of Foreign Affairs, he decided not to do so. This decision has been severely criticised.<sup>13</sup>

In autumn 2020, a new complaint was filed, this time signed by several internationally renowned human rights lawyers including former Canadian Foreign Minister Irwin Cotler, former UN High Commissioner for Human Rights Navi Pillay, former Chairperson of the African Commission Pansy Tlakula, Iranian Peace Prize laureate Shirin Ebadi, and English PEN President Philippe Sands.

<sup>11</sup> [www.reportrarutangranser.se/ny-rapport-fran-reportrar-utan-granser-samvetsfange-sedan-2001-varfor-sitter-dawit-isaak-fortfarande-fangslad](http://www.reportrarutangranser.se/ny-rapport-fran-reportrar-utan-granser-samvetsfange-sedan-2001-varfor-sitter-dawit-isaak-fortfarande-fangslad)

<sup>12</sup> EU-kommissionens ärende 428/12, [EU-Commission case 428/12] [www.achpr.org/sessions/descions?id=259](http://www.achpr.org/sessions/descions?id=259), [www.achpr.org/public/Document/file/English/decision\\_on\\_communication\\_428\\_12\\_eng.pdf](http://www.achpr.org/public/Document/file/English/decision_on_communication_428_12_eng.pdf)

<sup>13</sup> Essay by Björn Tunbäck in the magazine Barometern [www.barometern.se/kultur/essa-kampen-for-dawit-isaak-pagar-for-fullt-nu-ska-ud-s-arbete-granskas-a7c0402c](http://www.barometern.se/kultur/essa-kampen-for-dawit-isaak-pagar-for-fullt-nu-ska-ud-s-arbete-granskas-a7c0402c)

The authorities decided once again not to proceed with a preliminary investigation. The Deputy Public Prosecutor, Katarina Johansson Welin, considered that “the investigative difficulties are so obvious that a preliminary investigation should not be opened”. She further wrote that “the suspects are neither in Sweden nor expected to travel here”. An incomprehensible statement, according to many, since Eritrean ministers often visit Sweden: two weeks before the Prosecutor-General decision, Eritrea’s foreign minister attended a public meeting in Stockholm.<sup>14</sup>

On the occasion of the 20th anniversary of Dawit Isaak’s imprisonment, 23 September 2021, an appeal was published in the five largest daily newspapers in Sweden, signed by 15 publicists and representatives of the organisations that are part of a network working for the release of Dawit Isaak.<sup>15</sup>

The article argued that “the Swedish government must fundamentally rethink its policies to free him [...] One of the tools Sweden does not seem to have used enough in working for Dawit Isaak is precisely that he is also a citizen of the EU.”

## The Swedish Parliament

The first time Dawit Isaak’s case was mentioned in Parliament was in a written question to the then Foreign Minister Anna Lindh on 11 April 2002, to which she replied on 19 April:

The Swedish government attaches great importance to developments in Eritrea and has therefore appointed a representative whose mission is to follow events in Eritrea in particular and to maintain bilateral dialogue with the country’s government. The Representative has recently visited Eritrea and expressed the Swedish Government’s deep concern about the situation in the country. I intend to follow closely what is happening with Dawit Isaak and also to continue to see how we can assist him and uphold his fundamental rights.<sup>16</sup>

Up to April 2022, the Parliament has addressed the case of Dawit Isaak in 124 motions, 23 reports and statements, 20 interpellations, 8 bills and 26 written questions.

In February 2005, a cross-party group was formed with all seven parties in Parliament to work on Dawit Isaak’s case.

At a hearing in December 2019, the demand was made for establishing a commission to investigate Sweden’s work on behalf of Dawit Isaak and Gui Minhai. The proposal was voted through in the Parliament/Riksdag and the government appointed a Commission of Inquiry that began its work in autumn 2021 and will submit a final report in September 2022.<sup>17</sup>

## The Media and Civil Society

Initially, there was little media interest in the detention of a Swedish citizen in Eritrea, but in 2004 the Swedish media began to report more regularly. Several opinion pieces and appeals were published. At the Gothenburg Book Fair in 2004, the Free Dawit Support Committee was formed. As a sub-group of the support committee, a media group was formed, including several media and organisations, including Reporters Without Borders, Swedish PEN, the Swedish Journalists’ Association, the Swedish Publishers’ Association, the Swedish Writers’ Association, The Swedish Magazine Publishers Association and Utgivarna<sup>18</sup>.

The support committee has organised several campaigns in Sweden and internationally. Dawit Isaak’s book *Hope* has been translated from Tigrinya into Swedish, English, German and French. Dawit Isaak has been awarded:

- Reporters Without Borders Press Freedom Prize 2003
- Anna Politkovskaya Award 2006
- Swedish PEN Tucholsky Prize 2009
- Norwegian Writers’ Union Freedom of Expression Award 2010
- Golden Pen Wan 2010
- UNESCO Freedom of the Press Award 2017.

<sup>14</sup> [www.reportrarutangranser.se/ingen-forundersokning-av-brott-mot-manskligheten-gentemot-dawit-isaak](http://www.reportrarutangranser.se/ingen-forundersokning-av-brott-mot-manskligheten-gentemot-dawit-isaak)

<sup>15</sup> [www.dn.se/kultur/15-publicister-i-upprop-omprova-politiken-for-att-fa-dawit-isaak-fri](http://www.dn.se/kultur/15-publicister-i-upprop-omprova-politiken-for-att-fa-dawit-isaak-fri)

<sup>16</sup> [www.riksdagen.se/sv/dokument-lagar/dokument/skriftlig-fraga/den-fangslade-journalisten-dawit-isaak-i-eritrea\\_GP111030](http://www.riksdagen.se/sv/dokument-lagar/dokument/skriftlig-fraga/den-fangslade-journalisten-dawit-isaak-i-eritrea_GP111030)

<sup>17</sup> [www.regeringen.se/rattsliga-dokument/kommittedirektiv/2021/06/en-granskning-av-regeringens-utrikesdepartementets-och-utlandsmyndigheternas-arbete-med-att-uppna-frigivning-av-dawit-isaak-och-gui-minhai](http://www.regeringen.se/rattsliga-dokument/kommittedirektiv/2021/06/en-granskning-av-regeringens-utrikesdepartementets-och-utlandsmyndigheternas-arbete-med-att-uppna-frigivning-av-dawit-isaak-och-gui-minhai)

<sup>18</sup> Utgivarna is an association of Swedish publishers. Its members are Tidningsutgivarna [Swedish Media Publishers’ Association], Sveriges Tidskrifter [The Swedish Magazine Publishers Association], The Swedish Public Service branches: Sveriges Television [Swedish Television], Sveriges Radio [Swedish Radio], Utbildningsradion [Swedish Educational Broadcasting Company] and the TV4 network.

## Gui Minhai

Gui Minhai was born on 5 May 1964 in Ningbo, eastern China. He graduated from Peking University with a Bachelor's degree in history. In 1988, he left China for postgraduate studies at the University of Gothenburg in Sweden. After the Tiananmen Square massacre in 1989, he sought asylum in Sweden. He became a Swedish citizen in 1992 and renounced his Chinese citizenship. Nevertheless, he returned to China in the early 2000s. A few years later, he moved to Germany, where he worked as a writer and also began publishing books about the Chinese government. He became a member of the *Independent Chinese PEN Center* and participated in campaigns for freedom of expression.<sup>19</sup>

Gui Minhai subsequently settled in Hong Kong and in 2012 founded *Mighty Current Media*, a publishing house specialising in books on Chinese politics and the private lives of Chinese politicians. These books were banned in mainland China but allowed in Hong Kong. Two years later, Gui Minhai and his publishing partners bought *Causeway Bay Bookstore*.

On 17 October 2015, Gui Minhai disappeared from his holiday home in Thailand. It took three months for the Chinese authorities to acknowledge that he was being detained. On 17 January 2016, the state-controlled television channel CCTV broadcast<sup>20</sup> a forced confession in which Gui Minhai said he was responsible for a traffic accident in 2003, and that he had returned to China voluntarily to atone for his crime.

Three months after his disappearance, the Swedish Foreign Ministry summoned the Chinese ambassador and a month later, on 24 February 2016, a consular official was allowed to visit Gui Minhai in prison for 90 seconds. In the meeting, which was

monitored, Gui Minhai said he did not want any help from Sweden. A few days later, he appeared again on Chinese television.

In June 2017, Swedish Prime Minister Stefan Löfven visited China and brought up the case of Gui Minhai with Chinese President, Xi Jinping.

## Release

In October 2017, Gui Minhai was released. However, he was kept under strict surveillance, forced to report regularly to the police and not allowed to leave the country.<sup>21</sup>

Due to a serious medical condition, which Gui Minhai was suffering from, the Swedish Embassy arranged for a medical visit. On 20 January 2018, he travelled from Shanghai to Beijing, accompanied by two Swedish diplomats. However, before the train reached Beijing, ten plainclothes police officers arrived on board and took Gui Minhai away.

After more than two weeks of silence, the Chinese authorities announced that Swedish citizen Gui Minhai was “subject to coercive measures” for “illegal business activities and illegal contact with foreign diplomats”. He was once again forced to parade himself before the media. This time he said that Sweden was using him as a “chess piece” and that he wanted to be left alone. He declined the Prix Voltaire recently awarded to him by the International Publishers Association.<sup>22</sup>

Sweden's Foreign Minister at the time, Margot Wallström, issued a strong statement demanding that Gui Minhai be given the opportunity to meet with both consular and medical staff and that he be released.<sup>23</sup>

<sup>19</sup> Dygnet runt, årets alla dagar Gui Minhai i det ofria Kina, Svenska PEN [Around the clock, every day of the year Gui Minhai in China, Swedish PEN] : [www.svenskapen.se/senaste-nytt/rapport-gui-minhai](http://www.svenskapen.se/senaste-nytt/rapport-gui-minhai)

<sup>20</sup> [www.youtube.com/watch?v=001gIBTLWUI](https://www.youtube.com/watch?v=001gIBTLWUI)

<sup>21</sup> [www.freeguiminhai.org](http://www.freeguiminhai.org)

<sup>22</sup> [www.freeguiminhai.org](http://www.freeguiminhai.org)

<sup>23</sup> [www.regeringen.se/uttalanden/2018/02/uttalande-av-utrikesminister-wallstrom-med-anledning-av-gripandet-av-den-svenske-medborgaren-gui-minhai](http://www.regeringen.se/uttalanden/2018/02/uttalande-av-utrikesminister-wallstrom-med-anledning-av-gripandet-av-den-svenske-medborgaren-gui-minhai)

## Attacks on publishers in Hong Kong

Gui Minhai is not the only publisher to be targeted by the Chinese authorities. Between October and December 2015, five people disappeared, all linked to the *Mighty Current* publishing house or the *Causeway Bay* bookshop. All five later appeared on a Hong Kong television channel with close links to mainland China. In the video, they “confess” to having been involved in the publishing and sale of banned books. Two of them also identified Gui Minhai as the leader. Four of them were later released: today only Gui Minhai is still in prison.<sup>24</sup>

## The Chinese campaign

There is a strong commitment to Gui Minhai’s cause in Sweden. A network has been formed with organisations, media and many individuals. There have been regular demonstrations outside the Chinese embassy and meetings have been held, during which his texts have been read and where his plight has received a great deal of media attention.

In early 2018, the Chinese government and its embassy in Stockholm launched an intensive campaign of public criticism against Swedish media, journalists, researchers, human rights activists, political parties and authorities. This criticism sometimes includes implied threats and personal accusations. The campaign appears to be a government-led strategy linked to the Gui Minhai case.<sup>25</sup>

Reactions from the Chinese Embassy became increasingly fierce, with statements and press releases accusing Swedish journalists and politicians of slandering China and the Chinese judicial system. The climax came when Swedish PEN awarded

Gui Minhai its Tucholsky Prize on 15 November 2019. By tradition, the prize is awarded by the Minister of Culture.

The award infuriated then-Ambassador Gui Congyou, who demanded that the prize be withdrawn and threatened both Swedish PEN and the Minister of Culture with “serious consequences” if the award ceremony was allowed to take place. Foreign Minister Ann Linde replied that “Swedish freedom of expression guarantees the right of the Swedish PEN to award the prize freely and without interference to whomever they wish”, and further that “the Foreign Ministry has conveyed to the Embassy that freedom of expression prevails in Sweden”.<sup>26</sup>

The ceremony was held amidst heavy police presence and representatives from several parliamentary parties attended to show their solidarity. Two weeks later, the ambassador threatened economic sanctions against Sweden and a Chinese trade delegation cancelled its trip.

## Angela Gui

After her father’s disappearance, his daughter Angela did everything she could to draw attention to his case. Studying in England, she first contacted the Swedish Embassy in London, telling them that her father had disappeared under suspicious circumstances, the Embassy wondered why she had called them. She spoke in the British Parliament, the US Congress and the UN Human Rights Council. She gave interviews and took part in campaigns.<sup>27</sup>

In January 2019, Angela Gui travelled to Stockholm to participate in a two-day meeting at the Sheraton Hotel, at the invitation of Sweden’s then-Ambassador to China, Anna Lindstedt. The meeting was attended by two businessmen who said

<sup>24</sup> [www.bbc.co.uk/news/world-asia-49612785](http://www.bbc.co.uk/news/world-asia-49612785)

<sup>25</sup> [www.ui.se/globalassets/ui.se-eng/publications/ui-publications/2019/ui-brief-no-4-2019.pdf](http://www.ui.se/globalassets/ui.se-eng/publications/ui-publications/2019/ui-brief-no-4-2019.pdf)

<sup>26</sup> [www.dn.se/kultur-noje/starka-reaktioner-efter-kinas-angrepp-pa-pen-ett-fortackt-hot](http://www.dn.se/kultur-noje/starka-reaktioner-efter-kinas-angrepp-pa-pen-ett-fortackt-hot)

<sup>27</sup> [www.zeit.de/gesellschaft/2022-05/gui-minhai-china-sueden-imprisonment-english](http://www.zeit.de/gesellschaft/2022-05/gui-minhai-china-sueden-imprisonment-english)

they had very good contacts with the Chinese leadership. They claimed that they could get Gui Minhai released, but in return demanded, in an increasingly threatening manner, that Angela Gui stop campaigning for her father and talking to the media.

After the meeting, Angela Gui decided to speak out about what had happened.<sup>28</sup> When information about the meeting was leaked, it caused a big stir. The Swedish Foreign Ministry claimed that they had not been informed and that they had not even known that the ambassador was in Sweden.

A police report was filed and the ambassador was charged with “arbitrary conduct in negotiations with a foreign power”. The trial began on 8 December 2019 and ended on 10 July 2020 with the acquittal of Anna Lindstedt. The verdict was not appealed.

## A new sentence imposed on Gui Minhai

In a secret trial on 20 February 2020, Gui Minhai was sentenced to ten years in prison for “illegally providing information to a foreign power”. The announcement of the sentence came via a press release<sup>29</sup> from a court in Ningbo. Despite repeated attempts, no documents on either the trial or the verdict have been made available.<sup>30</sup>

The campaigns for Gui Minhai continue. After the Beijing Olympics, skater Nils van der Poel donated one of his two gold medals to Gui Minhai, handing it over to his daughter Angela. At a press conference with Chinese Foreign Ministry spokesperson Wang Wenbin, the Swedish Radio correspondent received the following response:

We oppose attempts to politicise sport and reject any action by countries, organisations and individuals to interfere with China’s legal sovereignty, in all its forms.<sup>31</sup>

## The Swedish Parliament

In the almost seven years since Gui Minhai was kidnapped in Thailand, his case has been brought up in the Swedish Parliament through 17 reports, 4 question sessions, 11 interpellations, 34 motions, 4 bills and 23 written queries.

## The EU

EU representatives have repeatedly called for the release of Gui Minhai. At a digital summit on 14 September 2020 between Chinese President Xi Jinping, EU Permanent Council President Charles Michel, German Chancellor Angela Merkel and European Commission President Ursula von der Leyen, the EU once again called for China to release Gui Minhai.<sup>32</sup>

## Criticism of the Swedish government

One of those who led the demonstrations in support of Gui Minhai, is the writer and debater Kurdo Baksi. He is critical of the Swedish government:

We need more coordination with other countries and much tougher statements from Sweden, especially clear

<sup>28</sup> [www.medium.com/@angela\\_62804/damned-if-you-do-damned-if-you-dont-i-wont-1a09ba853018](https://www.medium.com/@angela_62804/damned-if-you-do-damned-if-you-dont-i-wont-1a09ba853018)

<sup>29</sup> [www.nbcourt.gov.cn/art/2020/2/24/art\\_3380\\_553030](http://www.nbcourt.gov.cn/art/2020/2/24/art_3380_553030)

<sup>30</sup> [www.expressen.se/kultur/ann-linde-var-finns--domen-mot-gui-minhai](http://www.expressen.se/kultur/ann-linde-var-finns--domen-mot-gui-minhai)

<sup>31</sup> [www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/2511\\_665403/202202/t20220228\\_10646378](http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2511_665403/202202/t20220228_10646378)

<sup>32</sup> [www.svd.se/a/J10KP/eu-ledare-chattar-med-xi](http://www.svd.se/a/J10KP/eu-ledare-chattar-med-xi)

statements that Gui Minhai is a Swedish citizen. Sweden should also demand that the Foreign Minister be allowed to visit Gui Minhai in prison. On 13 August 2018, a Swedish doctor examined Gui Minhai in prison; since then no diplomat or family member has been allowed to visit him.<sup>33</sup>

In a lengthy article in the German newspaper *Zeit*, several people were interviewed who had been involved with Gui Minhai. Many referred to quiet diplomacy as a failed strategy. China dictates the terms. Why hasn't Sweden sought help from other countries' embassies in Beijing? Would the case have been handled differently if Gui Minhai had been blond and born in Sweden? Angela Gui's final words in the article:

The Swedish government surrendered to a self-imposed powerlessness and has allowed itself to be captured by undue prudence. The case of Gui Minhai is also a lesson in the false deference of politics – and the helplessness of those who consider themselves decent human beings.<sup>34</sup>

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*Elisabeth Löfgren is a board member of the Swedish PEN and since autumn 2017 chair of the Committee of Imprisoned Writers. In August 2021 she took over as chair of the Free Dawit Support Committee. She was employed by Amnesty International for 25 years and has actively campaigned for Dawit Isaak and Gui Minhai.*

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<sup>33</sup> Telephone interview with Kurdo Baksi 27 maj

<sup>34</sup> [www.zeit.de/gesellschaft/2022-05/gui-minhai-china-sweden-imprisonment-english](http://www.zeit.de/gesellschaft/2022-05/gui-minhai-china-sweden-imprisonment-english)



# CHINESE INFLUENCE ON SWEDISH MEDIA

By Jojje Olsson

**C**hinese authorities are becoming increasingly active in their attempts to influence media outlets around the world. Sweden is no exception, even though Beijing lacks some of the tools for implementing influence campaigns on the same scale here as in many other parts of the world. Nonetheless, there are indications that China has succeeded in inducing extensive self-censorship in Sweden as well.

During his time in Stockholm (2017–2021), China’s former ambassador Gui Congyou became regarded as the embodiment of the Chinese regime’s attempts at influencing politicians, civil society and media in Sweden. Simultaneously he gained international notoriety as one of China’s most active “wolf warriors”, i.e. diplomats or other Chinese officials make unusually aggressive statements aimed at foreign actors.

Attacks in the shape of texts published on the Chinese Embassy’s website, starting in the summer of 2018, initially received much attention in the Swedish debate. I was, personally, the first journalist to be mentioned by name in such a text.<sup>1</sup> The attacks were frequently published under the headline “Chinese Embassy Spokesperson’s Remarks”, followed by a description of the issue that was the cause of their discontent.

In the report, “China’s attacks aiming to silence critics: A review of the Chinese Embassy’s statements under Ambassador Gui Congyou”, the author Patrik Oksanen, a senior fellow at the think-tank *Frivärld* (Stockholm Free World Forum), concluded that 67 official statements had been made in the form of “Spokesperson’s remarks” between June 2018 and August 2020.<sup>2</sup>

In these remarks, the Swedish publisher and writer Gui Minhai was mentioned no less than 15 times. This was followed by references to the newspaper *Svenska Dagbladet*, and SVT (Swedish public service television broadcaster) with eight references each. The top-ten list of media actors most frequently singled out by the embassy spokesperson also includes the satire program “Swedish News” on SVT, the newspaper *Expressen*, Swedish PEN and individual writers such as Kurdo Baksi.

The remarks often contained traces of defamation or character assassination. I was myself personally described as having no credibility and accused of producing false articles, while the debater Kurdo Baksi was called ignorant and insane.<sup>3</sup>

## The aim is to induce self-censorship

At first glance, the obvious aim of these remarks is to intimidate and silence critics. However, it is unclear to what extent this has been a successful strategy, as none of the people whose names have been posted on the embassy homepage have ceased in their efforts to expose the abuses carried out by the Chinese regime.

On the contrary, these remarks have often been used against the embassy, in order to expose its attempts at exerting influence in Sweden. In this regard, the method has proven to be at least partly counterproductive.

But, as emphasised by Patrik Oksanen in his report, the goal of exerting influence is about achieving results in the long term. The aim is primarily to induce the West to exercise self-censorship, and that “short term setbacks are viewed as acceptable in order to achieve a greater impact over time”.

Self-censorship is by far the most effective form of censorship and also the most difficult one to measure. But it undoubtedly exists among Swedish journalists, as I myself have experienced on several occasions.

In 2016, a journalist from one of Sweden’s leading media outlets, told me in private that they were already exercising self-censorship during the coverage of the 2008 Summer Olympics in Beijing, for fear of having their residence permit revoked.

In 2018, Peter Kadhammar, a journalist at the newspaper *Aftonbladet*, wrote about how, when applying for a journalist visa, he was summoned to the Chinese embassy and forced to answer questions about, amongst other things, his views on my reporting.<sup>4</sup>

Following what Peter Kadhammar described as a 35-minute “interrogation”, it took another six months before he and one of the newspaper’s photographers were granted a 20-day visa.

<sup>1</sup> Chinese Embassy in Stockholm, 3 July 2018, [www.bit.ly/39sZSXL](http://www.bit.ly/39sZSXL)

<sup>2</sup> Frivärld [Stockholm Free World Forum], September 2020, [www.bit.ly/3mWdyZA](http://www.bit.ly/3mWdyZA)

<sup>3</sup> Chinese Embassy in Stockholm, 9 September 2019, [www.bit.ly/3tGkFhm](http://www.bit.ly/3tGkFhm)

<sup>4</sup> Aftonbladet, 23 November 2018, [www.bit.ly/3xXVHMK](http://www.bit.ly/3xXVHMK)



According to Kadhammar, applying for a journalist's visa to China has previously been a "mere formality" that rarely took more than a few days to complete.

## Open threats regarding visas

Peter Kadhammar describes the process in an *Aftonbladet* article, claiming that all Swedish media outlets have experienced problems connected to their visa applications, but that no one has reported on all the new complications out of fear of being blacklisted.<sup>5</sup>

Using visas as leverage against Swedish media reporting is a strategy which the Chinese embassy has openly admitted. In an interview with SVT in January 2020, the ambassador Gui Congyou said that *Expressen* would not be granted a journalist's visa to China unless they changed their reporting on the country.<sup>6</sup> In the same interview, he accused Karin Olsson, the cultural editor of *Expressen*, of having "lost her rationality". In her capacity as an editor of a major Swedish publication, Karin Olsson is one of the people who has contributed the most to raising awareness about Gui Minhai's situation.

The extent to which this affects Swedish media reporting is unclear. But I have personal experiences that attest to the fact that these threats have a certain impact. At the beginning of 2021, SVT re-edited a feature about the upcoming Winter Olympics in Beijing, which contained interviews with myself and the then Cultural Minister Amanda Lind.<sup>7</sup>

This censorship reportedly<sup>8</sup> occurred as a result of SVT newsroom staff contacting the sports desk to comment on the fact that China was being referred to as a "dictatorship"; that the feature highlighted how Hong Kong's democracy had been "crushed"; and that it claimed that the persecution of Muslim minorities in the Xinjiang region was being referred to by some as cultural genocide.

Subsequently, SVT employees contacted me privately and told me, among other things, that they "[...] have the impression

that there is a fear of reprisals from China, for example on visa issues". However, the feature, which was first removed from the web and SVT Play (The SVT online streaming platform), was later republished after the matter had been covered by *Expressen*,<sup>9</sup> as well as in other newspapers.

Apart from the media, many other actors depend on access to China, including business representatives, academic researchers, various organisations and a whole range of civil society groups. By openly attacking critics, the Chinese embassy can also influence how these groups in turn express their views about China. Ever since my name was publicly singled out and posted on the Chinese Embassy website, several friends and readers have told me that they no longer share my articles or even "like" them on social media.

## Other strategies

In addition to immediate external messaging, the Chinese authorities also use a range of other methods to influence Swedish journalists and media. A common approach is to contact selected journalists or their editors directly via email.

The tone of the message is often rather threatening. At the beginning of 2021, I myself received an email containing particularly unpleasant wording. The email, which was written in English, ended with: "We ask you to immediately stop the wrongful actions, otherwise you eventually will face the consequences of your own action."

In a second report for Frivärld, titled "The dragon that changed tactics: the Chinese Embassy's efforts to silence critics", Patrik Oksanen noted that embassy emails, addressed to their perceived opponents, became more frequent, starting in the autumn of 2020.<sup>10</sup>

The report identified 20 such emails from the Chinese Embassy addressed to the media or other recipients such as politicians and civil society representatives. However, the Chinese strategy makes it difficult to determine the actual number of cases.

<sup>5</sup> Ibid

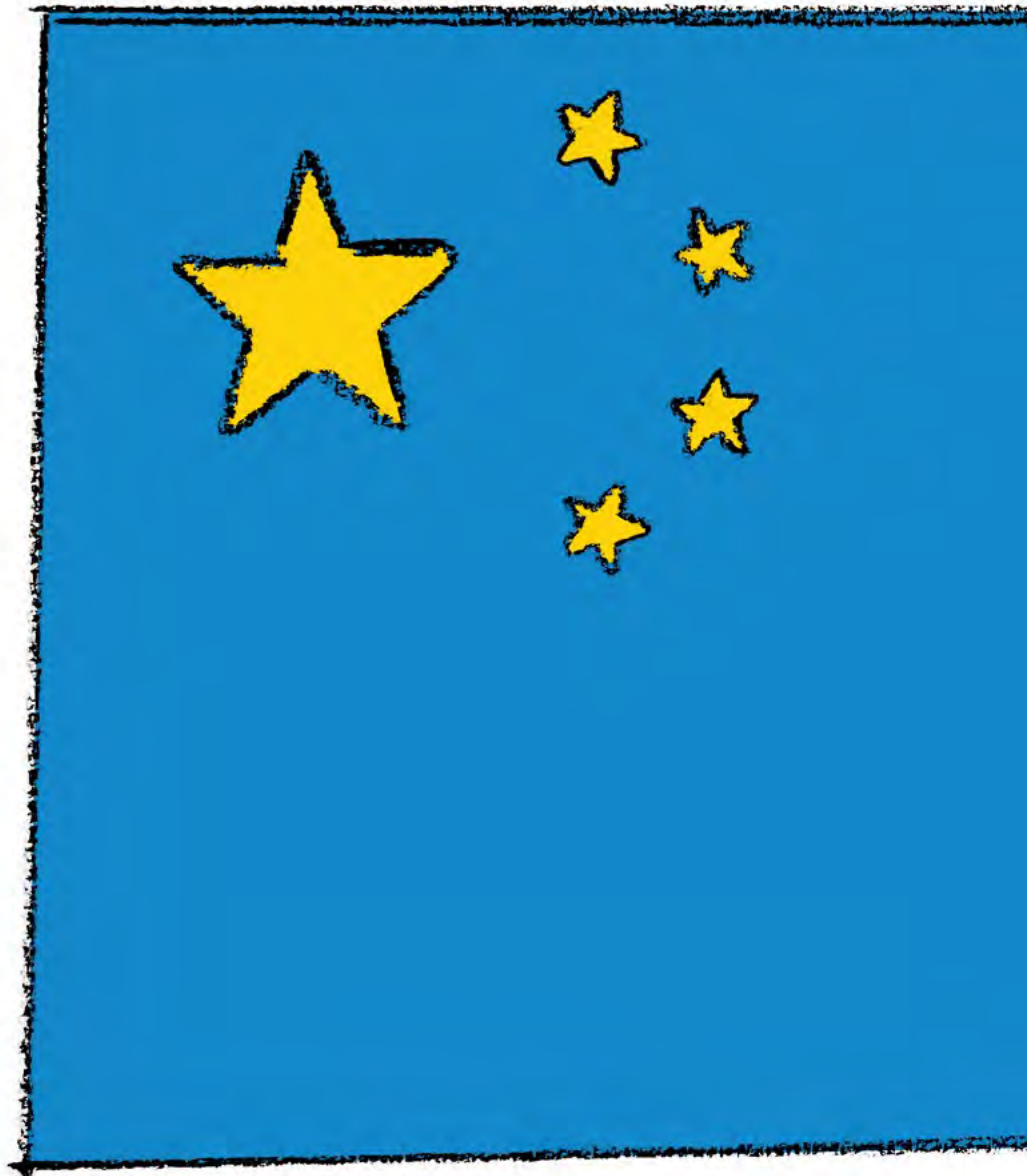
<sup>6</sup> *Expressen*, 18 January 2020, [www.bit.ly/3046DTs](http://www.bit.ly/3046DTs)

<sup>7</sup> *Expressen*, 12 March 2021, [www.bit.ly/3zD8WUy](http://www.bit.ly/3zD8WUy)

<sup>8</sup> Kinamedia, 11 March 2021, [www.bit.ly/3y5X3VN](http://www.bit.ly/3y5X3VN)

<sup>9</sup> *Expressen*, 14 March 2021, [www.bit.ly/3HxPElp](http://www.bit.ly/3HxPElp)

<sup>10</sup> Frivärld [Stockholm Free World Forum], August 2021, [www.bit.ly/3MTUjzf](http://www.bit.ly/3MTUjzf)



Due to the fact that a message addressed to the recipients can induce a stronger feeling of vulnerability, many of those affected may choose to keep quiet.

It is even more difficult to map and trace similar messages delivered over the phone or in face-to-face meetings, but these also exist. At the start of 2020, the news desk at SVT published the results of a survey sent to the eight largest newsrooms in Sweden, concerning attempts by the Chinese Embassy to influence the media.<sup>11</sup>

Out of the six editorial departments that responded, five stated that they had been repeatedly contacted by the Chinese Embassy via letter or email. According to these editorial departments, these are clear cases of attempts at gaining influence; they included invitations to personal meetings and lunches during which comments were made regarding journalistic coverage.

## No large Chinese diaspora in Sweden

In order to advance their interests, the Chinese authorities employ various methods and forms of leverage in different countries. In Germany, the focus is on access to the Chinese market for large German companies. In the UK and Australia, there are a large number of Chinese foreign exchange students, whose tuition fees are important for the higher education system. In many Asian countries, but also in European nations such as France and Italy, tourism from China is a major source of income.

In comparison, Sweden receives relatively few tourists or students from China. In fact, the Chinese diaspora in Sweden is comparatively small. In 2021, according to Statistics Sweden, there were 37,172 people born in China residing in Sweden, a figure low enough to place China outside the list of the top 15 countries of birth among Swedish residents.<sup>12</sup>

Instead, Beijing's main leverage point against Sweden is investment, and by extension job opportunities. After Gui Congyou left Sweden in the autumn of 2021, one of the first statements made by the new ambassador, Cui Aimin, on the Chinese Embassy

<sup>11</sup> Sveriges television [SVT], 30 January 2020, [www.bit.ly/39u9KQQ](http://www.bit.ly/39u9KQQ)

<sup>12</sup> Statistiska centralbyrån [Statistics Sweden], 8 April 2022, [www.bit.ly/2UUM2R4](http://www.bit.ly/2UUM2R4)



website, was a reminder that China had invested \$11 billion in Sweden, thereby creating 27,000 jobs.<sup>13</sup> For example, Volvo Cars, Sweden's largest private employer, is owned by a holding company (The Zhejiang Geely Holding Group), with close ties to the Chinese regime.<sup>14</sup>

This gives the Chinese authorities a certain influence over Sweden's business sector and, to some extent, over its politicians. However, the lack of a large diaspora population in Sweden makes it harder for the embassy and consulate to mobilise ethnic Chinese to, for example, stop lectures or block demonstrations in support of causes such as Hong Kong and Xinjiang, which has been common practice in many other countries.<sup>15</sup>

The relatively small Chinese diaspora also means that Swedish media do not regularly receive advertising money from Chinese actors. Neither state nor social media from China have gained a proper foothold in Sweden.

<sup>13</sup> Chinese Embassy in Stockholm, 31 December 2021, [www.bit.ly/39xn9aV](http://www.bit.ly/39xn9aV)

<sup>14</sup> Chinese Embassy in Stockholm, 31 December 2021, [www.bit.ly/39xn9aV](http://www.bit.ly/39xn9aV)

<sup>15</sup> Nikkei Asia, 29 June 2021, [s.nikkei.com/3QrNsQA](https://s.nikkei.com/3QrNsQA)

<sup>16</sup> Sveriges radio [Swedish Radio], 15 September 2018, [www.bit.ly/3N3vno0](http://www.bit.ly/3N3vno0)

<sup>17</sup> Kinas ambassad i Stockholm [The Chinese Embassy in Stockholm], 22 September 2018, [www.bit.ly/3MWbvUB](http://www.bit.ly/3MWbvUB)

<sup>18</sup> Kinamedia, 30 January 2020, [www.bit.ly/3xV9NP8](http://www.bit.ly/3xV9NP8)

## Physical threats occur

Despite the relatively small Chinese diaspora, threats of a more physical and aggressive kind have been aimed at some of the largest media actors in Sweden. In September 2018, the satirical programme *Swedish News* on SVT featured a story about a family of Chinese tourists who had been turned away from a hotel in Stockholm earlier that month.<sup>16</sup>

The following day, the Chinese Embassy published a statement on its website, requesting an apology.<sup>17</sup> That same day, SVT's production manager Thomas Hall was contacted by an official at the Chinese Embassy. In a preliminary investigation into a different matter concerning Sweden's ambassador to China by SÄPO (the Swedish Security Service), Hall was recorded claiming that the man "was aggressive and demanded that the programme be removed from SVT Play, and that SVT apologise and those responsible be punished".<sup>18</sup>

According to Thomas Hall, the man had a commanding tone and used the word “demand” when instructing SVT on how best to handle the situation. When Thomas Hall failed to comply with his demands and instead referred the man to a senior manager at SVT, the pressure escalated.

The Swedish security service’s preliminary investigation revealed that “a number of Asians” approached Thomas Hall at the reception desk at the SVT office to deliver a letter. A meeting was also convened between Thomas Hall, two other managers at SVT, and four individuals who claimed they represented 50–60 so-called Swedish-Chinese friendship associations. One of the self-proclaimed representatives was Lydia Liu, who at the time occupied a seat on the municipal council of Nacka, representing the Christian Democrats. (She was later expelled from the party because of her ties to the Communist Party of China.<sup>19</sup>)

For Thomas Hall, things got even more unpleasant and affected him outside of work. Shortly after having received demands for an apology, when going for a walk near his home, he passed a group of four to five Asians who he later encountered outside the entrance to his residential building where they had gathered to stand around and photograph the area. When Thomas Hall spoke to the security staff at SVT, he was told that the group may have been sent by the Chinese government to demonstrate that they knew where he lived.<sup>20</sup>

The following evening two elderly Asians were standing on either side of Thomas Hall’s home when he arrived home from work in a taxi. In order to avoid them, he used a different entrance. Although Thomas Hall twice apologised for the broadcast, the embassy was still not satisfied. Apparently the apology was insufficient since it did not include any mention of the fact that Taiwan and parts of Tibet were missing from a map that was included in the broadcast.<sup>21</sup>

Jesper Rönndahl, the host of the comedy show “Swedish News” that featured the segment on the Chinese tourists, also received a letter with demands for an apology. The letter was signed by five Swedish-Chinese organisations claiming to represent all Chinese people living in Sweden.

Jesper Rönndahl also did not apologise in the manner that was requested in this letter or by the Chinese authorities. He later recounted how he and a coworker received excrement delivered in the mail to their homes. Both Jesper Rönndahl and SVT itself were subjected to a threatening social media campaign during which the channel’s website was the target of a so-called Denial of Service attack.<sup>22</sup>

## Threats to SVT's presence in China

SVT’s head of foreign news, Pia Bernhardson was questioned by Säpo in the same preliminary investigation that also included Thomas Hall. She stated that she reported having been contacted by telephone by the First Secretary of the Chinese Embassy, i.e. one of the highest-ranking officials at the diplomatic mission. The man was described as being extremely agitated and using a loud voice.<sup>23</sup>

Bernhardson was then contacted by Ulrika Bergsten, SVT’s correspondent in China, who in turn had just been called by China’s Ministry of Foreign Affairs. They had told Ulrika Bergsten that the satirical feature on Swedish television about the Chinese tourists was racist, and that they expected an apology.

When no apology was offered by Bergsten, she started to encounter difficulties such as interviews being cancelled and other obstacles to her work in China. In the interviews with Säpo, Pia Bernhardson stated that there was now a fear that SVT would have problems with its accreditation to China.

This fear proved to be warranted: when the news service needed to send two technicians to China, they were not granted tourist visas as before, but instead were summoned to the Chinese Embassy for questioning. While there, the technicians were, according to Pia Bernhardsson, “taught a lesson”, and sent home with the message that no SVT employee would be granted a visa to China from now on unless a formal apology was provided.

After this, Pia Bernhardson wrote a letter to the Chinese Embassy, whereupon she was invited to a meeting with Gui Congyou.

<sup>19</sup> Sveriges radio, 9 November 2019, [www.bit.ly/3HvzU26](http://www.bit.ly/3HvzU26)

<sup>20</sup> Kinamedia, 30 January 2020, [www.bit.ly/3xV9NP8](http://www.bit.ly/3xV9NP8)

<sup>21</sup> South China Morning Post, 27 September 2018, [www.bit.ly/2zzNuQX](http://www.bit.ly/2zzNuQX)

<sup>22</sup> Dagens Nyheter, 14 December 2019, [www.bit.ly/39AbE2v](http://www.bit.ly/39AbE2v)

<sup>23</sup> Kinamedia, 30 January 2020, [www.bit.ly/309dGFN](http://www.bit.ly/309dGFN)

The ambassador lectured her on his government's general dissatisfaction with Swedish media reporting on China, and in particular their disapproval of SVT's satirical feature. He added that the technicians had not received visas because it might now be "dangerous" for SVT staff to visit China.

*“In early 2022, a survey conducted by PEW Research Center showed that 80 per cent of Swedes in the sample held a negative view of China.”*

But Pia Bernhardson stood her ground. She said that the satirical feature was not her responsibility and that it was unlikely that anyone else at SVT would apologise for it. She further emphasised that denying SVT access to China would primarily adversely affect reporting on China. Since then, SVT has not experienced any serious problems in obtaining visa access to China, at least not since SÄPO interrogated Pia Bernhardson in 2019.

## High-profile ad campaigns

The Chinese Embassy's brusque behaviour, alongside the kidnapping of Gui Minhai, has been severely damaging to China's reputation in Sweden. In early 2022, a survey conducted by PEW Research Center showed that 80 per cent of Swedes in the sample held a negative view of China. Among the 17 countries that were included in the survey, only in Japan was there a higher percentage of negative attitudes toward China, at 88 per cent.<sup>24</sup>

In terms of the number of respondents who believe that China's government does not respect the personal freedoms of its citizens, 95 per cent of all Swedes agreed with this statement, which was more than for any other country surveyed.

This view of China is evident not only in the Swedish media's reporting on China, but also in the reactions to the few instances where Chinese organisations have placed advertisements in Swedish newspapers.

Upon opening *Svenska Dagbladet* on 17 June 2016, readers would find a full-page advertisement/notice, paid for by the Chinese Embassy, with the headline "The truth about the problem in the South China Sea". In it, China's Ambassador at the time assured readers that this sea had historically been an "inseparable" part of China. This made it "legitimate, right and reasonable" for Beijing to ignore the ruling of the Permanent Court of Arbitration at The Hague, which declared China's occupation of islands just off the Philippine coast to be in violation of international law.<sup>25</sup>

Reactions to the ad were so strong that the publisher responsible, Fredric Karén, that same day issued an "explanation" as to why it had been accepted. The ad could be justified as its content did not violate the constitution and because the conflict in the South China Sea was "bloodless".<sup>26</sup>

In 2019, *Dagens Nyheter* published a full-page ad, paid for by the Hong Kong government – i.e. part of the Chinese authorities – assuring readers that the protest movement raging through the city at the time would be brought under control. The message was: don't trust what you see on social media, we will solve this peacefully.<sup>27</sup>

<sup>24</sup> PEW Research, 1 February 2022, [www.pewrsr.ch/3tM801b](http://www.pewrsr.ch/3tM801b)

<sup>25</sup> Kinamedia, 17 June 2016, [www.bit.ly/3Hy5Mm0](http://www.bit.ly/3Hy5Mm0)

<sup>26</sup> Dagens Media, 20 June 2016, [www.bit.ly/305Ti8q](http://www.bit.ly/305Ti8q)

<sup>27</sup> Kinamedia, 20 September 2019, [www.bit.ly/3mX40aa](http://www.bit.ly/3mX40aa)

Again, reactions were strong,<sup>28</sup> prompting editor-in-chief Peter Wolodarski to publicly defend the publication.<sup>29</sup>

No editor admitted outright that they had acted improperly, but no Swedish newspaper has since published any material from Chinese authorities. Paid supplements in newspapers such as China Watch, which is edited by the Communist Party and has been published by several leading media outlets in many other Western countries, would be unthinkable in Sweden.<sup>30</sup>

Just as amongst politicians and civil society, Chinese authorities have had great difficulties finding partners in the Swedish media sector. Rather, several competing Swedish newspapers and media outlets have joined forces on more than one occasion to make a joint stand against the Chinese Embassy's pressure.

## Summary

It is clear that China has been trying to influence Swedish media for a long time, and moreover that it has been more active in Sweden than in many other Western countries. This is mainly because of the case of the kidnapped Swedish publisher Gui Minhai, whose abduction in 2015 became world news, about which the Chinese authorities felt the need to control the narrative.

However, it is questionable whether these attempts to influence have been successful. The image of China and its government has deteriorated dramatically in Sweden in recent years. Although some individual journalists may have been influenced to some extent, there is no evidence of a trend in which Swedish media are ceasing, let alone adjusting, their coverage of the Chinese regime's abuses as a result of its pressure.

The fact that Ambassador Gui Congyou left his post on very short notice in September 2021, may be an indication that Beijing has realised that its aggressive strategy did not produce the desired results. The new Chinese ambassador, Cui Aimin, who assumed his duties three months later, has kept a much lower profile. Analysts have recently pointed to signs that Chinese authorities have globally begun to tone down their "wolf warrior diplomacy".<sup>31</sup>

Nevertheless, the experiences of recent years show that the Chinese authorities have both the means and the inclination to influence the content of Swedish media. It is also possible to mobilise parts of the Chinese diaspora and several so-called Swedish-Chinese friendship associations in order to achieve this. Meanwhile, under Xi Jinping's leadership, China continues to become increasingly authoritarian and sensitive to criticism, both at home and abroad.

Although the Chinese Embassy has abandoned its previous vocal attacks on Swedish media, for the time being, there is still every reason to remain vigilant regarding the methods it can use to influence media and civil society in Sweden in the future.

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*Jojje Olsson is a journalist and writer who has been living in Asia since 2007. He runs Sweden's largest online news site reporting on China, has authored six books, and is a regular contributor to Expressen. Since 2016, Jojje Olsson has been based in Taiwan, after being denied a visa to China following extensive reporting on the Swedish publisher, Gui Minhai.*

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<sup>28</sup> Sveriges television, 20 September 2019, [www.bit.ly/39DHHPa](http://www.bit.ly/39DHHPa)

<sup>29</sup> Dagens Nyheter, 20 September 2019, [www.bit.ly/3TNZPEF](http://www.bit.ly/3TNZPEF)

<sup>30</sup> The Guardian, 8 December 2020, [www.bit.ly/3QsH2R3](http://www.bit.ly/3QsH2R3)

<sup>31</sup> The Diplomat, 22 January 2022, [www.bit.ly/3QvMEtF](http://www.bit.ly/3QvMEtF)



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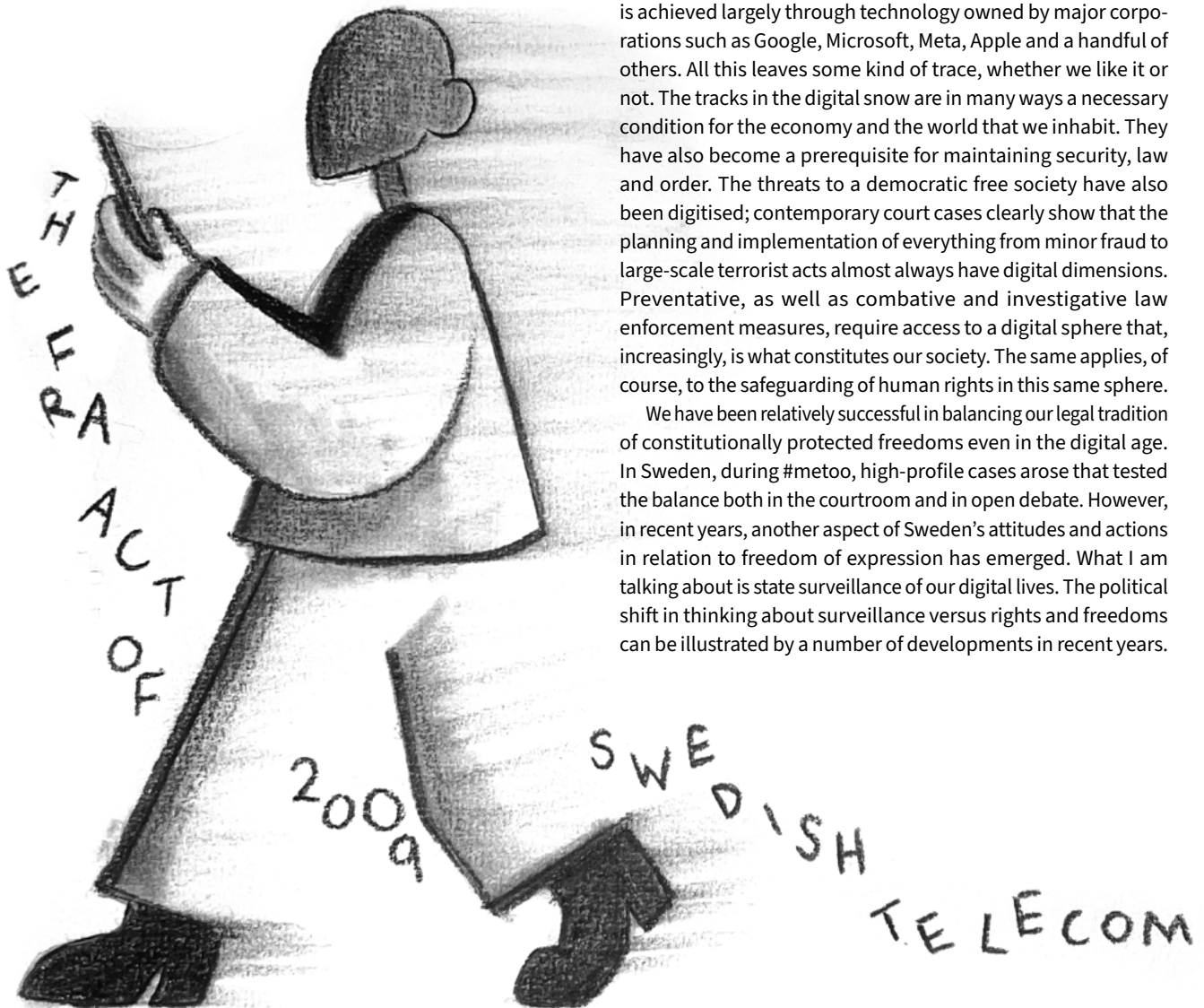
## SURVEILLANCE OF CITIZENS' DIGITAL LIVES IN RAPID CHANGE

*By Mattias Beijmo*

**B**y international comparison, Sweden's constitution provides strong, detailed protection for freedom of the press and freedom of expression. Our legal tradition has prioritised the rights of the media and of individuals to publish and express themselves more than many other similar states.

The development of the Internet has radically reshaped a structure that has been in place for centuries. Suddenly, everyone is a publisher – with the opportunity to reach millions of people without printing presses, distribution and editorial staff. Citizens interact with other people, businesses and governments via smartphones and the internet. Now more than ever our communication with others is handled through messaging apps and social platforms. The digitisation of society and the world is achieved largely through technology owned by major corporations such as Google, Microsoft, Meta, Apple and a handful of others. All this leaves some kind of trace, whether we like it or not. The tracks in the digital snow are in many ways a necessary condition for the economy and the world that we inhabit. They have also become a prerequisite for maintaining security, law and order. The threats to a democratic free society have also been digitised; contemporary court cases clearly show that the planning and implementation of everything from minor fraud to large-scale terrorist acts almost always have digital dimensions. Preventative, as well as combative and investigative law enforcement measures, require access to a digital sphere that, increasingly, is what constitutes our society. The same applies, of course, to the safeguarding of human rights in this same sphere.

We have been relatively successful in balancing our legal tradition of constitutionally protected freedoms even in the digital age. In Sweden, during #metoo, high-profile cases arose that tested the balance both in the courtroom and in open debate. However, in recent years, another aspect of Sweden's attitudes and actions in relation to freedom of expression has emerged. What I am talking about is state surveillance of our digital lives. The political shift in thinking about surveillance versus rights and freedoms can be illustrated by a number of developments in recent years.







## The terrorist attack on Drottninggatan

On 7 April 2017, Rakhmat Akilov drove a stolen truck down Drottninggatan in Stockholm and killed five people. He was arrested and was found to have sworn allegiance to the terrorist organisation the Islamic State (IS). The act sent the intended shock waves through society. The technical sections of the exhaustive investigation protocol show that if the Swedish state and police would have had access to the same powers and mandates as authorities did in Britain, France and the United States, automatic warning flags would have probably singled out Rakhmat Akilov as a person to be looked at. Perhaps this could have led him to be brought in for questioning and would've warranted an application for the permission to go through his cell phone. In these aforementioned countries, it would have been possible to expose the plans and stop the terrorist act.

Particularly notable in the forensic review of Rakhmat Akilov's phone is that he swapped the SIM card in it 53 times within a relatively short period of time. This had been done to create new, anonymous, WhatsApp accounts for contacts he had within IS. In Sweden at the time, it was possible to anonymously buy prepaid cards for mobile phones which enabled Rakhmat Akilov to make himself useful by carrying out this work for IS. Akilov's case shows how the protection of privacy under Swedish law can obviously impede the possibility of flagging suspicious behaviour; many other countries' security services would flag such a frequent change of subscriptions on a particular mobile phone as suspicious when processing surveillance data.

Under Swedish law, the military intelligence service has the right to listen to all digital communications that cross the country's borders. Since the technical requirements of contemporary social media platforms and communication services basically entails that all data, regardless of its recipient user,

passes through servers abroad before making its way back into Sweden, the Swedish Armed Forces Radio Institute (FRA) has plenty of data to analyse. FRA trawls the digital ocean, looking for threatening patterns in what we write and say on our smartphones, how we move in society, which other phones we are close to and what we repeatedly seem to like and dislike. We do not know whether our data traffic has been intercepted; there is very little transparency regarding the military intelligence service's collection and processing of our digital lives.

Historically, FRA has had an ongoing exchange of information with various NATO countries and their intelligence agencies, but in light of Russia's increasingly threatening behaviour and brutal war of aggression against Ukraine, there is an apparent need to expand cooperation. This is partly about collected data from Sweden being analysed more effectively when corroborated with data from other powers, and partly about the fact that the methods of analysis need to be further developed.

The FRA Act of 2009 requires Swedish telecom operators to structure and store data so that the intelligence service can access it: no data – no insights into threats and plans. The far-reaching demands placed on telecom operators have been criticised by the Court of Justice of the European Union,<sup>1</sup> which in its summary concluded that the legal requirement for telecom operators to indiscriminately collect and store all data is a disproportionate intrusion on privacy and democratic freedoms.

In May 2021, Sweden was subject to yet another unfavourable ruling, this time in the Council of Europe's Court of Human Rights. The FRA law was again deemed to be at odds with personal privacy, and the lack of transparency in the use of data was particularly criticised. The supervisory authority of the FRA is anything but independent, and there is – unlike in Germany, for example – no way to find out whether you as an individual citizen have been wiretapped or whether your data has been used. The Centre for Justice, which brought the case against Sweden, says the ruling will set a precedent for future Swedish legislation and also inform other governments' use of signals intelligence.

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<sup>1</sup> [www.curia.europa.eu/jcms/upload/docs/application/pdf/2016-12/cp160145en.pdf](http://www.curia.europa.eu/jcms/upload/docs/application/pdf/2016-12/cp160145en.pdf)

At one point, bitter enemies within the Swedish political landscape stood united in their opposition to The FRA Act and the data-hungry system of mass surveillance. Around the time of its inception, leading representatives from both the left and the right in Swedish politics were very vocal in their opposition to the methods and changes in the law brought about by the FRA Act, but in recent years the intensity of the criticism has diminished. The fear caused by terrorist events in Europe and Sweden has made it politically difficult not to allow responsible authorities to use all available means to prevent the next attack. In the absence of any independent oversight of the efficacy of FRA's methods, politicians and society are forced to rely blindly on a few people who say that the benefits of the new, far-reaching surveillance capabilities outweigh the obvious intrusion into people's privacy. In a high-functioning democracy, this is by no means an optimal situation.

Somewhat surprisingly, the Swedish Parliament completely ignored the EU ruling. On 24 November 2021, an amendment was passed that extended FRA's ability to give other countries and foreign organisations (read NATO or security consultants in other countries) direct access to Swedish data. The amendments also strengthened the possibilities for the Swedish Security Service (Säpo) to access and process the large amount of data collected by the military intelligence service from telecom operators. In summary, the amendment to the law aimed to do two things: to allow more domestic and foreign actors direct access to data and intelligence that Sweden possesses about its citizens, and to broaden the opportunities for cooperation between the military and the police in combating internal threats as well.

The latter implies a kind of "civilizing" of mass surveillance and is a slippery slope Swedish legislators have avoided until now. Using the same vast amounts of data from all our mobile phones in order to identify additional patterns, *beyond* those which can be traced back to threats coming from foreign powers or terrorist organisations, increases the risk of abuse by public authorities and particular groups or individuals within the authorities. This misuse could involve the targeting and mapping of certain ethnic groups or people with certain views. In light of Sweden's deal with Turkey to crack down on Kurdish organisations and their sympathisers<sup>2</sup> (in exchange for Turkish support for Sweden's application for NATO membership), it is easy to see a use case for pattern recognition and new analytics tools in general.

In 2012, the government led by prime minister Fredrik Reinfeldt of the moderate party proposed that the police be allowed to make use of the signal surveillance carried out by FRA in their law enforcement operations. The proposal failed. Johan Forssell, the legal spokesperson for the Moderates, revived this policy in 2021 adding a provision which would include surveillance of persons moving in the same circles as criminals. The Social Democrats and other parties, previously critical of mass surveillance have now made a 180-degree turn. Mikael Damberg, who in 2021 was Social Democratic Minister of the Interior, did not dismiss Johan Forssell's call for surveillance of family members, friends and acquaintances of suspected criminals. This in itself was a gigantic repositioning.

## The Surveillance-Industrial Complex

The military-industrial complex in Sweden has always been strong. Despite its size, Sweden has been able to become a much sought-after exporter of specialised military equipment. In particular, the company Saab's various reconnaissance/signal interception systems and products have been sold in large quantities to countries all over the world. But the Swedish digital surveillance industry is also an important component. Thanks to the world leader Ericsson, Sweden is at the forefront of developing infrastructure for data flows which in turn means proximity to the kinds of systems that monitor and surveil these flows. Sweden is at the top of the league in this area as well.

Data travels between our mobile phones, cell towers and servers as millions of tiny packets. These data packets contain texts we write, videos we broadcast and pictures we email. But they also contain information about where we are, who we are sending to, and so on. In order for organisations like the US CIA, UK MI6, FRA and Säpo to get hold of these data packets, a tool called Deep Packet Inspection is needed. In simple terms, this is software that intercepts all or certain selected packets in a country's network and analyses them. This procedure is called "Lawful Interception", and any company building telecom and data infrastructure on behalf of a country is expected to install small taps in the system where security services and police can plug in their Deep Packet Inspection software and monitor communications.

It is not the supplier of the software or infrastructure who

<sup>2</sup> [www.regeringen.se/uttalandet/2022/06/uttalande-av-statsminister-magdalena-andersson-beträffande-sveriges-ansokan-om-medlemskap-i-nato](https://www.regeringen.se/uttalandet/2022/06/uttalande-av-statsminister-magdalena-andersson-beträffande-sveriges-ansokan-om-medlemskap-i-nato)

decides what the surveillance may be used for; the definition of 'lawful' is obviously determined by the legislation in force in the country concerned. So if a teacher in Hungary discusses homosexuality with his or her students on a digital learning platform, the local law provides sufficient cause for lawful use of data collection and processing. The teacher is breaking the law, and it is perfectly legal to secretly collect data for the purpose of prosecuting the teacher. In many states in the United States, the same thing will be done to track down anyone discussing illegal abortions. In Sweden, our constitutional rights and freedoms are more robust at the moment, but some key questions remain. What crimes and which situations should warrant the use of surveillance? Which authorities should be allowed to conduct surveillance? What terms or regulations should be applied to the use of this powerful, often Swedish-produced, surveillance technology?

Since Sweden has a strong telecommunications sector and an advanced arms industry, it is not surprising that they have become interconnected. One such example is Enea – a Swedish IT company, whose shareholders include the state-owned Fourth AP Fund and the major bank Swedbank. Among other things, Enea was the first company in Scandinavia to be connected to the Internet. For many years, the company supplied the technology for Ericsson's in-depth packet analysis, which the telecom giant now does itself. In 2016, Enea acquired the French company Qosmos, a company widely known at the time for assisting Syrian President Bashar al-Assad with the most cutting-edge online wiretapping and tracing technology. The company has also supplied technology to Muammar Gaddafi in Libya which was subsequently used to track dissidents. During Enea's acquisition of Qosmos, the latter company was under indictment for human rights violations in France over its activities in Syria. That didn't stop Enea or its shareholders (including the Swedish state) from going ahead with the deal. Clearly, there was more to it than simply financial gain, it was about acquiring the surveillance know-how that Qosmos possessed.

Within the EU and NATO, Enea and Qosmos are a strategic asset for operational cooperation. In addition to the purely socio-economic opportunities that this new digital arms industry provides in terms of jobs and tax revenues, Sweden can contribute to the common fight against organised crime and terrorism.

Concerns about human rights, freedom of communication and ethical considerations pale in comparison to these gigantic geopolitical interests. Enea's software is used daily for surveillance in countries where these rights are violated and journalists are murdered and imprisoned based on data obtained through cyber surveillance. Enea's surveillance and lawful interception systems are a perfect illustration of the difficulty of balancing massive surveillance with respect for human rights.

## Swedish censorship of the internet

The Enea-owned Qosmos system can also be used for censorship. By specifying websites, web searches or other things that are prohibited by current laws, it is possible to block traffic to the websites or the use of certain words or expressions. This process is also an area in which the partly Swedish-based company Sandvine excels; its products have been used to censor the internet in Belarus and are currently being used in Russia as well. The basic technologies used by Sandvine were developed back in 2000 by the company Netintactet in the small Swedish town of Varberg.

However, censorship of the internet using Swedish engineering is something that also occurs within Sweden. When Russia attacked Ukraine in February 2022, the Swedish telecoms authority Post- och Telestyrelsen decided to order telecom operators to block a collection of Russian media sites. The only Swedish operator that refused was Bahnhof. CEO Jon Karlung says he is not sure that this kind of blocking is compatible with the freedom of information enshrined in the Swedish constitution<sup>3</sup>. Sweden's IT Minister Khashayar Farmanbar has conceded the point to some extent, adding that the government "is barred from intervening against media outlets which are protected by the Constitutional Law on Freedom of Expression"<sup>4</sup>. Hence, the question is up to the telecom companies.

However, the blocking of Russian media sites mentioned above is not the first case of telecom operator involvement. The Swedish police have a list of websites that are updated and then sent to telecom operators and which includes sites that the police deem should be blocked for legal reasons. Most operators comply with the police list and their customers cannot access the sites via their mobile phones or computers. While

<sup>3</sup> [www.nyteknik.se/sakerhet/svenska-operatorer-blockerar-ryska-medier-ar-censur-ratt-metod-7030156](http://www.nyteknik.se/sakerhet/svenska-operatorer-blockerar-ryska-medier-ar-censur-ratt-metod-7030156)

<sup>4</sup> [www.sverigesradio.se/artikel/farmanbar-inget-straaff-for-att-sprida-ryska-medier](http://www.sverigesradio.se/artikel/farmanbar-inget-straaff-for-att-sprida-ryska-medier)

the Swedish telecom companies try to stay out of the debate on the balance between surveillance and human rights, their consultation responses are tentatively negative concerning a prospective extension of their responsibilities. They express particular concerns about the covert interception of data. Surveillance of their customers and helping the police to sneak spyware into mobile phones is not really compatible with their business concept.

But both the censorship issue and the decision to store and release personal data to Swedish authorities mean that the telecom companies have, whether they like it or not, a crucial impact on important freedoms and rights in Sweden. Following the direction pointed out by the relatively new IT minister, the companies can lean on the strong constitutional protection that exists for citizens who have already put their digital lives in the hands and data centres of the telecom industry. Lack of political will in recent years has resulted in a situation in which the power to uphold human rights against the will of the state to police its citizens rests to some extent with mostly private telecoms companies.

## Government hacking citizens' digital lives

Another, concurrent phenomenon is deadly, gang-related violence. In recent years, shootings and drug-related major crime in Sweden have generated significant media and public attention around the issue of law enforcement. Police and political representatives have repeatedly promoted advanced cyber surveillance as a means of preempting, directly preventing and investigating these crimes. Available methods are increasingly considered ineffective. Encrypted communication is employed by messaging apps used by most people, not just criminal offenders. It is therefore very difficult for the police to access this information.

A temporary law called the "Covert Surveillance of Data Act"<sup>5</sup> entered into force in 2020 and will remain until the end of March 2025, after which a decision will be taken to make it permanent or not. Covert Surveillance of Data (Hemlig dataavläsning HDA) is a completely new form of data interception in Sweden, which involves the police, Säpo or customs (or another authorised

authority) installing some form of spyware in a mobile phone, laptop, car or smartwatch. To install it requires either physical access to the device or access to user accounts that the person uses. Another approach is to obtain access through the telecom operator. Once installed on a phone, computer or car, the software captures what is said or written before it is encrypted. There are ways to secretly turn on the microphone and camera on a phone or laptop, allowing the user – without the person's knowledge – to eavesdrop and even camera monitor what is happening in places where the person is.

The method, which is used in many countries, has become known to the Swedish public on two occasions in particular. French security police managed to secretly access the servers that hosted the encrypted messaging service Encrochat, uncovering, in real-time, the planning of serious crimes across Europe, including Sweden. The service also contained chat logs which have been used as evidence in criminal cases in Sweden. Politicians in Sweden, especially then Minister of the Interior Mikael Damberg, were given further justification for government hacking attacks against various messaging services and devices.

Other politicians, not least the Moderates' Johan Forssell, argued that more extensive powers were necessary. Among other things, he wanted to remove the concrete suspicion of a crime as a necessary condition. This would allow the police to install secret wiretapping software on the mobile phone of any person in the social and/or geographical proximity to suspected criminals. In particular, he questioned why "Sweden should have inferior tools compared to others" in regard to wiretapping people despite lacking suspicion of a crime. Mikael Damberg, the minister responsible, followed suit and did not rule out the secret collection of data without concrete suspicion of a crime.<sup>6</sup>

The gold mine that the Encrochat data presented for the Swedish police obviously provided an opportunity for both the national police commissioner and politicians of various colours to push ahead with demands for even more surveillance. And why should Sweden have inferior tools compared to others?

All surveillance tools – technical and legal – that aim to secure society and democracy inevitably infringe on the democracy they are meant to protect. In the same way that the constitutionally protected freedom of the press and freedom of expression places relatively tight limits on, for example, defamation laws,

<sup>5</sup> [www.riksdagen.se/en/dokument-lagar/dokument/svensk-forfattningssamling/lag-202062-om-hemlig-dataavlasning\\_sfs-2020-62](http://www.riksdagen.se/en/dokument-lagar/dokument/svensk-forfattningssamling/lag-202062-om-hemlig-dataavlasning_sfs-2020-62)

<sup>6</sup> [www.dn.se/sverige/regeringen-vill-lata-polisen-overvakning-gangkriminella-utan-konkret-brottsmistanke](http://www.dn.se/sverige/regeringen-vill-lata-polisen-overvakning-gangkriminella-utan-konkret-brottsmistanke)

Sweden could strengthen the rights of the individual when facing excessive surveillance laws and state trojans being put on mobile phones. The desire to have unique legislation compared to other EU countries regarding freedom of press and expression could also be applied to the question of whether or not to allow spying on citizens in the absence of criminal suspicion. Such a development seems somewhat unlikely, especially in view of the rapprochement with NATO's signals intelligence practice and the settlement with Turkish President Recep Erdogan concerning Kurdish organisations. Rather, the trend seems to be going in the opposite direction.

## Criticism of the law and its consequences

The government has decided to formally evaluate the effects of covert data interception. It will be conducted by a special investigator starting in September 2022, so the results of this investigation will not be available before the parliamentary elections. The investigator's mandate<sup>7</sup> includes assessing whether the law is effective and proportionate in relation to "respect for fundamental rights and freedoms, such as the right to respect for privacy, as well as the requirements of legal security/legal certainty/rule of law". In the directive, the Ministry of Justice states that the need for this new coercive measure has been great and that it has been used "to a substantially greater extent than anticipated". The investigator will review whether: "changes should be made to the regulatory framework in order to achieve more effective law enforcement". Somewhat unexpectedly, the Ministry of Justice also states, in the directive of reference for the directive, that the experiences of law enforcement agencies/bodies have been very positive and that the police "have also expressed that they would like to use the tool more extensively".

There is no mention of the potential impacts on fundamental rights and freedoms, despite the fact that reservations concerning these aspects have been articulated. Swedish Authority for Privacy Protection (IMY) is the authority responsible for protecting people's fundamental rights and freedoms when the state wants to collect data about their digital lives. In its consultation response, the authority (which at the time was

called the Data Protection Inspectorate) rejected the proposal<sup>8</sup> – the invasion of people's privacy would be too great. Among other things, they concluded:

"If introduced in the way that the inquiry proposes, it might be possible for the law enforcement agency using the method to almost completely track and surveil the person subjected to the measure. Such total surveillance of a person obviously entails extremely high risks for the privacy of the person subjected to the measure, and sometimes also for third parties."

There is also concern that the police could use the surveillance software in situations where the suspected crime only carries a sentence of two years imprisonment. The authority argues that the method should only be used for particularly serious crimes such as terrorist offences and very serious organised crime. This point in particular has been criticised by several commentators. Combined with the now-stated ambition to secretly collect data from non-suspects, it is not unreasonable to imagine a development where the police and other authorities are allowed to sneak surveillance software into a relatively large number of mobile phones.

The Swedish Union of Journalists has criticised the covert data interception both in consultation responses and in subsequent statements. It considers that the strong protection of sources that exist in Sweden is threatened. This is because the wording concerning the "information systems" that journalists are expected to use and which must therefore be protected, can technically be said to be pure misconceptions on the part of the legislator. In concrete terms, in order to protect sources, journalists use similar methods and systems (encryption, prepaid mobile phones, etc.) as criminals. Often, these sources are to be found in the very environments that the state – without any particular criminal suspicion – is seeking to secretly monitor. In addition, the law requires the police to delete anything they collect that is of a journalistic nature. This has clearly not worked in the past; there are several cases where source-protected material has ended up in criminal investigations, and the police have even been criticised for this in a high-profile case by the Parliamentary Ombudsman (JO).<sup>9</sup>

<sup>7</sup> [www.regeringen.se/49e69b/contentassets/38167a159cd14fd298c99c154def0bed/utvardering-av-secret-dataavlasning-dir-202282](http://www.regeringen.se/49e69b/contentassets/38167a159cd14fd298c99c154def0bed/utvardering-av-secret-dataavlasning-dir-202282)

<sup>8</sup> [www.imy.se/globalassets/dokument/remissvar/2018/2018-03-07-secret-dataavlasning.pdf](http://www.imy.se/globalassets/dokument/remissvar/2018/2018-03-07-secret-dataavlasning.pdf)

<sup>9</sup> [www.jo.se/PageFiles/14604/1447-2018.pdf](http://www.jo.se/PageFiles/14604/1447-2018.pdf)

There are no statistics indicating that the Swedish authorities' use of covert data interception has stopped lethal, gang-related violence in the period during which these methods were used. But none of this is explicitly stated in the inquiry directive, in contrast to for example police statements on the perceived success of the methods. It remains to be seen how the investigator will incorporate human rights and the question of privacy and protection that citizens, journalists and activists expect. How he or she carries out that part of their task will not only be decisive for the issue of covert data interception. The fundamental matter of the change in Sweden's legal culture in a digital age will be significantly affected by the inquiry.

## Changing political views on surveillance

From a democratic perspective, the perceived current changes in Swedish attitudes towards surveillance are interesting and multi-faceted. Is the broad political will to grant authorities significantly greater powers to conduct invisible/covert and constant surveillance of our digital lives in line with the actual will of citizens? Surveys show that Swedes rank crime as the most important election issue<sup>10</sup>. According to the National Council for Crime Prevention, the perceived concern about crime in society has<sup>11</sup> increased in recent years. Although the attitudes to covert data interception are an unexplored area, an educated guess is that they follow previous links between general security concerns and measures whose actual impact and democratic consequences are relatively unknown. Those who propagate covert data interception sometimes refer to the camera surveillance in city streets and squares as a parallel. The debate from the early 2000s has now been transformed into total acceptance of the camera as an effective, security-enhancing tool.

An important wording of the directive is that crime has become "more of a threat to society". There is a political will to equate gang-related crime with the threat to society posed by politically or ideologically motivated terrorists. The definition of a threat to society is being expanded so that the mass surveillance carried out by the security services can be used for a wider range of purposes. The claim is that the shootings and gang-related crime can be pushed back using expanded surveillance.

This places enormous trust in whoever carries out this invasion of privacy. Such trust requires transparency, precisely the type of transparency that the European Court of Justice and other bodies have criticised Sweden for essentially lacking. Transparency also requires a certain amount of technical knowledge – does that knowledge reside with those who are to scrutinise the authorities in this respect? Does it even exist within the authorities carrying out surveillance and intrusions? It is obvious from the way the police, the Säpo and other authorities work with digital surveillance that they themselves do not always know what individual employees or sections of the organisation are doing. One such example is the Swedish police's use of the controversial company Clearview's facial recognition software.

## Privacy-violating software used under the radar

Clearview's facial recognition software scours every corner of the internet for images of people. The images are stored in a giant database, and customers can then input images of faces to find out who the images represent. The US police use Clearview extensively, and it emerged in 2021 that the Swedish police had also been using the software from autumn 2019 until at least March 2020. This occurred under the radar and without the agency's knowledge; individual police officers had contacted Clearview and gained access to the software. They then uploaded images of people featured in investigations to see which individuals Clearview suggested as matches.

When the secret use of the application was discovered, it became clear none of the required considerations had been given to the ethical aspects of using these images. In response to direct questions from the Privacy Protection Authority (IMY), no one had any idea how Clearview was managing the uploaded images, or whether it was in breach of, for example, GDPR. IMY found that the police's use of Clearview was in breach of the regulations and imposed a fine of SEK 2.5 million. It is worth noting that IMY had no objection to the application as such: what they called attention to was *how* the police used the software, and a number of things the police had failed to do before it was used.

<sup>10</sup> [www.demoskop.se/news/important-fragan-juli-2022](http://www.demoskop.se/news/important-fragan-juli-2022)

<sup>11</sup> [www.bra.se/statistik/statistiska-undersokningar/nationella-trygghetsundersokningen.html#otrygghetoro](http://www.bra.se/statistik/statistiska-undersokningar/nationella-trygghetsundersokningen.html#otrygghetoro)

## Final thoughts

This text is being written a few weeks before prepaid telephone cards will become illegal in Sweden.<sup>12</sup> Our laws will be more in line with those of the EU and it will be easier to link people's digital footprints to their real identities. Unfortunately, journalists or activists can no longer use anonymous subscriptions either; they will have to trust the police and other authorities to look away as sources believe they are communicating under the cover of source protection.

Data collection continues to be carried out by the telecom companies; sources inside one of these firms have described a "secret room" on the company premises that can only be accessed by the FRA. Have the searches and/or filter criteria in the data analysis already been redesigned to include ongoing gang-related crime? Have they been ordered to map sympathisers of the Gülen movement who are living in exile in this country? What does the exchange with other powers and other authorities mean in practice?

The Prosecutor's Office reports that the new type of intrusion-based wiretapping methods has been used against 155 individuals in 2021. On average, the methods are reported to have contributed to prosecutions in 9.7 per cent of cases. In 8.4 per cent of cases, the data from the intrusions were used as evidence in court cases. This means that in the remaining, more than 90 per cent of cases, the data was not sufficiently useful to be considered by prosecutors or courts. According to the report, the longest time someone has had their digital life monitored is 211 days.<sup>13</sup> The number of shootings has increased markedly in the first half of 2022 compared to the same period in 2021.<sup>14</sup>

Thus, what the media, the public, and politicians have repeatedly cited as the main imperative for covert data interception has not been affected by the invasive measures that police have long been promoting. Perhaps the shootings and serious crime in society are not at all causally linked to the state's capacity for surveillance of citizens? If this were the case, then countries with ample opportunities for this type of surveillance should have a lower rate of shootings per capita than Sweden, and no such link can be demonstrated. One correlation that can be demonstrated, however, is the link between a low democracy

index and the state's ability to secretly monitor its population. When reviewing the EU states with the lowest rankings in the Freedom House Democracy Index, it is revealed that these are countries with comparatively large legal and technical capacities to conduct mass surveillance of the population and use intrusion-based methods without a required specific suspicion of a crime.<sup>15</sup> We should be careful about attributing causality, but even from a global perspective there seems to be a connection between these two factors. Perhaps the road to a freer, safer society does not pass through the enhancement of surveillance and the use of ever more repressive methods to collect every data packet of our digital life?

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<sup>12</sup> [www.riksdagen.se/en/dokument-lagar/arende/betankande/registrering-av-contantkort--forbatttrad-tilgang\\_H901JuU34](https://www.riksdagen.se/en/dokument-lagar/arende/betankande/registrering-av-contantkort--forbatttrad-tilgang_H901JuU34)


<sup>13</sup> [www.aklagare.se/globalassets/dokument/rapporter/ovriga-rapporter/redovisning-av-anvandningen-av-vissa-hemliga-tvangsmedel-under-2021.pdf](https://www.aklagare.se/globalassets/dokument/rapporter/ovriga-rapporter/redovisning-av-anvandningen-av-vissa-hemliga-tvangsmedel-under-2021.pdf)

<sup>14</sup> [www.polisen.se/om-polisen/polisens-arbete/sprangningar-och-skjutningar](https://www.polisen.se/om-polisen/polisens-arbete/sprangningar-och-skjutningar)

<sup>15</sup> [www.freedomhouse.org/explore-the-map?type=fiw&year=2021](https://www.freedomhouse.org/explore-the-map?type=fiw&year=2021)







**PEN** is a worldwide organization of writers founded in London in 1921 by British poet, playwright and peace activist Catherine Amy Dawson-Scott. Its purpose was to encourage friendships and intellectual collaboration between writers to defend the freedom of speech and to forward world literature. PEN's work is based on the premise that literature knows no frontiers and must remain common currency among people in spite of political or international upheavals.

PEN is a politically independent organization and has consultative status with the UN Human Rights Council and UNESCO.

The name PEN is an acronym:  
**"Poets, Essayists, Novelists"**

Over time, membership has been extended to a wider group of people active in the literary field. The organization consists of around 150 PEN centers and has over 25,000 members worldwide.

**Swedish PEN** was founded in 1922 as one of the organization's first centers and today gathers over 900 members.

Freedom of expression is under pressure across the world, facing a number of new and old threats. Authoritarian forces are gaining control, even in countries that have been regarded as democracies. Nationalists and extremists are challenging political systems. Writers and journalists are being harassed, persecuted, and killed. Governmental control and surveillance are increasing. Hate speech is poisoning public debate, causing growing fear and self-censorship. Those who write about new challenges to humankind, such as climate change and the environment – too often face harassments and threats, even to their life. This is an alarming development since we cannot act or practice our democratic rights without access to information.

This report offers an overview of the state of freedom of expression in Sweden, showing a country approaching a crossroads. Sweden still has a strong and deeply entrenched commitment to preserving freedom of expression. Ranking, in all relevant indices, among the best in the world; but something is simmering beneath the surface. And things are developing rapidly. Organisations like PEN are more important today than ever before.



SVENSKA P·E·N  
FÖRSVARAR DET FRIA ORDET  
GRUNDAT 1922

