

Politics Sweden



Sweden

Judicial Review

Judicial Review

Constitutional democracy

Rule of law

“Public power is exercised under the law.”

The Instrument of Government art. 1:1

Popular sovereignty

“All public power in Sweden proceeds from the people.”

The Instrument of Government art. 1:1



The Judiciary

Parliament
Government



The Judiciary

Courts of general jurisdiction

The Supreme Court

Högsta domstolen

Courts of appeal

Hovrätter

District courts

Tingsrätter

General administrative courts

The Supreme Administrative Court

Högsta förvaltningsdomstolen

Administrative courts of appeal

Kammarrätter

Administrative courts

Förvaltningsrätter

No constitutional court

Model 1

Constitutional court

Austria, Germany etc

Model 2

Supreme Court

UK, USA, Sweden etc

Review of legislative acts

	Ex ante	Ex post
Abstract control	Council on Legislation	—
Concrete control	—	Judicial review

Council on Legislation

Lagrådet

The Supreme
Court



Council on Legislation



The Supreme
Administrative Court

Judges from the supreme courts
Review of draft legislation
Mandatory
Legal opinion

Judicial review ex post

Lagprövning

Courts

Public bodies (administrative agencies, regional and local bodies)

Material content: conflict with the constitution or superior statute

Proper procedure: disregarded in any important respect

Before 2010: manifest conflict

Tough on crime?

Law

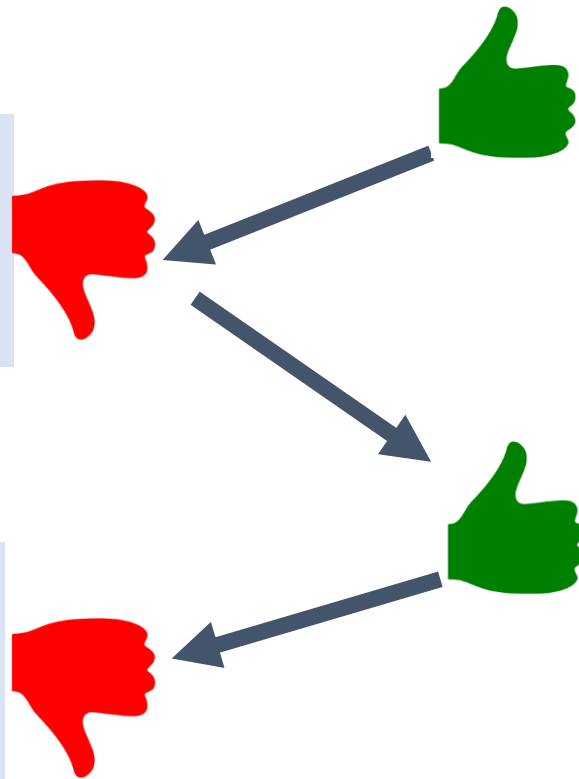
Politics

Council on Legislation:
unclear draft
legislation

Government:
life for murder in more
cases

Supreme Court:
judicial review,
can not be applied

Parliament:
neglect the advice,
enact the bill



Administrative appeal

Överklagande

Decisions by public authorities
General right to appeal

Judgement by a general administrative court
Supreme Administrative Court

Legality
Reasonableness

The Administrative Procedure Act

Förvaltningslagen

Judicial review of regions and municipalities

Local self-government
Regions and municipalities

Mandatory tasks (health, eldercare, schools etc)

Administrative appeal

Överklagande

Voluntary tasks

Judicial review of legality

Laglighetsprövning

The Local Government Act

Kommunallagen

Judicial review of certain government decisions

Rättsprövning

Government decisions:

- * Civil rights according to ECHR
- * Certain environmental issues

Supreme Administrative Court

Legality

Ombudsman

1713 The King's ombudsman (later: The Chancellor of Justice)

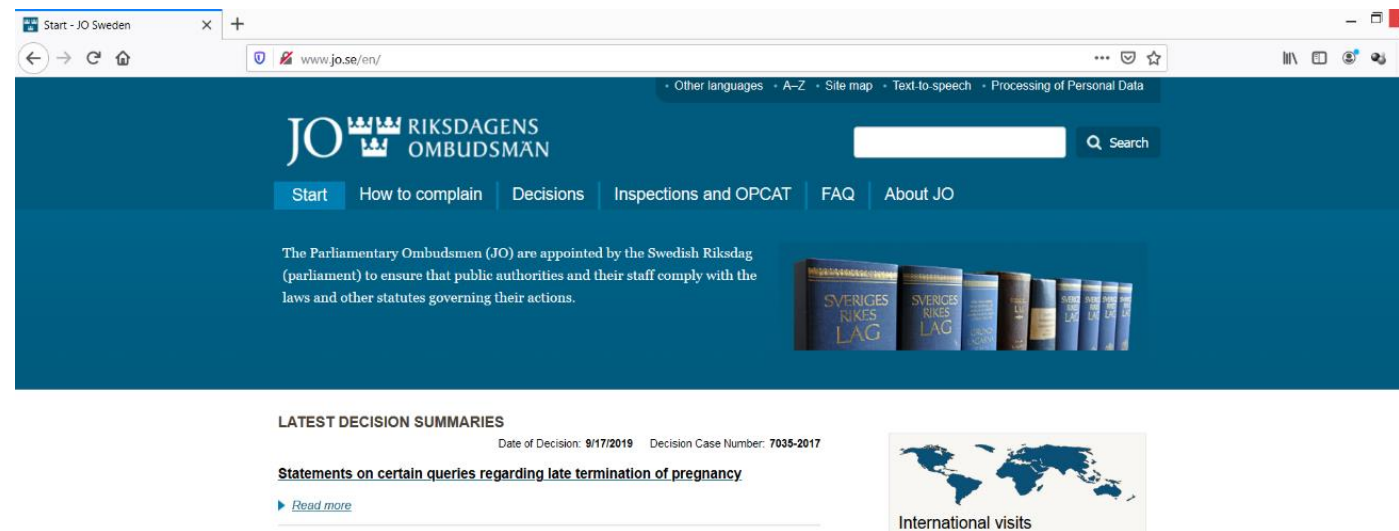
1809 The Riksdag's ombudsman

Constitutional basis

Four senior legal experts

Appointed by The Riksdag

Independent review of administrative acts



The screenshot shows the official website of the Swedish Ombudsman (JO). The browser address bar displays 'www.jo.se/en/'. The website header features the logo 'JO RIKSDAGENS OMBUDSMÄN' and a search bar. A navigation menu includes links for 'Start', 'How to complain', 'Decisions', 'Inspections and OPCAT', 'FAQ', and 'About JO'. Below the navigation, a text block states: 'The Parliamentary Ombudsmen (JO) are appointed by the Swedish Riksdag (parliament) to ensure that public authorities and their staff comply with the laws and other statutes governing their actions.' To the right of this text is an image of several blue books titled 'SVERIGES RIKES LAG'. At the bottom of the page, there is a section titled 'LATEST DECISION SUMMARIES' with a sub-section for 'Statements on certain queries regarding late termination of pregnancy' and a 'Read more' link. A world map icon and the text 'International visits' are also visible in the bottom right corner.

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