



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

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## FIRST SECTION

Application no. 37988/21  
Karl-Henrik GRINNEMO and Others  
against Sweden  
lodged on 8 July 2021  
communicated on 18 September 2023

### SUBJECT MATTER OF THE CASE

The application concerns the Swedish courts' rejection of the applicants' appeals against a decision by a state-run university on account of a statutory prohibition of appeal.

The applicants are four medical doctors and researchers who are, or have been, active at the Karolinska Institute (*Karolinska Institutet*, hereafter "the KI"), a state-run medical university in Sweden. They were co-authors of certain articles published in scientific journals between 2011 and 2014.

On 25 June 2018 the President of the KI issued a decision related to these articles. In the decision several co-authors, including the first and fourth applicants, were found guilty of research misconduct. A number of other co-authors, including the second and third applicants, were found not to be guilty of research misconduct but to be blameworthy. Pursuant to domestic legal provisions this decision was not subject to appeal.

The applicants lodged appeals with the Administrative Court in Stockholm arguing, *inter alia*, that the statutory prohibition of appeal should be set aside with reference to Article 6 § 1 of the Convention.

On 6 November 2018 the Administrative Court rejected their appeals, finding that the decision did not entail a determination of the applicants' civil rights or obligations and that the prohibition of appeal was therefore not contrary to Article 6 § 1.

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The Administrative Court of Appeal and the Supreme Administrative Court, respectively, did not grant leave to appeal. The Administrative Court's decision thereby became final on 5 June 2019.

The applicants subsequently lodged a request for damages with the Chancellor of Justice, submitting that their right of access to court under Article 6 § 1 had been violated. The Chancellor of Justice dismissed their request, finding that there had been no violation of Article 6 § 1.

The applicants complain under Article 6 § 1 that their right of access to court has been breached on account of the Swedish courts' refusal to examine their appeals on the merits. They submit that the KI's decision of 25 June 2018 has adversely affected their professional reputation, their right to exercise their profession and their freedom of expression. Most notably, their prospects of obtaining grants and being published in medical journals have diminished. The decision thus gave rise to a genuine and serious dispute which was directly decisive for their civil rights.

**QUESTION TO THE PARTIES**

1. Was Article 6 § 1 of the Convention under its civil head applicable to the proceedings in the present case (see, for example, *Marušić v. Croatia* (dec.), no. 79821/12, §§ 71-78, 23 May 2017; *Angerjäv and Greinoman v. Estonia*, nos. 16358/18 and 34964/18, §§ 95-102, 4 October 2022; and *Fayed v. the United Kingdom*, 21 September 1994, § 60-63, Series A no. 294-B)?

If so, did the applicants have access to a court for the determination of their civil rights and obligations, in accordance with Article 6 § 1 of the Convention?