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Sweden, Defamation and Rome II

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Constitutional Problems

- Freedom of the Press [Print] Act 1766
- Freedom of the Press [Print] Act 1949
- Freedom of Expression Act 1991





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Peculiarities of Swedish Law

- One man responsibility
- Protection of sources
- No right of reply





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SE cryingwolf?

- Declaration 20 to Amsterdam Treaty

Measures adopted pursuant to Article 73m of the Treaty establishing the European Community shall not prevent any Member State from applying its constitutional rules relating to freedom of the press and freedom of expression in other media.





Problems with Rome II

- Exception of ScopetooNarrow
- „Violations of privacy and rightsrelating to thepersonality“ doesnotcover:
 - Defamation of groups
 - Public officials och institutions
 - Economicdefamation



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Problems with EP Proposal

- SE radiobroadcasts principally directed to Belarus
- Radio broadcasts and web sites of immigrant groups from dictatorships





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Comfort Blanket for SE II

- Clarification concerning mandatory rules (Art. 16)



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