



THE
FUTURE
OF
FREE
SPEECH

THAT VIOLATES MY POLICIES 2026

AI LAWS, CHATBOTS, AND
THE FUTURE OF EXPRESSION

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The Future of Free Speech is an independent, nonpartisan think tank based at Vanderbilt University. Our mission is to reaffirm freedom of expression as the foundation of free and thriving societies through actionable research, practical tools, and principled advocacy. We envision a world in which the right to freedom of expression is safeguarded by law and strengthened by a culture that embraces diverse viewpoints.

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PREFACE

In the 2026 edition of our report *“That Violates My Policies”: AI Laws, Chatbots, and the Future of Expression*, we explore the ways in which public and private governance of generative artificial intelligence (AI) shapes the space for free expression and access to information.

Since the launch of ChatGPT by OpenAI in November 2022, generative AI has moved from a novelty to a tool embedded in everyday communication and information access.¹ As its reach has grown, so has the urgency for legislators around the world to determine how it should be governed, and what that governance means for freedom of expression and access to information.

Recognizing generative AI’s growing impact on freedom of expression and access to information, The Future of Free Speech undertook a first-of-its-kind analysis of how national legislation and corporate practices shape expression in the era of generative AI. The 2025 report analyzed AI legislation in Brazil, China, the European Union, India, the Republic of Korea, and the United States. It focused on laws and public policies addressing AI-generated content, particularly around elections and political speech, hate speech, defamation, explicit content, copyright, and measures that actively promote freedom of expression.²

This year, we built on those findings and expanded them considerably. This report, the first of two publications The Future of Free Speech will release this year, examines AI legislation, bills, policies, and case law in the European Union, Nigeria, Peru, Sweden, Türkiye, the United Kingdom, the United States, and Vietnam. It considers how these frameworks shape

¹ Generative AI refers to systems that create content — including text, images, video, audio, and software code — in response to user prompts. Cole Stryker and Mark Scapicchio, “What Is Generative AI?,” IBM Think, March 22, 2024, <https://www.ibm.com/think/topics/generative-ai>.

² Jordi Calvet-Bademunt, Jacob Mchangama, and Isabelle Anzabi, *“That Violates My Policies”: AI Laws, Chatbots, and The Future of Expression* (Nashville: The Future of Free Speech, October 2025), <https://futurefreespeech.org/wp-content/uploads/2025/10/AI-Report-2025-Full-Report.pdf>.

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freedom of expression and access to information across election and political content, hate speech, defamation, explicit content, copyright, and measures that empower freedom of expression, such as policies supporting linguistic diversity, media literacy, and open-source development. We have added dedicated sections on protection of minors and AI-powered surveillance to reflect these increasingly salient issues.

This report seeks to provide a rigorous and timely analysis of how generative AI is reshaping the space for free expression in both the public and private spheres. Building on these insights, The Future of Free Speech is developing guidelines to help policymakers ensure that generative AI protects and enhances freedom of expression and access to information, two cornerstones of democratic societies. A second report, focused on model analysis and related good practices for companies, will follow later this year.

In an era of rapid technological change, safeguarding free expression protects both individual rights and the conditions for open, informed, and thriving democracies.



ARTIFICIAL INTELLIGENCE & FREEDOM OF EXPRESSION IN SWEDEN

By

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ABSTRACT

Sweden has a long-standing constitutional commitment to press freedom, access to public documents, and freedom of expression, as reflected in its four fundamental laws. It is party to the relevant international treaties; among them, the European Convention on Human Rights holds a special position because the Instrument of Government provides that no domestic law may violate it. Sweden has not yet adopted a comprehensive national legal framework specifically regulating generative AI or AI-generated expression, and Swedish courts have not addressed generative AI directly as a freedom of expression issue. Rather than creating new content-based restrictions, the government's national AI strategy prioritizes technological development, public-sector adoption, digital sovereignty, media and information literacy, and resilience against disinformation. Existing rules on political speech, hate speech, defamation, protection of minors, nonconsensual intimate imagery, violent content, and copyright may apply when AI is used to disseminate unlawful material. In most cases, legal responsibility falls on the person or entity that publishes or distributes the content rather than on the AI system itself. How these rules apply will also depend on the communication medium, because Swedish constitutional protection varies among printed publications, broadcasting, database services, and other forms of expression. There is no evidence that existing restrictions have been used to unduly limit AI-generated expression. In the context of national security and surveillance, however, recent reforms allow certain uses of real-time facial recognition, and the government has framed AI as a strategic security resource.

1. INTRODUCTION

The Swedish legal system has a long tradition of robust protections for freedom of the press and access to public documents, rooted in an equally long constitutional tradition of limiting royal power in relation to the estates represented in the *Riksdag*, the Swedish parliament. This tradition dates to at least the first Instrument of Government (*Regeringsformen*) of 1634.¹ The first act on the freedom of the press was adopted in 1766, making Sweden the first country in the Western world to prohibit censorship and establish an individual right of access to public documents.² Since then, this right has been applied and enforced in Swedish law under the name *offentlighetsprincipen* (“the principle of public access”), which is widely regarded as one of Sweden’s most significant contributions to European law,³ alongside the ombudsman institution.

The Swedish Constitution consists of four separate fundamental laws, three of which are relevant to freedom of expression. The first two are the Instrument of Government,⁴ which establishes the fundamental principles of state organization and includes a bill of rights, and the Freedom of the Press Act.⁵ A third, the Fundamental Law on Freedom of Expression, was enacted in 1991.⁶ Whereas the Freedom of the Press Act regulates freedom of expression in printed media, such as books and newspapers, the Fundamental Law on Freedom of Expression applies to other media, such as broadcasting and online content.⁷ The two laws are “twin laws”: they share a similar structure, and the Fundamental Law on Freedom of Expression extends the protection provided by the Freedom of the Press Act to broadcasting and some internet communication.⁸ Together, these three fundamental laws,

1 Laura Carlson, *The Fundamentals of Swedish Law: A Guide for Foreign Lawyers and Students*, 1. ed (Studentlitteratur, 2009), 53.

2 Carlson, *The Fundamentals of Swedish Law*, 54.

3 Carlson, *The Fundamentals of Swedish Law*, 55.

4 Instrument of Government (1974:152).

5 Tryckfrihetsförordningen (1949:105), in Swedish legal jargon simply TF.

6 Yttrandefrihetsgrundlagen (1991:1469), in Swedish legal jargon simply YGL. The fourth fundamental law is the Act on Succession (Succession-sordningen) from 1810, which is seldom applied in legal practice.

7 Åsa Elmerot, ‘Constitutional Reasoning in the Swedish Supreme Courts’, in *Constitutional Reasoning in the Nordic Supreme Courts: An Empirical and Comparative Legal Perspective*, ed. Katalin Kelemen, Hart Studies in Comparative Public Law (Bloomsbury Publishing (UK), 2026), 152–53, <https://doi.org/10.5040/9781509991518>.

8 Carlson, *The Fundamentals of Swedish Law*, 61; Anni Carlsson, *Constitutional Protection of Freedom of Expression in the Age of Social Media: A Comparative Study* (Department of Law, Uppsala University, 2024), 307.

the Instrument of Government, the Freedom of the Press Act, and the Fundamental Law on Freedom of Expression, form a framework that protects freedom of expression in Sweden.⁹

In addition to these domestic laws, Sweden is a party to the relevant international treaties, most notably the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), both of which protect freedom of expression. The ECHR, incorporated into Swedish law through ordinary legislation in 1994,¹⁰ has a privileged position, because the Instrument of Government provides that no domestic law may violate it.¹¹

The Swedish government published its first AI policy document in 2018.¹² In it, Sweden positioned itself as a leader in the use of AI to strengthen welfare and competitiveness, emphasizing education, research, innovation, data access, and ethical and legal safeguards. Since then, Sweden's approach has focused more on the broader AI ecosystem, and a nonprofit national center for applied artificial intelligence has been established to encourage collaboration among organizations involved in AI development and use.¹³ In December 2023, the government appointed an AI Commission, which produced a report advocating a holistic and strategic approach to AI development.¹⁴ At the same time, Sweden's AI policy has become closely linked to EU regulation, especially the AI Act, adopted in 2024.¹⁵ Sweden has also adopted a five-year Digitalization Strategy,¹⁶ which makes AI a central theme, and most recently a comprehensive AI Strategy, which aims to place the country among the world's top ten in AI.¹⁷

9 In the Instrument of Government, freedom of expression is listed as one of the 'freedoms of opinion,' alongside freedom of information, assembly, demonstration, association and religion, in the first provision of Chapter 2, which sets out the catalogue of fundamental rights and freedoms.

10 Lag (1994:1219) om den europeiska konventionen angående skydd för de mänskliga rättigheterna och de grundläggande friheterna.

11 Chapter 2, Art. 19. See also Tuomas Ojanen, 'Human Rights in Nordic Constitutions and the Impact of International Obligations,' in *The Nordic Constitutions: A Comparative and Contextual Study*, ed. Helle Krunke and Björg Thorarensen (Hart Publishing, 2018).

12 Sweden, Ministry of Enterprise and Innovation, *National approach to artificial intelligence* (May 18, 2026), <https://www.regeringen.se/informationsmaterial/2018/05/nationell-inriktning-for-artificiell-intelligens/>.

13 AI Sweden, "About AI Sweden," accessed August 4, 2026, <https://www.ai.se/en/about>. One of the most important funders of AI Sweden is Vinnova, Sweden's innovation agency, an expert public authority under the Ministry of Climate and Enterprise. See Vinnova, "Our Mission," last updated September 4, 2025, <https://www.vinnova.se/en/about-us/our-mission/>.

14 Sweden, Ministry of Finance, *SOU 2025:12 AI-kommissionens Färdplan för Sverige* (Stockholm 2025), <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/02/sou-202512/>.

15 Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence. This chapter, however, focuses on Swedish law. For a more detailed discussion on EU law, please refer to the relevant chapter.

16 Sweden, Ministry of Finance, *Digitaliseringsstrategin 2025–2030* (February 25, 2026), <https://www.regeringen.se/regeringens-politik/digitaliseringsstrategin-2025-2030/>.

17 Sweden, Ministry of Finance, *Sweden's AI Strategy* (February 25, 2026), <https://www.government.se/information-material/2026/02/swedens-ai-strategy/>.

2. GENERAL STANDARDS OF FREEDOM OF EXPRESSION

The fundamental laws described in the previous section form a complex constitutional framework. The two “specialized” fundamental laws are based on a “form-bound” approach to protecting freedom of expression: they tie protection to the medium rather than to the content of the expression.¹⁸ By contrast, the Instrument of Government provides a general safeguard for freedom of expression. Both the Freedom of the Press Act and the Fundamental Law on Freedom of Expression contain detailed procedural and substantive rules, both administrative and criminal. Because of this complexity, most freedom of expression litigation in Sweden turns on which law applies rather than on how to balance competing rights and interests.¹⁹

The Fundamental Law on Freedom of Expression applies to television and radio programs, films, sound recordings, computer games, internet newscasts, and public playback from a database. It guarantees the right to publicly express thoughts, views, and sentiments in order to further the free exchange of opinions, information, and artistic creation.²⁰ Besides protecting freedom of expression and prohibiting censorship, this law contains provisions similar to those in the Freedom of the Press Act, including rules on the protection of informants, the exclusive liability of designated parties, and criminal offenses for the misuse of the protected freedoms, such as unlawful public disclosures and unlawful statements. The law also provides for the use of juries in trials for these criminal offenses.

In the context of generative AI, the general standards established in the three relevant fundamental laws of the Swedish Constitution apply to the natural or legal persons who deploy, publish, or otherwise disseminate AI-generated content, rather than to the system as an autonomous speaker. Where the output is communicated to others, the use of generative AI to produce text, images, audio, or video may fall within the scope of freedom

¹⁸ Carlsson, *Constitutional Protection of Freedom of Expression in the Age of Social Media*, 307.

¹⁹ Carlsson, *Constitutional Protection of Freedom of Expression in the Age of Social Media*, 308. See also Hans-Gunnar Axberger, *Tryckfrihetens gränser* (Liber 1984).

²⁰ See Chapter 1, Art. 1 of the Fundamental Law on Freedom of Expression (YGL).

of expression and is protected primarily by the Instrument of Government and the ECHR.²¹ At the same time, AI-generated expression is subject to the ordinary limits of freedom of expression and may be restricted where the restriction is prescribed by law, pursues a legitimate aim, and is necessary and proportionate. In the Swedish constitutional setting, the question of which fundamental law applies is especially relevant, because different legal consequences and liability regimes may follow. The Fundamental Law on Freedom of Expression may apply if the AI-generated content is published through one of the channels protected by that law, which include certain database services and public playback from databases—a category introduced in 2011 that covers digital cinema, among other media.²² Freedom of expression in the specific context of generative AI, however, is still an undeveloped subject in Swedish scholarly literature and has not yet been addressed by Swedish courts.

21 Anni Carlsson examines the applicability of this complex framework to social media platforms in her PhD thesis, which is indirectly relevant to the question of applicability to generative AI and other newer online forms of communication. Carlsson, *Constitutional Protection of Freedom of Expression in the Age of Social Media*, 313-14.

22 Prop. 2009/10:81, *Grundlagsskydd för digital bio och andra yttrandefrihetsrättsliga frågor* (Constitutional protection for digital cinema and other issues relating to freedom of expression).

3. AI LEGISLATION LANDSCAPE

Sweden has little AI-specific legislation. The EU AI Act is currently the main instrument regulating AI. Additionally, Sweden's law implementing the Digital Services Act (DSA)²³ is likely to affect generative AI indirectly. That law supplements the DSA by establishing supervision of platforms, orders to act against illegal content, and related court procedures. Moreover, the Swedish Authority for Privacy Protection (IMY) has recently issued guidance on how the General Data Protection Regulation (GDPR) applies to the development and use of AI.²⁴ The GDPR is supplemented in Swedish law by the Data Protection Act²⁵ and the Data Protection Ordinance.²⁶

Two documents issued in late 2025, however, indicate the government's intended approach to AI regulation in the coming years: Sweden's AI Strategy²⁷ and the report of a governmental inquiry into the measures needed to implement the EU AI Act.²⁸

The AI Strategy aims to place Sweden among the top ten countries in AI and to make the Nordic region a global leader in the field. It also aims to establish Sweden as a leader in using AI to enhance cost-efficiency, quality, and service in public administration. The strategy further seeks to create conditions for world-leading entrepreneurship in the country and to direct AI use and development toward societal benefit, sustainable development, competitiveness, and innovation.

The strategy's chapter on AI for social benefit emphasizes the need to strengthen conditions for data access and sharing within and between the public and private sectors.

23 Lag (2024:954) med kompletterande bestämmelser till EU:s förordning om digitala tjänster.

24 Sweden, Swedish Authority for Privacy Protection, *GDPR och AI* (n.d.), <https://www.imy.se/verksamhet/dataskydd/innovationsportalen/vagledning-om-gdpr-och-ai/gdpr-och-ai/>.

25 Lag (2018:218) med kompletterande bestämmelser till EU:s dataskyddsförordning.

26 Förordning (2018:219) med kompletterande bestämmelser till EU:s dataskyddsförordning.

27 Sweden's AI Strategy.

28 SOU 2025:101 Anpassningar till AI-förordningen (Stockholm 2025), <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2025/10/sou-2025101/>.

It also stresses the relevance of AI to the country's national security strategy, which, among other things, takes "a serious view of the challenges posed by AI-generated disinformation, at both an individual level and societal level."²⁹ The strategy states that media and information literacy are critical to preventing the spread of disinformation and increasing resilience against it. It also highlights the law enforcement challenges arising from the use of AI in crimes such as cyberattacks, financial crime, intimate partner violence, and the illegal production of sexual material. These issues, according to the strategy, are better addressed if law enforcement is "able to understand and use AI."³⁰

The strategy also stresses the value of training language models in Swedish and other national languages as a way to enhance digital sovereignty, improve the quality of services and regulatory compliance, reflect national cultural, social, and legal contexts, and reduce disinformation risks.

For its part, the government inquiry into implementing the AI Act focuses mainly on putting the regulation's requirements into effect. It proposes designating the Swedish Post and Telecom Authority as the main enforcement authority alongside other agencies with specific duties, and establishing rules on administrative supervision and sanctions for noncompliance. It does not propose rules for generative AI or AI-generated content beyond those in the AI Act.³¹

²⁹ Sweden's AI Strategy, 11.

³⁰ Ibid, 12.

³¹ SOU 2025:101.

4. ELECTION AND POLITICAL CONTENT

Chapter 2, Article 23 of the Instrument of Government establishes that restrictions on freedom of expression must be imposed with “particular attention” to the importance of “the widest possible freedom of expression and freedom of information in political, religious, professional, scientific and cultural matters.”³²

The Swedish Criminal Code, however, contains specific provisions punishing defamation or insult directed at the king and the royal family,³³ as well as at foreign heads of state or diplomats.³⁴ The code’s *travaux préparatoires*, which guide Swedish courts’ interpretation, state that there must be “room” for political debate even where individuals are subjected to a certain degree of attack.³⁵

The Swedish Supreme Court has relied on the Instrument of Government and on Article 10 of the ECHR in holding that political expression enjoys strong protection, particularly in political settings such as debates in political assemblies.³⁶

Political advertising is regulated primarily by EU Regulation 2024/900 on the transparency and targeting of political advertising, which imposes labeling rules and transparency requirements.³⁷ Article 11 of the regulation requires each political advertisement to carry “clear, salient and unambiguous” information that it is a political advertisement, the identity of its sponsor, the electoral process to which it is connected, whether it used targeting or ad-delivery techniques, and a transparency notice including, among other things, information

32 Instrument of Government (1974:152), Ch. 2, Art 23.

33 Brottsbalk (1962:700), Ch. 18, Sec. 2. While Chapter 5 of the Instrument of Government establishes that the King or Queen are Heads of State, the government is led by the Prime Minister in accordance with Chapter 6 of the Instrument of Government. In that regard, the ECtHR has held that members of royal families with “neutral” roles are not exempt from criticism in the exercise of their role or in their capacity as representative of the State (See *Otegi Mondragon v. Spain*, No. 2034/07 (ECtHR 15 March 2011), para 56).

34 Ch. 5, Sec. 5.

35 Kungl Maj:ts proposition (1962:10) med förslag till Brottsbalk.

36 Case NJA 2023 s. 246 (Swedish Supreme Court 31 March 2023), <https://www.domstol.se/en/supreme-court/precedents-archive/case-b-2501-22/>.

37 Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising.

on the costs and reach of the publication. The regulation is supplemented by Act 2025:1408,³⁸ which is limited to measures for enforcing the regulation. Neither instrument contains rules on AI use in electoral contexts.

No legislation specifically addresses the use of generative AI in political speech, criticism of government, electoral content, or similar forms of expression, and there are no specific rules on political deepfakes.

38 Lag (2025:1408) med kompletterande bestämmelser till EU:s förordning om politisk reklam.

5. HATE SPEECH

Chapter 16, Section 8 of the Swedish Criminal Code establishes the criminal offense of agitation against a population group (*hets mot folkgrupp*), which covers statements or other communications that threaten or express contempt for a population group by alluding to race, color, national or ethnic origin, religious belief, sexual orientation, or transgender identity or expression. Swedish law classifies hate speech as a crime against public order. A 2024 reform expanded this criminal provision to punish those who deny, justify, or manifestly trivialize a crime constituting or corresponding to genocide, crimes against humanity, war crimes, or the crime of aggression, as established by a Swedish court or a recognized international court.³⁹ The government has also proposed adding the same expansion to the Freedom of the Press Act. More recently, a 2025 report by the European Commission against Racism and Intolerance recommended that Sweden expand the criminal provision to include sex characteristics among the protected grounds.⁴⁰

The Swedish Supreme Court has held criminal liability for agitation against a population group must be assessed in light of the statement's context and its motives.⁴¹

In the landmark *Åke Green* case (2005), the Swedish Supreme Court, invoking both freedom of expression and freedom of religion under the ECHR, acquitted a Christian pastor who had criticized homosexuality in his sermons.⁴² The provision was also central to the 2012 judgment of the European Court of Human Rights (ECtHR) in *Vejdeland and Others v. Sweden*, which concerned the distribution at a school of leaflets containing derogatory statements about homosexuals. The Swedish Supreme Court had convicted the defendants, noting in particular the closed setting of the school and finding that the statements were unwarrantably offensive, amounted to an assault on the rights of

39 Sweden, Government Offices of Sweden, En tydligare bestämmelse om hets mot folkgrupp (March 19, 2024), <https://www.regeringen.se/rattsliga-dokument/proposition/2024/03/prop.-20232493>.

40 ECRI Report on Sweden (Sixth Monitoring Cycle) (ECRI, 2025), <https://rm.coe.int/sixth-report-on-sweden/1680b6635a>.

41 Case NJA 2023 s. 246.

42 Case NJA 2005 s. 805.

homosexuals, and contributed nothing to public debate. The sanction, however, was limited to fines rather than imprisonment. The ECtHR found that the convictions did not violate Article 10 of the ECHR.⁴³

Civil society submissions to the Universal Periodic Review (UPR) on Sweden have argued that government authorities interpret hate speech legislation narrowly, which results in cases not being prosecuted.⁴⁴ The Report of the Working Group on the UPR, issued in June 2025, included recommendations from several member states that Sweden adopt more comprehensive measures to combat hate speech,⁴⁵ and the government has expressed support for those recommendations.⁴⁶ Swedish courts have also traditionally been permissive in applying hate speech provisions.⁴⁷

Against this background, there is no indication that hate speech rules have been used to unduly restrict AI-generated content.

43 *Vejdeland and others v. Sweden*, No. 1813/07 (ECtHR 9 February 2012).

44 *Summary of Stakeholders' Submissions on Sweden*, A/HRC/WG.6/49/SWE/3 (UN Human Rights Council, 2025), <https://docs.un.org/en/A/HRC/WG.6/49/SWE/3>.

45 *Report of the Working Group on the Universal Periodic Review -Sweden*, A/HRC/60/13 (UN Human Rights Council, 2025), <https://docs.un.org/en/A/HRC/60/13>.

46 'Universal Periodic Review (Fourth Cycle) - Sweden - Matrix of Recommendations,' UN Human Rights Council, n.d., accessed 5 June 2026, <https://www.ohchr.org/en/hr-bodies/upr/se-index>.

47 Thomas Bull, 'Freedom of Expression and the Limits of Tolerance: A Swedish Saga,' *De Lege*, 2009, <https://journals.uu.se/DeLege/article/download/903/782>.

6. DEFAMATION

Defamation is punished as a criminal offense in Sweden. During the latest UPR, UNESCO recommended that Sweden decriminalize defamation and instead provide for civil liability.⁴⁸ Chapter 5, Section 1 of the Criminal Code defines defamation as identifying someone as a criminal or as having a reprehensible way of life, or otherwise providing information liable to expose that person to the contempt of others. Under Chapter 5, Section 2, defamation is gross, and carries a higher penalty, if the information is liable to cause serious harm in light of its content, its method or scope of dissemination, or other circumstances.

Chapter 5, Section 1 also provides a defense for defamation: there is no liability if the defendant was obliged to make the statement or it was justifiable to provide information on the matter, and the defendant shows that the information was true or that there were reasonable grounds for it. Courts therefore examine the truth or reasonableness of a statement only after determining whether it is defamatory and identifies the complainant; criminal liability for attacks on reputation depends mainly on whether the statement is improper rather than on whether it is false.⁴⁹ Justifiability is interpreted broadly and requires balancing the interests of the speaker against those of the person affected, taking into account factors such as the purpose of the statement, the affected person's profession or position, and the statement's context, content, and reach.⁵⁰

There have been no specific legal developments on the liability of generative AI companies for defamatory outputs of their models, but two features of Swedish defamation law are relevant. First, defamation requires only that the information be communicated to a third person. Second, although the size of the audience is not relevant to whether a publication is defamatory, it can bear on whether the statement was justifiable. Disseminating a

48 Sweden - *Compilation of Information Prepared by the Office of the United Nations High Commissioner for Human Rights*, A/HRC/WG.6/49/SWE/2 (UN Human Rights Council, 2025), <https://docs.un.org/en/A/HRC/WG.6/49/SWE/2>.

49 Linnea Wegerstad and Ulrika Andersson, 'The Only Path to Justice: The Criminal Legal System and Defamation Judgments Related to #MeToo in Sweden,' *Feminist Legal Studies* 32, no. 2 (2024): 231-52, <https://doi.org/10.1007/s10691-024-09545-0>.

50 Wegerstad and Andersson, 'The Only Path to Justice.'

statement about a third party to a closed group, such as family members or close friends, may therefore be justifiable.⁵¹ These points could bear on the liability of AI companies for defamation, but they would be only factors in a case-by-case assessment. In any event, a user who disseminates defamatory AI-generated content without justification or obligation would be subject to the ordinary defamation rules.

⁵¹ Wegerstad and Andersson, 'The Only Path to Justice.'

7. PROTECTION OF MINORS

A 2021 guidance document on the rights of children and young people on digital platforms, produced by IMY, the Ombudsman for Children, and the Swedish Media Council, relies on the GDPR as a source of protection for children in online publications and stresses the need for a legal basis for processing children's data.⁵² The guidance permits online platforms to adopt age verification measures, but only if necessary.

The guidance also refers to the Act on Responsibility for Electronic Bulletin Boards,⁵³ Section 5 of which requires internet intermediaries to remove or make inaccessible content constituting child sexual abuse material (CSAM).

For its part, the Swedish Criminal Code punishes CSAM under Chapter 16, Sections 10a–10b. These provisions punish depicting, distributing, transferring, providing, exhibiting, acquiring, offering, or possessing CSAM, mediating contacts between buyers and sellers of such material, and any other activity that promotes the trade in such material.

Sweden's implementation of the Audiovisual Media Services Directive (AVMSD), as amended in 2020, establishes several protections for minors across audiovisual formats, including video-sharing platforms. Section 3a of the implementing act adopts the AVMSD's definition of such platforms as services that, as their main purpose or through a dedicated section, provide the general public with access to programs or user-generated videos without editorial responsibility. Under Chapter 9, Section 1 of the implementing act, such platforms must take "appropriate measures" to ensure that user-generated videos, programs, and audiovisual commercial communications containing "detailed depictions of realistic violence or pornographic images" are not made available in a way that poses a significant risk that children will see them, unless this is justified. Chapter 9, Section 3(4)

⁵² *The Rights of Children and Young People on Digital Platforms* (The Swedish Authority for Privacy Protection, the Ombudsman for Children in Sweden and the Swedish Media Council, 2021), https://www.imy.se/globalassets/dokument/rapporter/the-rights-of-children-and-young-people-on-digital-platforms_accessible.pdf.

⁵³ Lag (1998:112) om ansvar för elektroniska anslagstavlur.

also requires these platforms to take appropriate measures to ensure that such content does not violate CSAM provisions.

No measures yet address the protection of minors in the context of generative AI, but ongoing processes could affect it. In October 2025, for example, the government appointed a special investigator to analyze the conditions for introducing age limits for social media use. The report is expected by late 2026.⁵⁴

54 En åldersgräns till skydd för barns hälsa och trygghet i digitala miljöer, <https://www.regeringen.se/rattsliga-dokument/kommittedirektiv/2025/10/dir.-202591>.

8. EXPLICIT CONTENT

8.1 Nonconsensual intimate imagery

Chapter 4, Section 6c of the Swedish Criminal Code criminalizes several forms of conduct as unlawful breach of privacy, including disseminating images of or other information about a person's sexual life, images of a person in a very vulnerable situation, or images of a person's wholly or partly naked body. Dissemination is not punishable if it was justifiable in the circumstances. Section 6d punishes the same conduct as gross if, in view of the content or the means or scope of dissemination, it is liable to cause serious harm to the person concerned. Chapter 6, Section 10 of the Swedish Criminal Code makes it sexual molestation to “expose” oneself to another person in a manner “liable to cause discomfort.” Police guidance interprets this provision to cover the unsolicited sending of a nude picture to another person.⁵⁵ Unlike CSAM, which is classified as a crime against public order, sexual molestation is classified as a “sexual crime” (*sexualbrott*).

Against that background, although there are no reports on the use of breach of privacy as a source for restriction on AI generated content, the provisions' text can be considered as broad enough to encompass such content. AI-generated content can be easily considered as “images or information” on someone's sexual life, placing them in a vulnerable situation or displaying part of their sexual body.

8.2 Safeguards for lawful sexual expression and LGBTQ+ content

Sweden is regarded as having strong legal protections for gender equality.⁵⁶ There are no restrictions on LGBTQ+ content, and research has found that the rise of right-wing movements has not led to restrictions on gender expression, as it has in other countries.

⁵⁵ ‘Is It Shareable? On Taking, Having and Sharing Nude Pictures,’ Polisen, n.d., accessed 7 June 2026, https://polisen.se/siteassets/dokument/informationmaterial/delbart_vardnadshavare_engelska_foldera5_tillganglighetsanpassad.pdf.

⁵⁶ *Over the Rainbow? The Road to LGBTI Inclusion - How Does Sweden Compare?* (OECD, 2020), https://www.oecd.org/content/dam/oecd/en/publications/reports/2025/07/over-the-rainbow-the-road-to-lgbti-inclusion-country-notes_247c0764/sweden_6b177bae/2c-5c844b-en.pdf.

Instead, right-wing movements in Sweden have embraced LGBTQ+ rights as part of their political identity.⁵⁷

Against this background, there is no indication that legislation is being interpreted to restrict LGBTQ+ content in Sweden, or that reforms to that end are under way.

Legal interpretations adopted by Swedish courts in #MeToo-related cases, however, have raised concerns regarding the protection of speech about sexual violence. Research on defamation cases brought against individuals who publicly accused someone of sexual violence against them has found that the courts are reluctant to treat the defendants' interest in speaking about their experiences, or in gaining recognition and support, as sufficient to make the expression justifiable. At the same time, the courts hold that defamation law should not bar discussion of sexual violence. In practice, speaking about sexual violence in general terms is protected, but identifying alleged perpetrators or specific cases receives less protection.⁵⁸ In theory, these interpretations could extend to AI-generated content used to identify or single out alleged perpetrators of sexual violence.

8.3 Violent content

Chapter 16, Section 10c of the Swedish Criminal Code criminalizes, as unlawful depiction of violence, disseminating images depicting gross violence against humans or animals, or producing such images with the intent to disseminate them. The Swedish Supreme Court has held that this provision does not apply if the publication is justifiable, including when it forms part of news reporting in the public interest. The Court has added, however, that the justifiability assessment must also take into consideration the nature and character of the depiction.⁵⁹

Article 5(1)(a) of the EU Directive on combating violence against women and domestic violence⁶⁰ requires EU member states to criminalize the intentional production, manipulation, or alteration, and subsequent dissemination by means of information

⁵⁷ Vanessa Barker and Ryan Switzer, 'The Right Against Rights in Sweden,' *Law & Society Review*, 11 December 2025, 1-31, <https://doi.org/10.1017/lrs.2025.10069>.

⁵⁸ Wegerstad and Andersson, 'The Only Path to Justice.'

⁵⁹ Mål: B 5938-20 (Swedish Supreme Court 21 June 2021).

⁶⁰ Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence.

and communication technology (ICT), of images, videos, or similar material constituting nonconsensual deepfakes. A government bill introduced in June 2026 would implement the directive, with entry into force on June 14, 2027.⁶¹

61 Nya nätbrott och andra åtgärder för genomförandet av direktivet om bekämpning av våld mot kvinnor och våld i nära relationer, <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2026/06/sou-202634/>.

9. COPYRIGHT

Chapter 2, Section 16 of the Instrument of Government protects copyright as the right of authors, artists, and photographers to their works, as laid down in law. Chapter 7, Section 53 of the Copyright Act criminalizes intentional or grossly negligent copyright infringement. In 2022, Sweden's transposition of the 2019 Copyright Directive introduced an exception for caricature, parody, and pastiche in Chapter 6b, Section 52p of the Copyright Act, limited to content published on online content-sharing services.⁶² The Patent and Market Court of Appeal has also recognized parody as an exception offline.⁶³ Academic research has noted a discrepancy, however, between the two parody exceptions: the online one, based on EU law, does not require a parodic work to be original to qualify, whereas the offline exception does.⁶⁴

At the self-regulatory level, the *Cooperative Board of Artistic and Literary Professionals* (KLYS) has issued a strategy on AI-generated content. This strategy emphasizes the need for licenses and fair compensation for the use of copyrighted content in AI training and argues that the text- and data-mining exception in Article 4 of the Copyright Directive should not apply to copyrighted content used to develop generative AI. It also maintains that AI companies should be legally liable for actions and outputs that infringe copyright.⁶⁵

62 Lag (2022:1712) om ändring i lagen (1960:729) om upphovsrätt till litterära och konstnärliga verk.

63 Mål: B 12315-20 (Patent och marknadsöverdomstolen 23 June 2021).

64 Branka Marusic, 'Parody Exceptions in Copyright Laws', *GRUR International* 72, no. 3 (2023): 284-92, <https://doi.org/10.1093/grurint/ikac149>.

65 KLYS *Strategi För Arbete Med Frågor Relaterade Till artificiell Intelligens* (KLYS, 2025), <https://klys.se/wp-content/uploads/2025/02/KLYS-AI-strategi-2025.pdf>.

10. AI-POWERED SURVEILLANCE

Government surveillance in Sweden is governed by the Signals Intelligence Act, which allows the National Defense Radio Establishment (FRA) to collect electronic signals for specified foreign intelligence purposes. The Act restricts the purposes for which signals may be collected, limits collection to cross-border communications, regulates search terms and the targeting of individuals, requires permits from the Defense Intelligence Court, imposes time limits, and includes safeguards to reduce interference with privacy.

This legislation was central to the ECtHR's 2021 judgment in *Centrum för Rättvisa v. Sweden*, which found that Sweden's bulk interception regime violated Article 8 of the ECHR. That conclusion was based on three shortcomings: "the absence of a clear rule on destroying intercepted material which does not contain personal data . . . ; the absence of a requirement in the Signals Intelligence Act or other relevant legislation that, when making a decision to transmit intelligence material to foreign partners, consideration is given to the privacy interests of individuals . . . ; and the absence of an effective ex post facto review."⁶⁶ Following the judgment, the Swedish government introduced reforms, adopted in 2024, to address those shortcomings, which the Committee of Ministers considered sufficient to close the gaps.⁶⁷

During Sweden's UPR, civil society organizations expressed concern about "a great amount of new legislation" on the use of secret and preventive surveillance measures.⁶⁸ For its part, the government stated that reforms have expanded law enforcement authorities' powers to use preventive measures and that surveillance legislation has strengthened safeguards through transparency and supervision and expanded prohibitions on interception and surveillance.⁶⁹

⁶⁶ *Centrum för Rättvisa v. Sweden*, No. 35252/08 (ECtHR 25 May 2021), para 369.

⁶⁷ Sweden: Committee of Ministers ends its supervision of a case concerning shortcomings of the Swedish system of bulk interception of communications, <https://www.coe.int/pl/web/execution/-/sweden-committee-of-ministers-ends-its-supervision-of-a-case-concerning-shortcomings-of-the-swedish-system-of-bulk-interception-of-communications>.

⁶⁸ *Summary of Stakeholders' Submissions on Sweden*.

⁶⁹ *National Report Submitted Pursuant to Human Rights Council Resolutions 5/1 and 16/21, A/HRC/WG.6/49/SWE/1* (UN Human Rights Council, 2025), <https://docs.un.org/en/A/HRC/WG.6/49/SWE/1>.

Academic research has found that Swedish governments of the last two decades have reframed surveillance as a tool for protecting privacy and have also promoted the expansion of CCTV surveillance using facial recognition systems.⁷⁰

Sweden's AI strategy also describes AI as a "strategic resource" for national security. Although it does not specify particular AI uses, it states that AI can be used for "monitoring its vast and sparsely populated territory, as well as improve the ability to identify patterns in the analysis of large data sets to maintain accurate situational awareness."⁷¹ There is no public information on which models are being used or developed for national security purposes in Sweden, but the technologies underlying most contemporary generative AI models have been identified as instrumental in expanding surveillance capabilities. They can make video surveillance more effective while reducing the cost and technical complexity of deploying and using it.⁷²

The Swedish parliament approved a reform in mid-2026 permitting AI-powered real-time facial recognition. Under the reform, law enforcement may use the technology only when absolutely necessary, in four situations: to locate or identify victims of kidnapping, human trafficking, or exploitation, or missing persons suspected of being victims of a crime; where there is an imminent risk that a person will commit a serious crime against another person's life or physical safety; where a person is suspected on reasonable grounds of having committed, or conspired to commit, a serious crime; or where a person has been convicted of such a crime.⁷³ The government has also tasked the Defense Research Agency (FOI) with studying and developing AI technologies for defense and security.⁷⁴

70 Cecilia Hansen Löfstrand, 'From Privacy to Protection: The Reframing of Integrity in Sweden's Camera Surveillance Politics,' *Nordic Journal of Criminology* 27, no. 1 (2025): 1-17, <https://doi.org/10.18261/njc.27.1.2>.

71 Sweden's AI strategy.

72 Machine Surveillance is Being Super-Charged by Large AI Models, <https://www.aclu.org/news/privacy-technology/machine-surveillance-is-being-super-charged-by-large-ai-models>.

73 Police may use AI for real-time facial recognition, https://www.riksdagen.se/en/news/articles/2026/may/26/police-may-u.se-ai-for-real-time-facial-recognition_cmsa0978678-2e7a-420e-9b39-5f36158aae2aen/.

74 Action plan for Sweden's AI Strategy, <https://www.government.se/contentassets/4e6b2d34f81048d688c35c831065395f/action-plan-for-swedens-ai-strategy.pdf>.

11. MEASURES EMPOWERING FREEDOM OF EXPRESSION

Sweden's AI strategy states that the country can benefit from AI only if enough people are skilled in developing and using it.⁷⁵ The strategy highlights the importance of media and information literacy in preventing the spread of disinformation and increasing resilience against polarization and malign influence.⁷⁶ As part of its action plan for the strategy, the government tasked the Swedish Agency for the Media with implementing a national initiative on media and information literacy in the context of AI development and disinformation.⁷⁷ The agency, in turn, tasked the FOI with conducting a literature review of current research on AI-generated content. The review, published in early 2026, found that little is known about the effects of such content on children and young people, about such content in the Nordic countries specifically, about several of the largest social media platforms (research has focused on X/Twitter), or about the broader societal consequences of such content.⁷⁸

In line with the strategy's emphasis on models trained on Swedish material, the government has increased the National Archives' budget to finance the digitization of archives for use in AI development.⁷⁹

At the international level, Sweden participates in several initiatives to promote freedom of expression and other human rights in digital contexts. These include its work with Zambia on the Global Digital Compact, which aims to bridge the digital divide, accelerate progress on the implementation of the Sustainable Development Goals, and promote inclusive and safe AI governance, among other goals. Sweden is also a member of the Freedom Online Coalition, which regularly issues statements on violations of human rights in digital contexts.⁸⁰

75 National approach to artificial intelligence.

76 Sweden's AI strategy.

77 Action plan for Sweden's AI Strategy.

78 AI och desinformation på sociala medier, <https://mediemyndigheten.se/rapporter-och-analyser/AI-och-desinformation-pa-sociala-medier/>.

79 Action plan for Sweden's AI Strategy.

80 Sveriges utrikespolitiska arbete med mänskliga rättigheter och digitala frågor, <https://www.regeringen.se/regeringens-politik/sveriges-utrikespolitiska-arbete-for-manskliga-rattigheter-demokrati-och-rattsstatens-principer/manskliga-rattigheter-och-digitala-fragor/>.

12. MISCELLANEOUS

IMY's guidance on how the GDPR applies to AI development and use states that, where training data includes personal data, the processing must comply with the fundamental principles of the GDPR. The guidance refers, in particular, to the principle of purpose limitation, which requires that the purpose of AI development be compatible with the purpose for which the data was collected, and to the principle of data minimization, which requires that processing be limited to what is necessary and relevant for the intended purpose. According to IMY, this also entails ensuring that any interference with individuals' rights is reasonable and proportionate in relation to the benefits of the processing. The guidance further emphasizes the need for a valid legal basis for processing personal data in AI development. One such basis is legitimate interest, which IMY describes as a broad and flexible concept capable of encompassing a range of interests, provided that those interests are balanced against the rights and interests of the data subjects.⁸¹

⁸¹ GDPR och AI.

13. CONCLUSION

Sweden's legal framework for AI and freedom of expression rests on strong constitutional protections for that right, as well as a long-standing commitment to press freedom and access to information. The constitutional framework, composed of the Instrument of Government, the Freedom of the Press Act, and the Fundamental Law on Freedom of Expression, has traditionally been the primary reference point for analyzing restrictions on expression. More recently, the ECHR has also become a central reference point, because the Instrument of Government provides that no domestic law may violate it.⁸²

At the same time, Swedish law contains several criminal-law restrictions on freedom of expression. Courts, however, interpret these restrictions relatively narrowly and tend to favor freedom of expression, particularly on matters of public interest and political debate.

The Swedish approach to regulating AI is still at an early stage, with several national plans to adapt legislation under way. The country has made the strategic decision to become a leader in AI and has gradually adopted initiatives to promote domestic AI development, particularly for use in the public sector and, notably, by the national security agencies. Sweden also increasingly views media and information literacy as a key response to the challenges posed by AI-generated content. Rather than centering on content restrictions, the national approach emphasizes resilience against disinformation, public education, and research.

In this context, Sweden has not adopted specific restrictions on AI use. Nor have Swedish courts yet addressed generative AI as a central freedom of expression issue. The existing freedom of expression framework nonetheless applies to generative AI. Given the traditional Swedish focus on which law applies, however, litigation over generative AI is likely to center on questions of applicable law rather than on the substance of the right.

⁸² Chapter 2, Art. 19. See also Tuomas Ojanen, 'Human Rights in Nordic Constitutions and the Impact of International Obligations', in *The Nordic Constitutions: A Comparative and Contextual Study*, ed. Helle Krunke and Björg Thorarensen (Hart Publishing, 2018).

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A key concern is the growing connection between AI policy, security policy, and surveillance. Recent developments, including reforms permitting certain forms of AI-assisted facial recognition and the growing emphasis on AI as a strategic resource for national security, indicate that AI is becoming increasingly relevant to state surveillance capacity. These developments may indirectly affect freedom of expression by discouraging individuals from participating in public debate. As the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association recently noted, awareness of constant surveillance can lead to changes in individual behavior because of concerns about the potential consequences of such monitoring.⁸³

⁸³ “Pushed into the Shadows,” <https://www.ohchr.org/sites/default/files/documents/form/digital-surveillance-chilling-effects-shadows-erosion-freedom-1-en.pdf>.



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