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MEDIA AND PRIVACY VIOLATION OF INDIVIDUALS

1. *Do you have legislation about compensation responsibility for defamation and privacy violation of individuals exposed in the press?*
2. *Who has the right to take proceedings?*
3. *What is the compensation level for injuries to a person's reputation?
Based on data from recent years.*
4. *What is the level of sentencing of media regarding publishing of incorrect stories?*
5. *Do you have an independent institution outside the courts dealing with cases in relation to privacy violation from media?*
6. *Do you have any experiences about measure of compensation for injury dependent on the economic income of the convicted? If yes, what are the experiences?*

Legislation

Defamation and gross defamation are regulated in Chapter 5, Sections 1 and 2 of the [Swedish Penal Code](#). Provisions on damages are found in the [Tort Liability Act \(1972:207\)](#), in particular Chapter 2, Section 3 and Chapter 5, Section 6.

If committed by means of printed matter, the act of defamation shall be deemed as an offence against the freedom of the press (tryckfrihetsbrott). This is regulated in Chapter 7, Article 4, Paragraph 14 of the [Freedom of the Press Act](#). If the act of defamation is committed in a radio programme or technical recording it shall instead be regarded as a freedom of expression offence (yttrandefrihetsbrott). This is regulated in Chapter 5, Article 1 of the [Fundamental Law on Freedom of Expression](#).

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Supplementary rules on damages in case of an offence against the freedom of the press or the freedom of expression are found in Chapter 11 of the Freedom of the Press Act and Chapter 8 of the Fundamental Law on Freedom of Expression.

The Freedom of the Press Act and the Fundamental Law on Freedom of Expression are constitutional laws.¹

Who has the right to take proceedings?

The main rule is that defamation may not be prosecuted by other than the injured party. If, however, the injured party notifies the crime for prosecution, and if prosecution is considered necessary in the public interest, a prosecutor may prosecute for defamation and gross defamation (Chapter 5, Section 5 of the Penal Code).

[The Chancellor of Justice](#) acts as sole prosecutor in cases concerning offences against the freedom of the press and the freedom of expression. However, the above mentioned rules in Chapter 5, Section 5 of the Penal Code are equally applicable in those cases.

A private claim for compensation in consequence of an offence is often conducted in conjunction with the prosecution of the offence. Otherwise, an action shall be instituted in the manner prescribed for civil actions.

The level of compensation

There are no fixed levels and no statistics regarding compensation for defamation. The compensation is determined in accordance with the provisions in Chapter 5, Section 6 of the [Tort Liability Act \(1972:207\)](#). Case law provides examples of levels between SEK 5 000 – 125 000.

The court may order the offender to pay for printing of the judgment in one or more newspapers. See also Chapter 7, Article 6 of the Freedom of the Press Act and Chapter 5, Article 4 of the Fundamental Law on Freedom of Expression.

The level of sentencing

The penalty for defamation is a fine and for gross defamation a fine or imprisonment for at most two years. Fines are imposed in the form of assessed fines based on daily income.

¹ English versions are available at <http://www.riksdagen.se/en/Documents-and-laws/>.

Other institutions

The Press Ombudsman (Allmänhetens pressombudsman, PO) and the Press Council (Pressens opinionsnämnd, PON) are independent self-disciplinary bodies which deal with complaints about the editorial content of newspapers, magazines and their websites. The complainant must be personally affected (i.e. identified in some way) by the publicity and the complaint should be made in three months' time from the date of publication. Companies, government authorities and organisations can also file complaints. The remedy for such institutional complaints is the right to reply or the right to a correction. A newspaper that has been found to violate good journalistic practice is expected to publish the written decision of the Press Council. It shall also pay an administrative fine.²

The Swedish Broadcasting Authority (Myndigheten för radio och tv) supervises radio and television programme services, on-demand services and teletext. The Swedish Broadcasting Commission (Granskningsnämnden för radio och tv) is a separate decision-making body within the Swedish Broadcasting Authority that monitors whether the content of radio and television programmes adhere to broadcasting regulations.³

Compensation for injury dependent on the economic income of the convicted

The answer to question no. 6 is no.

² <http://www.po.se/>.

³ <http://www.radioochtv.se/>.