

Subject matter of the application

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the four-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E, F and G). It is not acceptable to leave these sections blank or simply to refer to attached sheets. See Rule 47 § 2 and the Practice Direction on the Institution of proceedings as well as the "Notes for filling in the application form".

E. Statement of the facts

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I. INTRODUCTION

1. The first Applicant, Hans-Erik Sjöholm, was born in 1965 and lives in Falun. The second Applicant, Hanna Larsson, was born in 1989 and lives in Stockholm. Their late son, John Walter, was five years old when Falun Municipality placed him in a residential care home (hem för vård och boende, HVB). Although the home was operated by a private company, the Municipality had proposed and arranged the placement and retained its statutory responsibility for ensuring that John Walter received safe and appropriate care. Two weeks after the placement, John Walter left the home unnoticed and drowned. The Applicants' case raises the following issue under the Convention.

2. Under Article 2 of the Convention, the authorities are required to take reasonable preventive measures where they know, or ought to know, of a real and immediate risk to an individual's life. Falun Municipality knew that John Walter was diagnosed [REDACTED] which entailed poor impulse control and little awareness of danger. It knew that he had repeatedly left care settings unnoticed despite staff supervision. It also knew that the care home was situated next to a river and a busy road, that several doors and gates lacked child-proof locks, and that the perimeter fencing was defective. Yet the Municipality placed him there without first requiring the home to remedy those deficiencies or otherwise ensure that effective physical safeguards were in place. In those circumstances, did Sweden breach its positive obligations under Article 2 by proceeding with the placement?

3. In the following sections, the Applicants set out the facts of their case, their Convention complaint, and their compliance with the admissibility criteria.

II. FALUN MUNICIPALITY ACQUIRES DETAILED KNOWLEDGE OF JOHN WALTER'S NEEDS

4. John Walter was born on 29 October 2015. For a time, he lived with both Applicants in Stockholm. Following their separation in the spring of 2018, the first Applicant moved to Falun. John Walter remained living with his mother. The strain of caring for him alone caused her to develop [REDACTED] and she was no longer able to meet his extensive needs. In the autumn of 2018, John Walter therefore moved to live with his father.

5. From an early age, John Walter was an exceptionally energetic child with poor impulse control, who required constant supervision. His father was unable to meet those care needs on his own. In October 2018, he therefore applied to the social services in Falun Municipality for assistance (see bundle p. 1).

6. Over the following year, Falun Municipality provided several forms of support through the social services. Among other things, it arranged three separate out-of-home placements in foster homes (familjehem). None of the placements lasted more than a day. Each foster home ended the placement because they were unable to meet John Walter's needs (see bundle p. 10).

7. In 2019, John Walter underwent a clinical assessment at Falu Hospital. He was subsequently diagnosed with [REDACTED] (see bundle p. 14). These diagnoses confirmed the extent of his care needs and his need for constant supervision.

8. In light of his disabilities, Falun Municipality granted John Walter short-term accommodation (korttidsboende) away from home for ten days each month (see bundle p. 11). He began his first stay at the short-term accommodation in August 2020. By December 2020, he had run away from the accommodation on five separate occasions. On one occasion, the police had to be called because staff were unable to manage the situation (see bundle p. 11). In April 2021, John Walter ran away again, this time from a playground while under staff supervision (see bundle p. 72).

9. By this point, Falun Municipality had acquired detailed knowledge of John Walter's disabilities, his need for constant supervision, and his tendency to leave care settings unnoticed despite staff supervision. In response, the Municipality equipped the doors and windows of the short-term accommodation with child-proof locks to keep him safe. It also

Statement of the facts (continued)

59. recognised that when outdoors, he had to remain within a confined and fenced area. The Municipality had thus already concluded that staff supervision alone was insufficient to keep John Walter safe, and that additional physical safeguards both indoors and outdoors. (See bundle pp. 11 and 109.)

III. FALUN MUNICIPALITY PLACES JOHN WALTER AT PLATEA DESPITE KNOWN SAFETY RISKS

10. In the spring of 2021, Falun Municipality began looking into a new accommodation for John Walter. His existing care arrangements were due to end during the summer, and his father remained hard-pressed to meet John Walter's extensive care needs without assistance.

11. Falun Municipality initially proposed that John Walter be placed in supported accommodation under the Act concerning Support and Service for Persons with Certain Functional Impairments (LSS; 1993:387). The available accommodation was, however, located more than 300 kilometres from the home of his father, the first Applicant. The Municipality subsequently proposed a full-time placement in a residential care home (hem för vård och boende, HVB) closer to home. (See bundle p. 73.) The only residential care home proposed by the Municipality was Platea, which was owned and operated by the private company Platea AB.

12. Falun Municipality had no prior experience of Platea. The home had, however, repeatedly been criticised by the Health and Social Care Inspectorate (Inspektionen för vård och omsorg). In its most recent oversight decision, issued only two months before John Walter's admission, the Inspectorate criticised Platea for admitting children whose needs it was unable to meet. The Inspectorate further observed that Platea's location made it unsuitable for children with poor impulse control and little awareness of danger (see bundle pp. 30 and 32).

13. Both Applicants initially opposed placing John Walter at Platea. His mother objected by referring to media reports describing serious shortcomings at Platea, which she forwarded to the Municipality (see bundle p. 37).

14. John Walter's father visited Platea together with a social secretary from Falun Municipality. During the visit, the first Applicant noted that several doors and gates lacked child-proof locks and that the perimeter fencing was defective. He also explained that, because of John Walter's disabilities, he required both constant supervision and physical safeguards to prevent him from harming himself or running away (see bundle pp. 66 and 95).

15. The Applicants ultimately consented to the placement. But their consent was given under duress: their existing care arrangements were about to end, the Municipality offered no alternative placement within 300 kilometres of the father's home, and the father was hard-pressed to meet John Walter's extensive care needs without assistance. The Applicants' consent was expressly conditional upon Platea being able to provide the constant supervision and physical safeguards that John Walter required. (See bundle p. 66.)

16. On 27 May 2021, Falun Municipality formally decided to place John Walter at Platea (see bundle p. 38). In doing so, it relied on Platea's assurance that he would be supervised at all times by two members of staff.

17. By then, the Municipality had been involved in John Walter's care for years. It had detailed knowledge of his disabilities, the fact that he had repeatedly left care settings unnoticed despite staff supervision, and his need for both constant supervision and physical safeguards. Under Swedish law, the Municipality was also required to carry out an individualised assessment of whether the proposed placement could safely meet John Walter's needs. Nevertheless, the Municipality did not carry out, or at least did not document, such an assessment. Nor did it require Platea to install child-proof locks on its doors and gates and repair its defective perimeter fencing. These were simple and available safeguards of the same kind as those which the Municipality had previously considered necessary to keep John Walter safe.

IV. JOHN WALTER LEAVES PLATEA UNNOTICED AND DROWNS

18. On the morning of 15 June 2021, John Walter left Platea unnoticed after the two members of staff responsible for supervising him had momentarily lost sight of him. Another child at the home alerted the staff that John Walter had left the premises. The staff immediately began searching for him but were unable to find him.

19. Several hours later, emergency services found John Walter floating face down in the river near Platea. Attempts were made to resuscitate him, and an ambulance helicopter was dispatched to the scene. But his life could not be saved.

Statement of the facts (continued)

60.

V. SUBSEQUENT INVESTIGATIONS CONFIRM SERIOUS SAFETY DEFICIENCIES AT PLATEA

20. Three days after John Walter's death, the Health and Social Care Inspectorate imposed an interim order requiring Platea to close with immediate effect (see bundle pp. 39–42).

21. A few weeks later, Platea's parent company, Humana AB, decided to permanently close the home following John Walter's death. Humana's internal investigation concluded that deficiencies in Platea's safety arrangements had likely contributed to his death. Among other things, it identified the absence of child-proof locks on the patio door and deficiencies in the home's gates and perimeter fencing. (See bundle pp. 80–91.)

22. In December 2021, the Health and Social Care Inspectorate criticised Falun Municipality for placing John Walter at Platea despite its knowledge of his need for constant supervision and effective physical safeguards to prevent him from leaving the premises unnoticed or otherwise harming himself (see bundle pp. 107 and 109).

23. In 2022, two former Platea employees who had been on duty on the morning when John Walter ran away were charged with involuntary manslaughter (vållande till annans död). The prosecution alleged that their failure to supervise John Walter had enabled him to leave the premises and subsequently drown. They were convicted by the District Court but acquitted by the Court of Appeal. (See bundle pp. 214–216.) The judgment became final in March 2024.

24. The police investigation carried out in connection with the criminal proceedings documented serious deficiencies in Platea's safety arrangements. It could not, however, determine precisely how John Walter had left the premises: it noted that Platea's deficient safety arrangements – including doors without locks and defective gates and fencing – left several possible exit routes. (See bundle pp. 43–58.)

VI. THE APPLICANTS BRING CIVIL PROCEEDINGS AGAINST FALUN MUNICIPALITY

25. In June 2023, the Applicants brought civil proceedings against Falun Municipality seeking damages for a breach of Article 2 of the Convention. They argued that the Municipality had knowingly placed their disabled five-year-old son, who had repeatedly left care settings unnoticed despite staff supervision, in a residential care home with serious and documented safety deficiencies. In doing so, it had exposed him to a real and immediate risk to his life and failed to take reasonable preventive measures, in breach of Article 2 of the Convention. (See bundle pp. 113–148.)

26. The material facts relevant to the Applicants' Article 2 complaint were not in dispute. Falun Municipality accepted that it had been aware of John Walter's disabilities, the fact that he had repeatedly left care settings unnoticed despite staff supervision, and the safety deficiencies at Platea, including that several doors and gates lacked child-proof locks, and that the perimeter fencing was defective. Its defence was not that those facts were incorrect, but that they did not give rise to liability. The Municipality maintained that responsibility rested solely with Platea. It submitted that it had been entitled to rely on Platea's assurance that John Walter would be under constant supervision of two members of staff. It further argued that because the placement had been voluntary, the Applicants could at any time have withdrawn their consent and taken John Walter home. (See bundle pp. 149–153.)

27. On 12 April 2024, the Falu District Court dismissed the Applicants' claim (see bundle pp. 154–163). The court held that Falun Municipality had been entitled to rely on Platea's assurance that John Walter would be supervised at all times by two members of staff and that there had been no reason to believe that Platea would fail to honour that undertaking. It therefore concluded that the deficiencies in Platea's physical safety arrangements did not establish a decisive causal link to John Walter's death. On that basis, the District Court found that the placement had not exposed John Walter to a real and immediate risk to his life of which the Municipality was aware. Having reached that conclusion, it did not examine whether the Municipality had taken reasonable preventive measures. Nor did it address the repeated criticism that the Health and Social Care Inspectorate had directed against Platea.

28. On 18 June 2025, Svea Court of Appeal dismissed the Applicants' appeal without additional reasoning (see bundle pp. 164–191 and 192–193). The Applicants appealed to the Supreme Court, which refused leave to appeal on 16 March 2026, stating only that there were no grounds for granting leave (see bundle pp. 194–210 and 211–213).

F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments

61. Article invoked

Article 2

Explanation

29. The Applicants submit that Sweden breached its positive obligations under Article 2 of the Convention. The complaint concerns Falun Municipality's decision to place John Walter at Platea, not the subsequent conduct of Platea's staff. The relevant underlying facts concerning John Walter's vulnerabilities, Platea's safety deficiencies and the Municipality's knowledge of both were not disputed in the domestic proceedings. The question before the Court is therefore whether those facts disclose a breach of Article 2.

30. The applicable test is whether the authorities knew or ought to have known of the existence of a real and immediate risk to John Walter's life and, if so, whether they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk (see *Osman v. the United Kingdom*, 28 October 1998, § 116, Reports of Judgments and Decisions 1998-VIII). The Applicants submit that both limbs of that test are satisfied in the present case.

31. The risk to John Walter's life arose from the combination of three interrelated factors. First, he was a five-year-old child with [REDACTED] which entailed poor impulse control and little awareness of danger. Second, he had an established and repeatedly demonstrated tendency to leave care settings unnoticed, even while under staff supervision. Third, Platea was situated next to a river and a busy road, and its premises lacked effective physical safeguards capable of preventing him from leaving unnoticed.

32. Taken together, these factors gave rise to a real risk to John Walter's life. That risk was immediate because it could materialise as soon as supervision momentarily failed, allowing him to leave through unsecured exits and reach the nearby river or road. His previous behaviour showed that this was not a hypothetical possibility.

33. The domestic courts failed to address these factors cumulatively. The District Court instead attached decisive weight to Platea's assurance that John Walter would be under constant supervision. It held that the Municipality was entitled to rely on that assurance and, on that basis, concluded that the placement had not exposed him to a real and immediate risk to life of which the Municipality was aware. The District Court further treated the lapse in supervision as the immediate explanation for his leaving the premises and found that Platea's physical safety deficiencies had not been shown to have a sufficiently decisive causal link to his death. The Court of Appeal upheld that assessment without giving reasons of its own.

34. The conclusion of the domestic courts cannot be sustained. The Municipality already knew that John Walter had repeatedly left care settings despite staff supervision. For that reason, it had specifically equipped the doors and windows of the municipal short-term accommodation with child-proof locks and had recognised that, when outdoors, he had to remain within a confined and fenced area. The Municipality thus knew that supervision alone was an inherently fragile safeguard and had to be complemented by physical safety measures, both indoors and outdoors. The fact that a lapse in supervision immediately enabled John Walter to leave the premises did not render Platea's physical safety deficiencies irrelevant. On the contrary, those deficiencies mattered precisely because supervision could fail, even if only momentarily. Platea's assurance of constant supervision could not therefore reasonably be regarded as dispelling the real and immediate risk to John Walter's life.

35. On those facts, the Municipality failed to take measures within the scope of its powers which, judged reasonably, might have been expected to avoid the real and immediate risk to John Walter's life. That failure is apparent in two respects.

Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments (continued)

62. Article invoked

Article 2

Explanation

36. First, the Municipality approved the placement without carrying out, or at least without documenting, its own individualised assessment of whether Platea could safely meet John Walter's needs. Such an assessment was required under Swedish law (see Chapter 5, Section 1, Paragraph 1 of the National Board of Health and Welfare's regulations, SOSFS 2012:11). It was also a necessary element of the preventive obligation under Article 2 once the authorities were on notice of a real and immediate risk to the life of an identified and particularly vulnerable child (see, *mutatis mutandis*, *Kurt v. Austria* [GC], no. 62903/15, § 159, 15 June 2021, where the Court emphasised the importance of an individualised risk assessment). Without such an assessment, the Municipality had no proper basis for concluding that Platea could safely manage the known risk to John Walter's life.

37. Second, the Municipality did not require Platea to put in place the physical safeguards necessary to address the known risk. It was within the Municipality's powers to make the placement conditional on Platea installing child-proof locks on doors and gates and ensuring, by repairing or reinforcing the perimeter fencing or by other appropriate means, that the premises were adequately secured. These were simple and available measures directed at John Walter's known and repeatedly demonstrated tendency to leave care settings, even while under staff supervision. These measures might reasonably have been expected to prevent him from leaving the premises unnoticed.

38. In sum, the Municipality proceeded with the placement despite knowing of the real and immediate risk to John Walter's life and the measures needed to address it. It neither assessed whether Platea could safely meet his needs nor required Platea to put in place the simple and reasonable safeguards that were within the Municipality's powers. Instead, it relied exclusively on Platea's assurance of constant supervision. Sweden thereby failed to comply with its positive obligations under Article 2.

39. That conclusion is unaffected by the Applicants' formal consent to the placement, which was made under duress. They did not choose Platea and were offered no genuine alternative, as John Walter's existing care arrangements were about to come to an end. Nor did they assume responsibility for assessing whether Platea was a safe and suitable placement for him. The decision to place John Walter at Platea remained that of the Municipality, acting in the exercise of its statutory care responsibilities.

40. Nor could Sweden avoid responsibility under Article 2 by entrusting the day-to-day care of John Walter to a private provider. The Municipality remained responsible for the public functions which it itself exercised, including selecting and approving the placement and ensuring that it was capable of meeting John Walter's needs safely. The fact that Platea was privately operated did not displace those responsibilities. To hold otherwise would allow the State to dilute its obligations under Article 2 by outsourcing public care functions to private providers.

41. For these reasons, the Applicants respectfully invite the Court to find that Sweden has violated Article 2 of the Convention.

G. Compliance with admissibility criteria laid down in Article 35 § 1 of the Convention

For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the four-month time-limit.

63. Complaint

Article 2

Information about remedies used and the date of the final decision

42. The application was lodged within the four-month time-limit. That period began to run on 16 March 2026, when the Supreme Court refused leave to appeal.

43. The Applicants exhausted the available domestic remedies by pursuing their claim for damages before the domestic courts (see bundle pp. 113–148, 164–191 and 194–210). On 12 April 2024, the District Court dismissed the claim, finding that Article 2 had not been violated (see bundle pp. 154–163). On 18 June 2025, the Svea Court of Appeal upheld that judgment in its entirety (see bundle pp. 192–193). On 16 March 2026, the Supreme Court refused leave to appeal (see bundle pp. 211–213).

44. No further effective remedy was available under Swedish law. In particular, the Chancellor of Justice has no jurisdiction to examine claims for damages arising from acts or omissions of municipalities. A claim before the Chancellor of Justice could not therefore constitute an effective remedy for the purposes of Article 35 § 1 of the Convention.