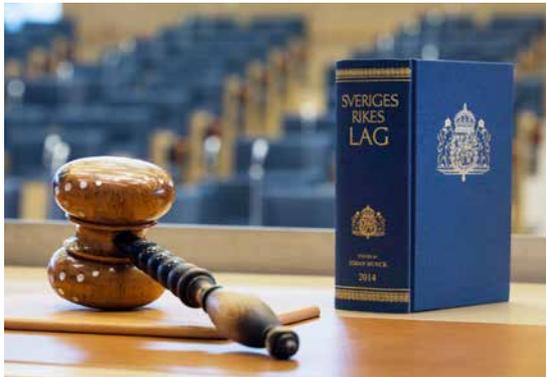


## FACTS ABOUT THE RIKSDAG

# The fundamental laws – rules for society

PHOTO: MELKER DAHLSTRAND



Most countries have a set of written fundamental laws containing the basic rules for society. Legislation of this type is also called a Constitution. The Swedish Constitution consists of four fundamental laws:

- the Instrument of Government
- the Freedom of the Press Act
- the Fundamental Law on Freedom of Expression
- the Act of Succession.



The fundamental laws are regarded as the highest level of public regulation and no other laws may contradict them. The fundamental laws are intended to safeguard democracy and are therefore more difficult to amend than other laws. An important reason for this is that there needs to be time to reflect on changes and the possible consequences of these changes.

In order to amend a fundamental law, the Riksdag must vote in favour of the proposal for amendment on two separate occasions. A parliamentary election must be held between these two occasions. In connection with the parliamentary election, the Riksdag can hold a referendum on the proposal. However, this possibility has never been made use of to date.

The Riksdag Act occupies an intermediate position between fundamental law and ordinary law. It contains provisions on the organisation and working procedures of the Riksdag.

Sweden's membership of the European Union (EU) is enshrined in the Instrument of Government. As a result of Sweden's EU membership, the Riksdag has transferred some of its decision-making powers to the EU. This is possible in matters not relating to the principles for how the country is governed and that do not conflict with the European Convention on Human Rights.

It is the Government that represents Sweden when decisions are taken in the Council of the European Union. But the Government is accountable to the Riksdag and is obliged to keep the Riksdag informed of developments relating to the EU and its own work in the EU.

### The Instrument of Government

The most all-embracing fundamental law is the Instrument of Government. The Instrument of Government, the latest version of which came into force in 1974, sets out how democracy is to be implemented in Sweden. It also defines the distribution of power between the Riksdag, Government, local authorities, administrative agencies and courts.

Democracy means government by the people. According to the opening paragraph of the Instrument of Government, "All public power in Sweden proceeds from the people". This is implemented by means of universal suffrage, whereby all votes are of equal value, and through the freedom to express one's thoughts and opinions.



Democracy is, in other words, a way of making decisions, but it is also important that the decisions are democratic. This means that they must be based on democratic ideas, such as the equal value of all people.

### Fundamental aims

Public power shall be exercised with respect for all people's equal value and the liberty and dignity of the individual.

### The Sami Parliament

The Sami Parliament was established in 1993. It has as its goal to safeguard, develop and coordinate all matters concerning Sami areas of interest. It does not have power of taxation and cannot adopt laws.

The fundamental aims are the personal, economic and cultural welfare of the individual. The right of the individual to work, housing and education is also highlighted. Society shall also promote social care and social services as well as favourable conditions for good health. Promoting sustainable development for a good environment is another goal.

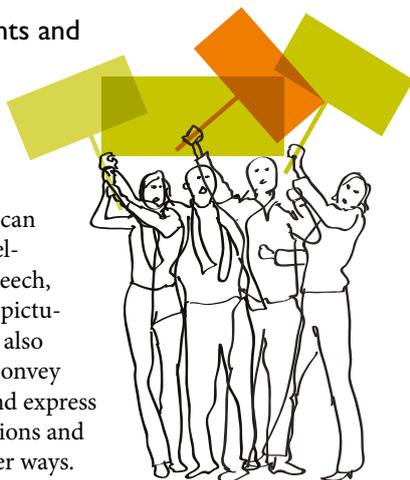
Society shall also work to combat all forms of discrimination.

The Sami people, as well as ethnic, linguistic and religious minorities in Sweden shall have the opportunity to preserve and develop a cultural and social life of their own. One example of this is the Sameting, which is the Sami parliament.

### Citizens' rights and freedoms

A fundamental right in a democracy is that citizens can express themselves freely in speech, writing and in pictures. They must also be entitled to convey information and express thoughts, opinions and feelings in other ways. Everyone must also be entitled to procure and receive information. They must have the right to organise and participate in demonstrations in public places and to join associations and organisations. It must also be permitted to practise one's religion, alone or together with others.

The Instrument of Government contains a list of the freedoms and rights that all Swedish citizens and others enjoy. Many of these rights and freedoms are absolute and can only be changed by means of amendments to fundamental law. It is, for example, only possible to abolish the ban on capital punishment or corporal punishment by amendments to fundamental law. One right that can be changed by means of ordinary legislation is the protection against secret monitoring of telephone conversations etc. In most cases, the rights and freedoms set out in the fundamental laws also apply to foreign citizens who are resident in Sweden.



### The equality of all persons before the law

Sweden is a state governed by the rule of law. This means that everyone shall be treated equally before the law and the courts and administrative authorities shall be objective and impartial. The courts, administrative authorities, Riksdag and Government are also obliged to follow the law.

Neither the Riksdag nor the Government may intervene in the decisions of the courts. Nor may they intervene in decisions by administrative authorities regarding matters relating to individuals or local authorities.

The Government submits certain legislative proposals for legal review to the Council on Legislation. This is an independent body which examines the compliance of the proposals with the fundamental laws and with the judicial system in general.

### Representative democracy

The Instrument of Government emphasises the fact that Sweden is a representative democracy. This means that the people choose their representatives in the Riksdag, and municipal and county councils at general elections. The elected representatives – the politicians – are accountable to the voters for their decisions. The work of the politicians is carried out in the public eye and their actions can be examined.

The principle of all power proceeding from the people is realised by means of our parliamentary system of government. At the centre of this system is the Swedish parliament – the Riksdag. The Riksdag adopts laws, and determines central government taxes and how central government funding shall be used.

The Government governs the country and is accountable to the Riksdag. The Government must enjoy the confidence of the Riksdag or at least be accepted by the Riksdag in order to remain in power. This is known as the principle of parliamentary government.

### *349 members of the Riksdag elected every four years*

Every four years, 349 members are elected to the Riksdag in free and secret elections, in accordance with the Instrument of Government. This means that the elections shall be held without external pressure and that voters cast their vote behind a screen where nobody can see how they vote. All Swedish citizens who have reached the age of 18 are entitled to vote and are also eligible for election to the Riksdag.

### ***The Prime Minister appoints the Government ministers***

The Government consists of the Prime Minister and a number of ministers. To be a minister, it is necessary to be a Swedish citizen.

After an election, it is the Speaker of the Riksdag who consults the party leaders and proposes a candidate for Prime Minister. When the Riksdag has approved the Speaker's proposal, the Prime Minister appoints the other Government ministers.

According to the Instrument of Government, Sweden is a monarchy where the head of state is a king or queen without political power.

### ***Central government income and expenditure***

It is the Riksdag that makes decisions concerning central government taxes, and every autumn it determines the central government budget for the coming year. The Government is responsible for and controls central government assets. However, the Government is always obliged to act in accordance with the Riksdag's decisions.

The Riksbank is an authority under the Riksdag. The Riksbank is the central bank of Sweden and is thus responsible for monetary policy and has the exclusive right to issue coinage and banknotes.

### ***Local self-governance***

Decisions in municipalities, county councils and regions are also made by elected politicians. Municipalities, county councils and regions deal with regional matters that are of public interest or decided in law. They also have the right to levy tax.

### ***Control of political power***

The Government is accountable to the Riksdag, and the Riksdag examines how the country is run and managed. It carries out its control by means of the Committee on the Constitution which examines how the ministers perform their official duties and how the Government deals with its business. The Riksdag can decide on a declaration of no confidence in a minister. If crime is suspected, the Committee on the Constitution can consider whether criminal proceedings should be instituted.

The opportunity for members of the Riksdag to put questions to the ministers is another way for the Riksdag to scrutinise the work of the Government.

The Parliamentary Ombudsmen examine how laws and other statutes are applied in public sector activities. The National Audit Office is another au-

thority under the Riksdag which examines all central government activities and ensures that these are carried out efficiently.

### ***International relations***

It is the Government that enters into international agreements with other countries and international organisations. The Government discusses and seeks support for its foreign policy from the members of the Riksdag in the Advisory Council on Foreign Affairs. Many agreements require a decision from the Riksdag, for example when an amendment to law or a new law is required.

### ***Freedom of the press and freedom of expression***

Sweden was the first country in the world to include freedom of the press and freedom of expression in its fundamental laws. This occurred as early as the 18th century. Our current Freedom of the Press Act dates from 1949.



In order to protect the freedom of expression in radio, TV, film and sound recordings, a new fundamental law, the Fundamental Law on Freedom of Expression, was adopted in 1991. This law also applies to digital media.

The rules on freedom of the press and freedom of expression exist to enable people to freely express what they feel and think, to discuss and spread their opinions. This is a precondition for the free exchange of information. A condition is, however, that this is done without insulting or offending anyone.

### ***A common foundation***

Both the Freedom of the Press Act and the Fundamental Law on Freedom of Expression contain a ban on censorship. However, based on the Fundamental Law on Freedom of Expression, a special law has been adopted stipulating that all films to be shown to children under the age of 15 at a public screening must first be classified by the Swedish Media Council.

The Freedom of the Press Act and Fundamental Law on Freedom of Expression also provide a protection of sources. This means that a person providing information for publication has the right to be anon-

### Amendments to the Constitution

Here are some examples of major amendments that have been made to the fundamental laws:

- 1866 The Riksdag of the Estates becomes the two-Chamber Riksdag
- 1909 The majority of men are given the right to vote
- 1921 Women are given the right to vote
- 1921 Capital punishment in times of peace is abolished
- 1973 Capital punishment in times of war is abolished
- 1975 The King loses all political power
- 2000 The Church is separated from the State
- 2010 A vote on the Prime Minister is to be held after each election

ymous. Journalists are therefore bound by a duty of confidentiality and are not permitted to disclose who has provided information to them. It is also forbidden for authorities to try to find out who the source is and threaten with reprisals.

### Abuse leads to legal action

A person who abuses the freedom of the press can be sentenced for a freedom of the press offence.

Offences against the security of the realm and agitation against a population group are freedom of the press offences. In certain cases, defamation and insults against a specific individual may also be considered freedom of the press offences.

During a trial of a freedom of the press case, a group of individuals who are not lawyers – a jury – normally takes part. If the jury acquits, the court must accept the outcome.

### Right to transparency

The public and the media are entitled to an unimpeded view of central and local government activities. This right is set out in the Freedom of the Press Act and anyone is free to access the authorities' official documents on paper or in another format.

Officials and others working for central or local government have the right to disclose what they know to outsiders. They also have the right to provide information to the media (freedom to communicate information).

Public sector employees have a duty of confidentiality as regards secret material. They do, however, have the right to provide information to the media for publication, with certain exceptions.

Local authority activities are increasingly being run in corporate form. The rules on the freedom to communicate information have therefore also been extended to apply to employees at municipal foundations, companies and associations.

Court proceedings are open to the public. This means that the public and the media have the right to attend. However, some proceedings may be held behind closed doors when they concern information that is subject to secrecy, or when the court makes a decision.

### Some documents are secret

In certain cases, official documents may be kept secret, for example in the interests of national security or in relation to another state. Protection of Sweden's financial, monetary or currency policy, or prevention or punishment of crime are other examples of matters that may be kept secret.

### The Act of Succession

The Act of Succession from 1810 regulates who may succeed to the throne. Since 1979, both sons and daughters of the King have had this right. A condition for a prince or princess to retain the right to the throne is that they have the Government's consent when they get married.

Another condition is that the royal family professes the Protestant faith on which the Church of Sweden is based.



### Read more

- The fundamental laws are available in full text on the Riksdag website
- The Constitution of Sweden