



PERMANENT DELEGATION OF SWEDEN
TO THE ORGANIZATION FOR
SECURITY AND CO-OPERATION IN EUROPE

Vienna 16 June 2009

The Permanent Delegation of Sweden to the OSCE presents its compliments to all OSCE Missions and to the Conflict Prevention Centre and has the honour to transmit the Swedish response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security.

The Permanent Delegation of Sweden to the OSCE avails itself of this opportunity to renew to all OSCE Missions and to the Conflict Prevention Centre the assurances of its highest consideration.



ALL OSCE MISSIONS/DELEGATIONS
CONFLICT PREVENTION CENTRE (CPC)
VIENNA

OSCE Code of Conduct on Politico-Military Aspects on Security

Participating state:

The Kingdom of Sweden

Annual Information Exchange on the Implementation of the Code
of Conduct

Valid as of 16 June 2009

This information may be published with reference to this document

1. Appropriate measures to prevent and combat terrorism, in particular participation in international agreements to that end:

(a) List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party;

Sweden has ratified and implemented the following universal instruments related to terrorism:

Convention on Offences and Certain other Acts Committed on Board Aircraft, Tokyo, 1963;

Convention for the Suppression of Unlawful Seizure of Aircraft, the Hague, 1970;

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 1971;

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, New York, 1973;

International Convention against the Taking of Hostages, New York, 1979;

Convention on the Physical Protection of Nuclear Material, Vienna, 1979;

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 1988;

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Rome, 1988;

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, Rome, 1988;

International Convention for the Suppression of Terrorist Bombings, New York, 1997;

International Convention for the Suppression of the Financing of Terrorism, New York, 1999.

Convention on the Marketing of Plastic Explosives for the Purpose of Detection, Montreal 1999

United Nations Convention against Transnational Organized Crime (UNTOC), New York 2000

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children supplementing the UN Convention against Transnational Organized Crime, New York 2000

Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the UN Convention against Transnational Organized Crime New York 2000

(b) Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities:

Other multilateral agreements:

European Convention on the Suppression of Terrorism, Strasbourg, 1977.
European Union Framework Decision of 13 June 2002 on combating terrorism (2002/475/JHA).

Financial Action Task Force's 40 + 9 recommendations.

Bilateral agreements including co-operation in combating terrorism:

Agreement between the Government of the Kingdom of Sweden and the Cabinet of Ministers of Ukraine concerning co-operation as regards measures to combat crime, Stockholm, 23 March 1999.

Agreement between the Government of the Kingdom of Sweden and the Government of the Republic of Hungary on co-operation in combating organized crime, illegal trafficking in narcotic drugs and psychotropic substances, terrorism and other forms of serious crime, Budapest, 23 April 1997.

Agreement between the Government of the Kingdom of Sweden and the Government of the Russian Federation on co-operation in combating crime, Moscow, 19 April 1995.

Agreement on police co-operation with France with respect to combating terrorism, illegal trafficking in narcotic drugs and organized crime, Paris, 15 December 1989.

Memorandum of Understanding with Spain on co-operation in combating terrorism, illegal trafficking in narcotic drugs and serious organized crime, Madrid, 11 May 1989.

Co-operation agreement between Sweden and Malta on the fight against illicit trafficking in narcotic drugs and psychotropic substances and against organised crime, Valletta, 10 May 2001

Agreement with Romania on cooperation in combating organized crime, illicit trafficking in narcotic drugs, psychotropic substances and precursors, trafficking in human beings, terrorism and other serious crimes, Bucharest, 11 May 2004.

Agreement with Slovenia on cooperation in the fight against organised crime, illicit trafficking in drugs and precursors, terrorism and other serious crimes, Stockholm, 18 May 2004.

Agreement between the Government of the Republic of Poland and the Government of the Kingdom of Sweden on co-operation in combating serious crime, Warsaw, 13 April 2005.

Agreement between the Government of the Republic of Croatia and the Government of the Kingdom of Sweden on co-operation in combating crime, Zagreb, 3 October 2005.

Agreement between the Government of the Republic of Croatia and the Government of the Kingdom of Sweden on co-operation in combating crime, Zagreb, 3 October 2005.

(c) National measures to include pertinent legislation taken to implement the international agreements, conventions and protocols cited above;

Sweden has ratified all universal criminal law conventions for the suppression of terrorism that have entered into force.

(d) Information on national efforts to prevent and combat terrorism, including appropriate information on legislation beyond United Nations conventions and protocols (e.g. pertaining to financing of terrorist groups).

Since the autumn of 2001 the issue of combating terrorism has been high on the political agenda, in Sweden as in most other states. In March 2008, the Government presented a national strategy in which it describes the measures that will be implemented during this electoral period and the principles that will guide efforts to combat terrorism. In this strategy the Government describes its view of the principles guiding Swedish counter-terrorism and presents important proposals to be implemented under four main headings: pursue, prevent, protect and manage.

The reinforcement of the Swedish law enforcement bodies' counter-terrorism abilities have in part been dealt with through redeployment of resources within these bodies, in order to enhance their operational and analytical capacities linked to counter-terrorism. To further raise the level of ambition in this field and to intensify international cooperation in particular, the Government has in 2007 given significant extra resources for the Swedish Security Service. To a limited extent the Swedish Security Service has liaison officers assigned to Swedish Embassies abroad, whose duties include co-operation in the counter-terrorism field. On the operational level, co-operation with other EU member states has increased markedly, on the bilateral as well as the multilateral level.

To further enhance co-ordination between national authorities dealing with terrorism a co-ordination mechanism has been set up on the governmental agency level in the form of a National-Counter-Terrorism Co-operation Council. It is chaired by the Director-General of the Security Service (SÄPO) and had its first meeting in February 2005. The other agencies

involved are the National Police Board, the Military Intelligence and Security Service, the National Defence Radio Institute, the Defence Research Institute, the Board of Customs, the Migration Board, the Emergency Management Agency, the Office of the Prosecutor-General, the National Economic Crimes Bureau and the Coast Guard. The directors of these agencies take part in the executive-level meetings. Measures undertaken to combat organised crime and other serious crime also contributes and reinforces the fight against terrorism.

For instance, in January 2008 new legislation was introduced that gave the judicial authorities the right to use bugging and preventive investigative methods. In December 2008 the Government appointed an inquiry chair to evaluate the acts regarding bugging and preventive investigative methods. The inquiry chair shall give his report in the end of July 2009. An inquiry will be appointed in 2008 to consider the possibility of infiltration operations or entrapment. However, the principle should be that the more serious the crime is and the more difficult it is to investigate, the more latitude there should be to use different forms of secret investigative measures to fight it. That said, account must be taken of the balance between the combined effect of all such measures on the one hand and the consequences that the measures taken together will have for privacy and the rule of law on the other hand. There can be no question of augmented powers unless such powers are combined with clear rules for their exercise and mechanisms for thorough scrutiny of the way they have been exercised afterwards. Since January 2008 there has been a governmental agency with a mandate to supervise the use of secret investigative measures by crime-fighting agencies: the Swedish Commission on Security and Integrity Protection.

As a member of the European Union, Sweden has taken active part in elaborating antiterrorist policies at the European level. The measures underway and foreseen are all listed in the EU Strategy and Action Plan on combating terrorism and form the framework also for the work at national level. In addition, the following measures deserves to be mentioned:

The ratification of the following instruments is currently being prepared:

- Protocol amending the European Convention on the Suppression of Terrorism – signed on May 15, 2003,

- Council of Europe Convention on the Prevention of Terrorism – signed on May 16, 2005,

- Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism – signed on May 16, 2005,

- International Convention for the Suppression of Acts of Nuclear Terrorism – signed on September 14, 2005.

Furthermore, work is ongoing to implement the **Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism.**

The Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering, including terrorist financing, has been implemented in Swedish law.

(e) Roles and missions of armed and security forces in preventing and combating terrorism.

Preventing and combating terrorism within Sweden is a matter for the Police and the Swedish Security Service. A new legislation entered into force on 1 July 2006 regulating support from the armed forces to the police in the fight against terrorism. According to the legislation, the National Police Board may request support from the armed forces, that implies the use of violence, to prevent or in other ways intervene against terrorist crime. Support from the armed forces may be requested only if the police lacks such specific resources that is needed to master the situation. Support by the armed forces under the act, requires permission by the Government, unless there is an immediate urgency. A military unit that supports the police shall be under the direct command of the police.

2. Description of the national planning and decision-making process – including the role of the Parliament and Ministries – for the determination/approval of:

(a) the military posture;

The Swedish constitution is based on the principles of popular sovereignty, representative democracy and parliamentarism. A Parliament elected by the people occupies the pre-eminent position among the branches of government; it is the foundation for the democratic exercise of power through the Government. Thus, the Swedish constitution vests the power to appoint and exercise control over the Government, with the Parliament, the *Riksdag*. Legislation and government decisions are to be implemented by the public administration, of which the Armed Forces and the National Police Board are parts. The constitution also vests the Parliament with the authority to decide over the State's finances. The Parliament decides on governmental bills concerning the budgetary and legal prerequisites of the Armed Forces.

The governmental control of the Armed Forces is executed directly through governmental decisions to the Armed Forces and through the authority to appoint officers to leading positions. The Government has the authority to make decisions concerning the entire organisation of the defence sector, within the framework set up by the Parliament in the defence decisions and in accordance with national laws. Formulation and implementation of the Government's defence policy is primarily carried out by the Ministry of Defence, although the Government as a whole is responsible for all its decisions. In line with the constitutional division of responsibility between the Government and the authorities, the Ministry of Defence is a comparatively small body. A majority of the civil servants have civilian background, although a number of military officers serve at the Ministry. The Armed Forces constitutes one single public authority under the Government. The Government appoints the Chief of Defence, in Sweden titled the Supreme Commander of the Armed Forces. The Supreme Commander exercises overall command of the Swedish

Armed Forces in the execution of tasks assigned to the Armed Forces by the Government, and in accordance with the guidelines provided by the Government. The Government also has the power to designate the highest-ranking military officers, principally from the rank of Major General or Rear Admiral up to General or Admiral. These officials are appointed on merit and remain on duty when there is a shift of governments.

(b) defence expenditures;

Work on the budget begins more than a year before the beginning of the fiscal year concerned. In the spring, the Government presents the Spring Fiscal Policy Bill to the Riksdag, followed by the Government's Budget Bill in the autumn. The two Bills differ in content. The Spring Fiscal Policy Bill contains the Government's proposed guidelines for economic policy and budget policy over the next few years. In the Budget Bill these proposals are then turned into a central government budget for the following fiscal year. The Budget Bill presents detailed proposals for distribution of government expenditures between the various expenditure areas. The Riksdag adopts formal decisions on these two bills at the beginning of June and at latest mid-December. finances, etc. The Riksdag formally decides on the three-year programme.

3. Description of

(a) and (b) established procedures and authorities/institutions ensuring effective democratic control of the military, paramilitary, and internal security forces, as well as intelligence services, and the police;

The Parliament decides on governmental bills concerning the budgetary and legal prerequisites of the Armed Forces. Further control of the Armed Forces is executed directly through governmental decisions to the Armed Forces and through the authority to appoint officers to leading positions.

Sweden has no paramilitary or internal security forces. Specific institutions have been established to ensure the efficiency of the democratic control over the public administration, including the Armed Forces.

Parliamentary control and the Armed Forces

Within the Armed Forces there is a council for monitoring the work of the authority. The council closely monitors the Armed Forces activities with the exemption of operative activities, military intelligence and security service. The council shall give its views and recommendations guided by its work to the Government in conjunction with the Armed Forces annual report. The Council consists of no more than nine members, among those a chairman and vice-chairman, all appointed by the Government. The council is summoned by the chairman, or at the request of at least four members of the council. Responsible for reporting to the council is the Supreme Commander of the Swedish Armed Forces. The Act containing instructions for the Parliamentary Ombudsmen (1986:765) charges the Parliamentary Ombudsmen with the task of supervising the central government and the municipal authorities, public officials and other officers employed at these authorities, which include the Armed Forces, the Police, and the Swedish Security Service. The Act concerning the Supervision exercised by the Chancellor of Justice (1975:1339)

stipulates that the Chancellor of Justice shall exercise supervision in order to ensure that persons and organisations which conduct public sector business observe laws and other statutes, and otherwise fulfil their obligations.

Finally, the Chancellor of Justice and the Parliamentary Ombudsmen have full insight into the workings of the Armed Forces, and are responsible for the legal control of them. Any citizen can file a legal complaint against the Armed Forces to these two bodies, which also carry out investigations on their own initiative.

The Swedish Intelligence Services

The Swedish intelligence services are divided into a military branch and a civilian branch. The military branch consists of the Military Intelligence and Security Service, which is a part of the Armed Forces, and covered above. The civilian branch consists of the Swedish Security Service, which is covered by the system outlined below. The Armed Forces intelligence board monitors the Military Intelligence and Security Service, National Defence Radio Centre and other authorities in the field of intelligence within the Armed Forces. All members of the board, including the chairman and vice chairman, are appointed by the Government for a fixed period of time. On its side, the Swedish Security Service (SÄPO) is since 2008 overseen by the Swedish Commission on Security and Integrity Protection. The commission shall, among other things, supervise the Security Service's registration of information in police records. Moreover, the National Police Board Directorate Executive, to which parliamentarians are appointed, shall, *inter alia*, closely monitor the operations of the Security Service, particularly regarding the application of the guidelines for the Service's activities issued by the Government. Once a year and when required, the executive shall submit to the Government the points of view and proposals resulting from its review. As the Security Service is part of the National Police Board it is also subject to controls described below.

The Police

The primary function of government agencies is to implement the laws enacted by the Riksdag. Their operations are regulated by the Government primarily through appropriation directions and ordinances drawn up by the Government. The Government establishes objectives, guidelines and the allocation of resources for the Police activities but it does not decide how the Government Agency should apply a law or how they should make decisions on different matters.

The Police Act (1984:387) and the Police Ordinance (1998:1558) regulate police activities. These establish, *inter alia*, that the National Police Board is the central police authority, with a supervisory function over the 21 regional police authorities. The National Police Board has an overarching responsibility for planning, co-ordination and rationalisations within the police services. Furthermore, the Swedish Security Service is accountable to the National Police Board. The National Police Commissioner is chairman of the executive of the National Police Board. As a rule, the remaining seven members of the executive are Members of Parliament. The regional police authorities also have boards. These police boards comprise the Chief of Police and a number of other members as stipulated by the Government. With the exception of the Chief of Police, members of the police boards are appointed by the Government. A corresponding number of deputies are also appointed.

The members and deputies shall be Swedish citizens, be resident in the district and be entitled to vote in local elections. Some of them should have experience of local government activities. Furthermore, the various geographical areas in the police district should be represented. Citizens' insight into police activities is guaranteed through these boards, both that of the National Police Board and those of the local police authorities. The information provided above on armed forces is valid for the police as well, with the exception of the Council of Public Control and the council for monitoring the Armed Forces.

(c) roles and missions of the military, paramilitary and security forces as well as controls to ensure that they act solely within the constitutional framework:

Military;

The tasks of the Armed Forces, as defined by Parliament, are to:

- defend the country against armed attack,
- uphold the territorial integrity of Sweden,
- contribute to international peace and security, and
- support the civil society in the event of severe peacetime strains and emergencies.

As a general rule, Swedish authorities are prohibited from taking action within other areas than those set out in laws or other regulations, or decided by a superior body, i.e. the Government. This rule is applicable to the Armed Forces. The constitution, other regulations, and Parliament and Government decisions in individual cases determine what tasks should be assigned to the Armed Forces. The constitution stipulates that only the Government has the authority to activate the Armed Forces in response to an armed attack on Sweden. The deployment of Swedish forces abroad is subject to approval by the Parliament. Upon request by the UN, or pursuant to a decision by the OSCE, the Government can put an armed force at disposal for peace keeping operations abroad. By the Armed Forces for Duty Abroad Act (1995:597), the Parliament assigns this authority to the Government for general use. It is not necessary to repeat the decision in each individual case where such participation by Swedish forces is demanded. To ensure the lawful behaviour by the Armed Forces personnel, there are penal and disciplinary regulations. Put in simplified terms, serious violations by Armed Forces personnel are dealt with according to penal law, while less serious misdemeanours are subject to disciplinary measures. On the same penal and disciplinary grounds, superior staff has a similar responsibility for their subordinates. Sweden has no paramilitary or security forces.

(d) public access to information related to the armed forces.

The principle of public access to official documents is firmly established in the Swedish constitution. This principle dates back to the 18th century and contains the right to access most official documents kept by the public authorities, including the Armed Forces. The right to access official documents is limited only if it is deemed necessary with regard to certain specified vital interests, e. g. national security, or Sweden's relations to other states or international organisations. Nobody is obliged to justify or to reveal his identity to get access to the document. A citizen that is denied access to an official document can appeal against that decision in an administrative court.

The Swedish Government Homepage (www.regeringen.se) has links to all authorities within the defence sector, including the Armed Forces and the civilian authorities connected to that field of activity. There are several press and information offices within the Armed Forces. Furthermore, all Swedish civil servants, including those in the Armed Forces, are obliged by law to reply without delay to questions from citizens.

4. Stationing of armed forces on the territory of another participating State in accordance with their freely negotiated agreement as well as in accordance with international law.

Sweden does neither have any armed forces permanently stationed on the territory of another state, nor are any foreign armed forces stationed on Swedish territory. When Swedish armed forces participate in international missions, the status of the personnel is defined in general terms by international law and the UN Charter, and by the specific legal foundation of the missions in which they participate, inter alia Status of Forces Agreements between the international organisations through which the troops are deployed, and the countries in which the particular missions are carried out.

Sweden has signed the "Agreement among the States Parties to the North Atlantic Treaty and the Other States Participating in the Partnership for Peace Regarding the Status of Their Forces" (PfP SOFA) regulating the status of forces participating in Partnership for Peace exercises.

5. Description of

(a) procedures for the recruitment or call-up of personnel for service in the military, paramilitary, or security forces, if applicable:

Recruitment to the defence sector, which includes both military and civilian branches, is founded on the duty of compulsory national service in the total defence. This duty applies to all citizens and permanent residents between the ages of 16 and 70. All Swedish men between the ages of 19 and 47 are under the obligation to serve in the military service. All military positions, including combat positions, are open to female candidates on a voluntary basis.

Sweden has no paramilitary or internal security forces.

(b) exemptions or alternatives to compulsory military service, if applicable;

If a person obliged to serve in the military service can be assumed to have such a serious personal conviction concerning the use of a weapon against a fellow human being, that this conviction is irreconcilable with service in the Armed Forces, that person shall have the right to complete his service duty in an unarmed position. That is one of several alternative positions available within the duty of compulsory national service in the defence sector. A conscientious objector who has been granted the right to serve in an unarmed position cannot be drafted for a position which would oblige the use of a weapon, or be enrolled for service in the Armed Forces, against his own will.

(c) legal and administrative procedures protecting the rights of all forces personnel;

The Armed Forces are subject to the regulations in Swedish law regarding the right to membership in an employee association, and the right to participation in decision-making in the working life. Employment agreements in the Armed Forces are subject to the same civil law regulations as are other civil servant positions. If an Armed Forces employee, volunteer

or a person subject to compulsory national service duty in the total defence, has been convicted of a violation under criminal law, or charged with a disciplinary punishment, he or she has the right to appeal. As Sweden has no martial court system, appeals are presented to a civilian court of law.

6. Instruction on international humanitarian law and other international rules, conventions and commitments governing armed conflict included in military training programmes and regulations.

The Government Ordinance (1995:36) requires the Swedish Armed Forces to disseminate the OSCE Code of Conduct, and to ensure that the Armed Forces personnel is instructed on Swedish commitments therein, and their implications. The proficiency level for each personnel category is determined by the Swedish Armed Forces. The Armed Forces Internal Regulation (FIB 1997:2) supplements the Government Ordinance and lays down the terms for instruction of international law of all personnel within the Armed Forces' field of activity. This document reaffirms Sweden's obligation to international rules, conventions and commitments governing armed conflict, included in military training programmes and regulations. It makes reference to the International Law Regulation of the Total Defence (Totalförsvarets folkrättsförordning (1990:12)), in which it is stated that all personnel within the Armed Forces' field of activity shall receive satisfactory instruction and information about the rules of war and neutrality, as laid down in international law. Furthermore, this regulation stipulates that it is the responsibility of every military commander to ensure that his subordinates, both military and civilian, receive instruction on their rights and obligations according to the laws of war. Moreover, the regulation stipulates that a special instructor or teacher of international law shall be stationed at every unit and military academy. Instruction shall include theoretical classes and practical exercises within the fields of international humanitarian law under armed conflict, the law of neutrality and the law of occupation. Furthermore, instruction shall be integrated into other exercises and training within other fields of activity. Instruction shall aim at bestowing the personnel with a satisfactory knowledge of the laws of war. Training shall be adapted to the position and responsibility of the individual employee or serviceman.

7. UNSCR 1325

Women's participation in conflict prevention, peace-building, and peace-support operations is a priority issue for the Swedish Government in the area of international conflict management. Sweden was one of the first countries to adopt a national action plan in 2006 (for the period 2006- 2008) for the implementation of UN Security Council Resolution 1325 on Women, Peace and Security. Since 2006 experience has been gained and lessons have been learned from work concerning Resolution 1325 at global, regional and national levels. Knowledge of work concerning Resolution 1325 has increased and measures to implement it have been developed. It has become clearer where the biggest challenges lie – where organisation, training and implementation are key. New factors have arisen such as UN Security Council Resolution 1820 (2008) on sexual violence in armed conflicts. Sweden's second and revised national action plan for 1325 (including UNSCR 1820 on sexual violence in armed conflicts) was recently adopted by the Government for the period 2009 – 2012.

The action plan, which has been drawn up in collaboration with Swedish government agencies and NGOs, is now being implemented on a *national, regional and international level.*