



**3rd Congress of the World Conference on Constitutional Justice
'Constitutional Justice and Social Integration'
28 September – 1 October 2014 Seoul, Republic of Korea**

Questionnaire

Reply by the Supreme Court of Sweden

Introductory remarks

Unfortunately, we have not found it possible to provide an individual answer to each of the questions posed. This is partly due to the role of the Supreme Administrative Court in the Swedish legal system, which will be explained in the following. We therefore apologize for only dealing with the issues raised in a more general and, admittedly, superfluous manner. By way of introduction, it should be mentioned that there is no specialized constitutional court in the Swedish legal system. Consequently, there is no mechanism for judicial review *in abstracto* in our country. Nevertheless, the Supreme Administrative Court – as well as the Supreme Court – conducts judicial review *in concreto*. If the Court considers a provision to be in conflict with the Constitution or a provision of any other superior statute, such a provision may not be applied. On the other hand, the Court does not have the power to nullify a provision or declare an act unconstitutional. In addition, some decisions taken by the Government may be challenged directly before the Supreme Administrative Court. A prerequisite for legal review of such a decision is that it involves an examination of the individual's civil rights or obligations as referred to in Article 6.1 in the European Convention for the Protection of Human Rights and Fundamental Freedoms. Another specific trait of the Swedish legal system is that cases in the field of asylum and immigration law do not come before the Supreme Administrative Court. Cases of this nature are handled by a number of administrative courts of first instance and, on appeal, by the Migration Court of Appeal, located at the Administrative Court of Appeal in Stockholm, as a court of second and last instance.

Social integration

Historically, Sweden has been a relatively homogenous country, characterized by consensus rather than social conflict. This is still true to a large extent, even though the country has become more of a multicultural society in recent decades (as of 2012 some 15 per cent of the population were born outside Sweden). However, one issue which from time to time creates some tension is the balancing of the rights and traditions of Sweden's indigenous population, the

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