

Sweden

EXECUTION OF THE EUROPEAN COURT OF HUMAN RIGHTS' JUDGMENTS

MAIN ACHIEVEMENTS IN MEMBER STATES

The present survey presents short summaries¹ of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms referring, however, also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation or government regulations or the adoption of new policies or general guidelines from superior courts. As a rule, the survey does not cover information on measures aiming at providing individual redress to applicants.

The presentation is organised country-by-country and reforms are, in principle, presented in the order corresponding to the thematic domains used in the Council of Europe's specialised database HUDOC EXEC and the Committee of Ministers' Annual Reports on the Supervision of the Execution of the European Court of Human Rights' judgments.

Many reforms address issues which appear to be on-going challenges in the member State. The effects of reforms adopted at one point in time may thus need to be monitored and possibly re-evaluated as conditions change.²

¹ The summaries are the sole responsibility of the Department for the execution of the judgments of the European Court of Human Rights.

² The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued [Recommendation \(2004\)5](#) on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

➤ Risk of ill-treatment in case of expulsion

In 2006, legislation on appeal procedures concerning aliens was amended and the Aliens Appeal Board was replaced by special Migration Courts, thus creating a three-level appeal system, with the Administrative Court of Appeal in Stockholm as the highest instance. Moreover, a new Aliens Act entered into force at the same time, providing clearer rules concerning the issuing of residence permits and placing more emphasis on grounds for an alien's international protection.

Bader and Kanbor
(13284/04)

[Final Resolution](#)
[CM/ResDH\(2010\)112](#)

➤ Functioning of justice

▢ Fairness of proceedings

According to a legislative change in 1984, a party not satisfied with an arbitration decision could lodge an appeal before an ordinary civil court.

Lars Bramelid and Anne-Marie Malmström
(8588/79+)

[Final Resolution](#)
[DH\(84\)04](#)

▢ Administrative proceedings

Judicial review of certain administrative decisions by the Supreme Administrative Court was widened in 1988.

Boden (10930/84)

[Final Resolution](#)
[CM/ResDH\(88\)15](#)

Hakansson and Sturesson
(11855/85)

[Final Resolution](#)
[CM/ResDH\(90\)32](#)

In 1995, legislative amendments restricted the above Court's role to review decisions taken by the government and referred other administrative decisions to the administrative courts of appeal, before which oral hearings shall be held if a party so requests, and no special reasons militating against it exist.

Fredin No. 2 (18928/91)

[Final Resolution](#)
[CM/ResDH\(95\)94](#)

▢ Criminal proceedings

Following an amendment in 1984, the Code of Judicial Procedure concerning hearings at appellate level stipulated that, if a party has requested a hearing, this shall take place unless it be deemed manifestly unnecessary.

Ekbatani (10563/83)

[Final Resolution](#)
[CM/ResDH\(88\)21](#)

▢ Bankruptcy proceedings

According to the Bankruptcy Act of 2005, if a bankruptcy decision is quashed, the creditor applying for bankruptcy shall compensate the debtor for bankruptcy costs taken out of the estate, unless it be proven that the debtor has caused the costs by their own negligence. In addition, district court decisions on responsibility for bankruptcy costs may now be appealed.

Stockholms Försäkrings- och Skadeståndsjuridik AB
(38993/97)

[Final Resolution](#)
[CM/ResDH\(2009\)13](#)

Since 2016, orders for distribution or payment pursuant to attachment orders will not be final until the time-limit for an appeal against the order has passed.

Olsby (36124/06)

[Final Resolution](#)
[CM/ResDH\(2016\)140](#)

▢ Taxation-related proceedings

Under the 2003 Tax Payment Act, tax authorities and courts may remit or reduce a tax surcharge when the individual has not had their case determined/treated within a reasonable time. Also, the taxpayer was granted the unconditional right to be granted a stay of execution with respect to tax surcharges until the tax authority has reconsidered its decision or, if an appeal is lodged, until the competent county administrative court has examined the

Janosevic (34619/97)

[Final Resolution](#)
[CM/ResDH\(2007\)59](#)

appeal. The taxpayer is not required to provide security in order to be granted such a stay of execution.

► *Ne bis in idem*

Due to a legislative change in 2016, the Tax Agency is not allowed to decide on tax surcharges if a prosecutor has already initiated criminal proceedings for tax offences concerning the same individual relating to the same error or omission.

Lucky Dev (7356/10)
[Final Resolution](#)
[CM/ResDH\(2016\)141](#)

► *Protection of private life*

▢ *Security services and protection of privacy*

In January 2008, a new State agency, the Commission on Security and Integrity Protection, began supervising all personal data processing by the Swedish Security Service, as well as receiving complaints lodged by individuals. In cases where irregularities are found, the Commission shall cooperate with the competent authorities, notably the State Prosecution Service, the Chancellor of Justice and the Data Inspection Board so that necessary remedial action may be taken. The Data Inspection Board may order the Security Service to stop processing data, apply financial sanctions, or, in last resort, apply to the administrative courts to have the data erased.

A new provision prohibiting intrusive photography (covert filming in private places) was introduced in 2013.

Segerstedt-Wiberg and Others (62332/00)
[Final Resolution](#)
[CM/ResDH\(2012\)222](#)

Söderman (5786/08)
[Final Resolution](#)
[CM/ResDH\(2014\)106](#)

► *Protection of property rights*

Time-limits for the validity of real property expropriation permits were introduced in 1972. All building bans in the context of expropriation proceedings expired in 1987 and no new similar bans could legally be issued thereafter.

The 1987 Plan and Building Act provided that some decisions on building permits may be examined by administrative courts except for certain cases in which the Government remains the appeal instance. However, its decisions may be appealed before the Supreme Administrative Court.

Sporrong and Lönnroth (7151/75)
[Final Resolution](#)
[CM/ResDH\(85\)17](#)

Allan Jacobsson (10842/84)
[Final Resolution](#)
[CM/ResDH\(90\)2](#)