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Review of implementation of the United Nations Convention against Corruption

Executive summary: Sweden

Note by the Secretariat

The present conference room paper is made available to the Implementation Review Group in accordance with paragraph 36 of the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (Conference of the States Parties resolution 3/1, annex). The summary contained herein corresponds to a country review conducted in the third year of the first review cycle.

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II. Executive summary

Sweden

1. Introduction

1.1. Overview of the legal and institutional framework of Sweden in the context of implementation of the United Nations Convention against Corruption

Sweden signed the United Nations Convention against Corruption (UNCAC) during the High-level Political Conference in Mérida (Mexico), held from 9 to 11 December 2003. Sweden deposited its instrument of ratification with the Secretary-General on 25 September 2007.

Sweden is a member of the EU, the OECD, the Council of Europe's GRECO and FATF.

In Sweden, the sources of law consist mainly of statutes, case law and preparatory works on proposed laws. According to established legal tradition, explanations in the preparatory works are regarded as a reliable source of clarification of legal texts, very much in the same way as case law.

The relationship between national and international law is dualistic in the Swedish legal system. International agreements need to be implemented in order to be applied by the courts and other bodies.

The anti-corruption legal framework in Sweden consists of provisions contained in the Penal Code (PC), the Code of Judicial Procedure (CJP), as well as other specific acts including the Police Act and the Act on Extradition for Criminal Offences.

Sweden has put in place a robust institutional framework to address corruption. The authorities with relevant mandates include the National Anti-Corruption Unit (NACU) within the Swedish office of the public prosecutor and the National Anti-Corruption Police Unit (NACPU).

2. Chapter III: Criminalization and law enforcement

2.1. Observations on the implementation of the articles under review

Bribery and trading in influence (arts. 15, 16, 18 and 21)

The provisions on active and passive bribery are contained in Chapter 10, sections 5b and 5a respectively of the PC, with aggravating circumstances prescribed in section 5c PC and a specific offence on "negligent financing of bribery" established in section 5e PC. Chapter 10, sections 5a et. seq., cover "employees" and performers of functions in both the public and the private sector, regardless of the nature of their function or nationality.

The "undue advantage" includes non-pecuniary rewards. The assessment of the impropriety of the advantage should take into account, in less obvious cases, factors such as the financial value and character of the advantage and the circumstances surrounding the giving of the advantage.

Chapter 10, sections 5a et. seq. cover cases where the undue advantage is received, agreed to be received or requested for a third party and not only for the official

himself/herself. While the words "directly or indirectly" are missing from the text of Chapter 10, sections 5a and 5b, it is covered by the aforementioned sections.

The domestic bribery provisions include bribery of foreign public officials or officials of public international organizations.

Trading in influence is criminalized in Chapter 10, section 5d, PC. However, the provision is only applicable in relation to cases of exercise of public authority or public procurement.

Art. 21 UNCAC is implemented through Chapter 10, sections 5a and 5b, PC, which equally apply in the private sector and go beyond the Convention in that they do not require a breach of duty.

Money-laundering, concealment (arts. 23 and 24)

The main provisions criminalizing money-laundering are found in Chapter 9, Sections 6a and 7a, PC (money receiving and petty money receiving). Money-laundering acts can in some instances also be covered by the offences of receiving and petty receiving (Sections 6 and 7 of the same Chapter), as well as by the offence of protecting a criminal (Chapter 17, Section 11). Whereas complicity (aiding, abetting, facilitating and counselling the commission of the offence) to any of these offences is criminalized, attempt, preparation and conspiracy is criminalized only in relation to the offence of gross money receiving.

Sweden applies an "all crimes approach" with reference to which crimes can be predicate offences to a money-laundering offence. Thus, any crime, which can generate proceeds, including tax crimes, can be a predicate offence. It is not necessary that the predicate offence has been committed in Sweden. Self-laundering is currently considered to be "co-punished" with the predicate offence.

A new Act on Penalties for Money Laundering Offences will enter into force on 1 July 2014. The new Act comprises provisions on money-laundering offences and on the seizure and forfeiture of laundered property. The criminalization will cover "self-laundering", attempt, preparation and conspiracy to commit a money-laundering offence (which is not petty), as well as complicity (aiding, abetting, facilitating and counselling the commission of the offence).

Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)

The domestic provisions which correspond to art. 17 UNCAC are contained in Chapter 10, sections 1, 4 and 5, PC. The Swedish legislation does not separate crimes of embezzlement and other breaches of trust committed in the private sector or in the service of the State. Although the term "property", as an object of embezzlement, is not defined in the PC, both public and private funds, as well as securities and other things of value, are considered "property".

Art. 19 UNCAC is implemented through the provision on misuse of office in Chapter 20, section 1, PC. This section provides for aggravating circumstances where the offender "seriously abused his position".

Sweden has considered criminalizing illicit enrichment, but decided not to implement Art. 20 UNCAC because implementation of the article would in practice

put the burden on the suspect to prove his innocence, which in Sweden is considered to be incompatible with the presumption of innocence that applies in criminal cases.

Obstruction of justice (art. 25)

Art. 25(a) UNCAC is implemented through provisions in Chapter 15 PC, namely sections 1 (perjury), 2 (untrue statement), 3 (careless statement), 4a (false statement before a Nordic court), 4b (untrue statement before an international court) and 8 (tampering with evidence), as well as section 10 of Chapter 17 (interference in a judicial matter). Interference in the giving of testimony or the production of evidence through coercive means is covered in the latter provision (section 10 of Chapter 17 PC). Although there is no stand-alone offence, the offering or giving of an undue advantage to induce false testimony or the production of evidence in a proceeding is punishable under the provisions in Chapter 23 on Attempt, Preparation, Conspiracy and Complicity, read together with the provisions in Chapter 15, on Perjury, False Prosecution and Other Untrue Statements.

Art. 25(b) UNCAC is implemented through Chapter 17, sections 1 (violence or threat to public servant) and 2 (outrageous conduct toward a public servant) PC.

Liability of legal persons (art. 26)

Under Swedish legislation, legal persons cannot commit crimes. However, corporate fines can be imposed on a legal person if a crime has been committed in the course of business of the legal person under certain conditions. Corporate fines are regulated in the PC and are applied relatively often in the case of environmental offences and less often for economic or financial offences. With specific regard to corruption cases, corporate fines have been imposed for active bribery in one case.

A conviction of the natural person who perpetrated the offence is not needed to establish corporate liability.

The corporate fines amount to between SEK 5,000 and 10,000,000. Furthermore, all economic advantages derived by the legal person from the crime can be confiscated. The reviewing experts noted that the maximum amount of the corporate fines, even after the 2006 amendments, amounts to little more than €1 million.

Participation and attempt (art. 27)

Art. 27(1) UNCAC is implemented in Chapter 23, section 4, PC. The general rule about attempt is regulated in Chapter 23, section 1, PC. Sweden has criminalized the attempt of almost all the crimes in the Convention. However, in many cases, petty crimes are excluded. The general rule about preparation is regulated in Chapter 23, section 2, PC. The section requires that the preparation of the crime is specially mentioned in the Chapter that penalizes the crime.

Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)

The range of punishment for corruption crimes makes it possible to take into account the gravity of the relevant offences.

The provisions granting immunities for Swedish public officials concern members of the *Riksdag* (Parliament), the Speaker of the *Riksdag*, the Head of State and

ministers. The functional immunities regulated in the Instrument of Government are not extended to judges or any other categories of public officials. Investigative steps can be taken before the immunity is lifted.

The Swedish criminal procedure rules are based on the principle of mandatory prosecution. In the sections where mandatory prosecution does not apply, the prosecutor has to prosecute if it is necessary from the standpoint of the society. On the other hand, prosecutors may waive prosecution, provided that no compelling public or private interest is disregarded (Chapter 20, section 7 CJP).

A defendant who does not show up voluntarily at court proceedings can have conditional fines imposed on him. The Swedish regulation about parole can be found in Chapter 26, sections 6 and 7, PC.

Art. 30(6) UNCAC is implemented through several different laws, e.g. Chapter 20, Section 4, PC and the Act of Employment in the Public Sector.

Sweden has not established procedures for the disqualification of persons convicted of corruption offences from holding public office since they are considered not to be in compliance with fundamental principles of the Swedish legal system.

Sweden can apply disciplinary and criminal sanctions simultaneously.

The Swedish legislation promotes the reintegration into society of persons convicted of offences. In particular, Chapter 1, Section 5 of the Swedish Act on Imprisonment provides that enforcement shall be devised so as to facilitate the prisoner's adjustment in the community and counteract negative consequences of deprivation of liberty.

In determining the appropriate punishment the court has the possibility to render a milder sentence if the accused had and used a possibility to prevent or eliminate damage. Sweden does not however apply a plea bargaining system and it is not possible for a person to get a milder sentence by assisting in obtaining evidence in relation to other offenders (so called “crown witnesses”). The Prosecutor has no discretion to offer lesser sentence, although the prosecution will argue mitigating circumstances. Persons who have participated in the commission of an offence and provide the law enforcement authorities with useful information for investigative and evidentiary purposes (collaborators of justice) are equally covered by Section 2 of the Police Act and Section 2 of the Ordinance (2006:519) on special personal safety programmes.

Protection of witnesses and reporting persons (arts. 32 and 33)

Witnesses and experts who give testimony enjoy effective legal protection against retaliation and intimidation. Witnesses do not have to be physically present in the courtroom, but can attend the hearings through videoconference (Chapter 5, section 10 CJP). The police can also take measures to protect the identity and whereabouts of witness, such as giving them new identities and fictitious personal data.

Section 2 of the Police Act authorizes the police to carry out personal security operations to ensure effective legal protection from physical retaliation for witnesses and other persons under threat.

The Ordinance (2006:519) on special personal safety programmes may also cover victims ("injured parties") insofar as they are witnesses.

The protection of reporting persons has been implemented through the offence of interference in a judicial matter, Chapter 17, section 10, PC. Both the Freedom of the Press Act and the Fundamental Law on Freedom of Expression contain protection rules for a public official who, in writing or speech, wants to disclose information for publication. As regards employees involved in whistle-blowing, protection mainly consists of the requirement that, under Section 7 of the Employment Protection Act (1982:80), notice of termination must be based on objective grounds.

Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)

The domestic legal framework on freezing, seizing and confiscation can be found in Chapter 36 PC (confiscation) and Chapters 26 (provisional attachment) and 27 (seizing) CJP. These Chapters cover not only proceeds of crime, but also instrumentalities used, or intended to be used, in the commission of a crime.

Chapter 26, section 1 and Chapter 27, section 1, CJP stipulate that proceeds of crime which can be confiscated at a later stage can be subject to seizure or provisional measures.

According to Chapter 36, Section 1 of the PC, any proceeds of crime (in whatever shape or form) shall be declared confiscated, unless this is manifestly unreasonable. The concept of proceeds of crime in this context also covers property that has replaced the (original) proceeds, as well as income or other benefits deriving from such property.

Sweden has not established an asset management agency to specifically dispose of frozen, seized or confiscated property. The administration of frozen or seized property is handled by the police or by the enforcement agency.

It is possible to seize/freeze documents for evidentiary and confiscation purposes even if the documents are kept by a bank. Banks are also obliged to give information to the police or prosecutor if asked to in relation to an ongoing investigation (section 11 of the Banking and Financing Act). No court order is needed to access bank documents. Instead, the prosecutor can order that these documents be made available.

The reversal of the burden of proof has not been implemented. However, Chapter 36, Section 1b, PC provides for a lower evidentiary threshold for confiscation.

The rights of bona fide third parties are protected under Chapter 36, section 5 PC.

Statute of limitations; criminal record (arts. 29 and 41)

The rules about the statute of limitations are regulated in Chapter 35 PC. According to Swedish law, the length of the statute of limitation depends on the range of the punishment. The statute of limitation starts at the time of commission of the act, irrespective of knowledge of the authorities. The prescription period for corporate fines is five years or the longer period that applies in relation to the perpetrator of the underlying offence.

In the determination of the punishment the court has the possibility to take into consideration any previous conviction (Chapter 29, section 4, PC).

Jurisdiction (art. 42)

Sweden has implemented the territorial principle and the active personality principle for establishing jurisdiction in Chapter 2, sections 1, 2 and 4, PC. There is no general provision giving Swedish court's jurisdiction over crimes committed against Swedish citizens. There are no provisions specially linked to the issue of establishing jurisdiction in lieu of extradition of Swedish nationals. However, Swedish courts have jurisdiction over crimes committed by Swedish nationals outside Swedish territory provided that the dual criminality requirement is met.

Consequences of acts of corruption; compensation for damage (arts. 34 and 35)

The Swedish legal system offers various possibilities to annul or rescind an agreement or a decision adopted by the public administration, which have been affected by acts of corruption.

The Tort Liability Act contains rules about compensation for loss or damage. The possibilities to demand compensation for damages in a criminal case are regulated in Chapter 22 CJP and in the Criminal Injuries Compensation Act.

Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)

There is no specialized anti-corruption agency in Sweden but a number of institutions or units with mandates related to the fight against corruption. Within the Swedish office of the public prosecutor, there is a special division working exclusively on corruption (the National Anti-Corruption Unit, NACU), established in 2003. It is assisted by a special police unit, the National Anti-Corruption Police Unit (NACPU). The NACPU was established in 2012 to further increase the efficiency and the expertise in the handling of corruption related cases.

In corruption-related cases, according to Chapter 23 CJP, a prosecutor instead of a police staff is conducting the investigation because of the complex nature of these cases and the special training that these prosecutors have. Training for prosecutors is offered by the Swedish Prosecution Authority and the Swedish Economic Crime Authority. The Judicial Academy arranges specialist training in economic crimes for judges.

Sweden has a police-type FIU which is part of the National Bureau of Criminal Investigations.

According to the Swedish Police Act, the police have to cooperate with the authorities and public officials. The Swedish Prosecution Authority and the Swedish Police have defined in MoUs the parts of the process of prosecution for which each authority is responsible.

Sweden has different laws which include cooperation and the obligation to report different kinds of information. There is also a constant dialogue between offence investigating authorities and financial institutions.

2.2. Successes and good practices

Overall, the following successes and good practices in implementing Chapter III of the Convention are highlighted:

- Chapter 10, section 5e PC was highlighted because it does not require intent but establishes liability for commercial organizations which "through gross negligence furthers the offences of giving a bribe". This new provision, while still untested by the courts, could prove to be very effective in the fight against corruption;
- The Swedish legislation on bribery in the private sector (Art. 21 UNCAC) goes beyond the Convention in that it does not require a breach of duty;
- The reviewing experts consider the Sweden regime for the protection of witnesses, experts and victims to constitute a good practice;
- The provision in Chapter 36, section 1b PC lowering the evidentiary threshold for confiscation was considered to be a good alternative to the reversal of the burden of proof (Art. 31(8) UNCAC);
- The establishment of specialized anti-corruption units both within the prosecution and the police authorities was considered a good practice (Art. 36 UNCAC);
- The possibility to prohibit financial institutions from informing customers and external parties that certain checks are being carried out can be considered a good practice (art. 40 UNCAC).

2.3. Challenges in implementation

While noting Sweden's advanced anti-corruption legal system, the reviewers identified some challenges in implementation and/or grounds for further improvement and made the following remarks to be taken into account for action or consideration by the competent national authorities (depending on the mandatory or optional nature of the relevant UNCAC requirements):

- Consider including a provision in the national legislation establishing a specific stand-alone offence that explicitly covers the offering or giving of an undue advantage to induce false testimony or the production of evidence in a proceeding (Art. 25(a) UNCAC);
- Review the provisions on liability of legal persons to ensure their effectiveness. Ensure that the fines imposed on legal persons are dissuasive and commensurable with those imposed for other economic offences, such as competition offences (Art. 26 UNCAC);
- Amend the legislation to provide for the suspension of the statute of limitations period in cases where the alleged offender has evaded the administration of justice (Art. 29 UNCAC);
- Consider introducing specific labour law provisions for the protection of whistle-blowers in the private sector against retaliation by their employers (Art. 33 UNCAC);

- Consider expanding the scope of criminal jurisdiction, as prescribed in the national legislation, to cover offences committed against Swedish nationals (passive personality principle, Art. 42(2)(a) UNCAC).

3. Chapter IV: International cooperation

3.1. Observations on the implementation of the articles under review

Extradition; transfer of sentenced persons; transfer of criminal proceedings (arts. 44, 45 and 47)

Extradition is regulated by the following legal acts: the Act (1957:668) on Extradition for Criminal Offences, the Act (2011:1165) on Surrender from Sweden According to the Nordic Arrest Warrant and the Act (2003:1156) on Surrender from Sweden According to the European Arrest Warrant.

Double criminality is generally required for extradition to non-Nordic States. However, it is the act itself, not its legal qualification or denomination, which determines whether or not the requirement of double criminality is met. Sweden can, pursuant to the Act (2011:1165) on Surrender from Sweden According to the Nordic Arrest Warrant, extradite to the other Nordic countries in the absence of dual criminality. In the context of surrender to other EU Member States on the basis of a European Arrest Warrant (EAW), double criminality is not required for 32 offences punishable by deprivation of liberty of at least three years, including corruption and money-laundering.

Extradition may be granted only if the act for which it is requested corresponds to an offence for which imprisonment for one year or more is prescribed by Swedish law. If the person has been sentenced for the act in the requesting State, he may be extradited only if the sentence is deprivation of liberty for at least four months or other institutional custody for a corresponding period.

Extradition may take place irrespective of the existence of an extradition treaty between the parties, provided that the conditions of the Extradition Act are met and the offences are extraditable. Statistics with regard to a single Convention are not available. In general, however, it is noted that the UNCAC has been used in a very limited number of cases.

The grounds for refusal of an extradition request are prescribed in the Act (1957:668) on Extradition for Criminal Offences (nature of the offence as military or political one; discriminating treatment in the requesting State; youth, state of health and other personal circumstance of the person sought; lapse of time; *ne bis in idem*; pending criminal proceedings in Sweden). The nature of the crime as an offence involving fiscal matters is not included among the grounds for refusal.

As a main rule, Sweden does not extradite Swedish nationals (Extradition Act, section 2). Pursuant to the Nordic Arrest Warrant, section 6, Swedish nationals can under certain conditions be extradited to other Nordic countries. A provision on conditional extradition or surrender is stated in the Act (2003:1156) on surrender from Sweden according to the EAW (Chapter 3, section 2). Enforcement of a foreign penal judgement against a national who is not extradited can be considered in the context of the Act on Surrender from Sweden according to the EAW (Chapter 2, section 6).

The time needed for granting an extradition request will depend on the process followed and is subject to the exhaustion of the available judicial remedies. A simplified process, whereby the person sought consents to his or her surrender, is completed within four months. The extradition to other Nordic countries is carried out in an expeditious manner. The maximum period for the execution of an EAW is 90 days.

Sweden has bilateral agreements with the United States of America, Canada and Australia and has ratified multilateral agreements relating to extradition (the 1957 European Convention on Extradition and its two additional protocols (1975 and 1978); the United Nations Drug Trafficking Convention (1988); UNTOC and UNCAC).

In order to assess the effectiveness of the domestic legal framework on extradition, the Swedish legislation on extradition is currently under review.

All extradition requests (except from other Nordic countries) go through the Office of the Prosecutor-General.

Sweden has entered into several agreements on the transfer of sentenced persons and the pertinent regulation offers the opportunity to transfer enforcement of sentences both from and to Sweden. Sweden is a party to the 1983 European Convention on the Transfer of Sentenced Persons and its 1997 Additional Protocol, as well as the 1970 European Convention on the International Validity of Criminal Judgements. In relation to the other Nordic States, the Act concerning cooperation with Denmark, Finland, Iceland and Norway on the enforcement of criminal sanctions etc. (1963:193) is applied. Sweden has bilateral agreements concerning transfer of sentenced persons with Thailand and Cuba. According to the Act on international cooperation in the enforcement of criminal judgements (1972:260), which is currently under review, the transfer of prisoners can take place also without a treaty base.

The possibility of transferring proceedings is regulated in the Act (1976:19) on International Co-operation on Transfer of Proceedings. The Act applies in relation to the States that have acceded to the 1972 European Convention on the Transfer of Proceedings in Criminal Matters. If the prosecution is transferred to Sweden under the Act, the transferred crime falls under Swedish jurisdiction (Chapter 2, section 3a Penal Code). However, proceedings are often transferred from and to Sweden without any explicit legal basis. Such transfer can take place with or without the support of international agreements that Sweden has acceded to, provided that national jurisdiction over the concerned crimes exists.

Mutual legal assistance (art. 46)

Mutual legal assistance is regulated in the Act (2000:562) on international legal assistance in criminal matters. The Act does not prevent assistance involving other measures if they can be provided without using coercive means. The Act (2003:1174) on certain forms of international cooperation in criminal investigations includes supplementary provisions on legal assistance in some cases.

Sweden can generally provide MLA under the Act on international legal assistance in criminal matters, irrespective of the existence of an agreement on MLA with the other party. Assistance can also be provided in relation to matters that are being

dealt with in administrative proceedings or in other proceedings than criminal proceedings in the requesting State or in Sweden.

Pursuant to Chapter 2, section 2, dual criminality is a requirement with regard to certain measures, such as coercive measures, but not with regard to other measures covered by the Act.

The general grounds on which Swedish authorities can deny MLA are stated in Chapter 2, section 14 (violation of national sovereignty; risk to national security or conflict with Swedish general principles of law or other essential interests; and the nature of the offence as or military political one). The nature of the crime as an offence involving fiscal matters is not included among the grounds for refusal. Although Sweden has both secrecy legislation and a blocking law regarding commercial secrets, the Swedish authorities do not decline MLA requests on the grounds of bank secrecy.

The Division for Criminal Cases and International Judicial Cooperation (BIRS) at the Ministry of Justice is the Swedish central authority to deal with MLA requests. A relevant notification has been submitted to the Secretary-General of the United Nations. Requests for mutual legal assistance and any related communications can be transmitted to the central authorities designated by States Parties. Sweden does not require that such requests be submitted through diplomatic channels. In urgent circumstances, MLA requests and related communications can be communicated through the International Criminal Police Organization (INTERPOL).

According to Chapter 2, section 11, if the request contains a request of a particular procedure, this shall be applied, if it does not conflict with the fundamental principles of the Swedish legal system. Chapter 4, section 11 contains special provisions concerning requests for a hearing by telephone conference or videoconference.

According to Chapter 2, section 10, MLA requests shall be executed promptly. According to the guiding principles for the Swedish Prosecution Authority, incoming requests shall, as a general rule, be dealt with within two months.

Sweden uses for MLA purposes a number of multilateral instruments such as the 1959 European Convention on Mutual Assistance in Criminal Matters, including its First and Second Additional Protocols (1978); the 1990 European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime; the 1988 United Nations Drug Trafficking Convention; UNTOC and UNCAC. Bilateral agreements on MLA have been concluded with Australia, Canada and the United States.

Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)

For purposes of law enforcement cooperation, Sweden communicates through INTERPOL, Europol, The Schengen Information System and EUROJUST. NACPU seeks to share information with law enforcement agencies in other countries, as well as with organizations such as Europol, where appropriate.

The mandate of the National Anti-Corruption Police Unit (NACPU) includes the investigation of corruption offences and crime prevention. The strategic and operational intelligence aspect is handled by the Intelligence Section of the National

Bureau of Investigation. The FIU of the National Bureau of Investigation is responsible for handling matters related to money-laundering and the recovery of proceeds of corruption and other crimes. Consequently, the international cooperation in this area is handled by the FIU rather than NACPU.

Provisions related to joint investigations are found in the Act (2003:1174) on Joint Investigation Teams for Criminal Investigations. The provisions are based on the system developed within the European Union and apply to joint investigation teams (JITs) established under the Framework Decision on Joint Investigation Teams and the 2000 EU Convention on Mutual Legal Assistance in Criminal Matters.

NACPU has an ongoing close cooperation with Latvia in a case of alleged serious bribery. It actively seeks to establish JITs where appropriate. Other cases involve cooperation in this field with the Netherlands and the United States.

The Swedish police and customs authorities have a tradition of using the method of controlled delivery both nationally and in the context of cross-border operations. Controlled delivery is mainly used in criminal investigations of serious drug offences or drug smuggling.

The Swedish police can, in the context of undercover operations, operate under protected identities. The Swedish police are also part of the International Working Group on Police Undercover Activities (IWG). The practice of using protected identities is regulated in the Act (2006:939) on qualified protected identities.

Electronic surveillance is used by the Swedish law enforcement authorities to the extent that it can be done without the use of any coercive measures.

Sweden has ratified several conventions regarding special investigative techniques and such techniques are being used in practice by the Swedish authorities. International cooperation is also possible and present in practice. There are no barriers to use evidence that has been gained through special investigative techniques in a Swedish trial.

3.2. Successes and good practices

Overall, the following points are regarded as successes and good practices in the framework of implementing Chapter IV of UNCAC:

- The comprehensive and coherent legal framework on international cooperation in criminal matters, which regulates in a detailed manner all forms of international cooperation used by the Swedish authorities;
- The fact that assistance can also be provided in relation to matters which are being dealt with in administrative proceedings or in other proceedings than criminal proceedings in the requesting State or in Sweden.

3.3. Challenges in implementation

The following points are brought to the attention of the Swedish authorities for their action or consideration (depending on the mandatory or optional nature of the relevant UNCAC requirements) with a view to enhancing international cooperation to combat offences covered by UNCAC:

- Continue efforts to put in place and render fully operational an information system compiling in a systematic manner information on extradition and MLA cases, as well as law enforcement cooperation cases, with a view to facilitating the monitoring of such cases and assessing the effectiveness of implementation of international cooperation arrangements.