



## Grand Chamber hearing concerning covert or illicit filming

The European Court of Human Rights is holding a **Grand Chamber<sup>1</sup> hearing** today **Wednesday 3 April 2013 at 9.15 a.m.** in the case of ***Söderman v. Sweden*<sup>2</sup>** (application no. 5786/08)

The case concerns the attempted covert or illicit filming of a 14-year old girl by her stepfather.

*The hearing will be broadcast from 2.30 p.m. on the Court's Internet site ([www.echr.coe.int](http://www.echr.coe.int)). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.*

The applicant, Eliza Söderman, is a Swedish national who was born in 1987 and lives in Ludvika (Sweden). In 2002, when she was 14 years old, she discovered that her stepfather had attempted to secretly film her naked.

Ms Söderman's mother reported the incident to the police about two years later and the stepfather was convicted of sexual molestation by the first instance court. He was finally acquitted on appeal. The appeal court concluded that although his motive had been to film the girl for a sexual purpose, the act could not be covered by the provision on sexual molestation as he had not intended the applicant to find out about his filming her (and, under the provision, to be sexually molested, you have to know about it). The appeal court also noted that the stepfather could have been charged with child pornography but was not. Finally, there was no general prohibition in Swedish law against filming an individual without his or her consent. The appeal on cassation was dismissed.

Relying in particular on Article 8 (right to private life) of the European Convention on Human Rights, Ms Söderman complains that Sweden has failed to comply with its obligation to provide her with remedies with which to challenge her stepfather secretly filming her.

### Procedure

The application was lodged with the European Court of Human Rights on 21 January 2008. In its [Chamber judgment of 21 June 2012](#), the Court held, by a majority, that there had been no violation of Article 8 of the European Convention. The Court found that, at least in theory, the applicant's stepfather could have been convicted under the Penal Code either for child molestation or for attempted child pornography. Moreover, Sweden had civil remedies which the applicant could have used. Therefore, the Swedish system was not deficient to the extent of being incompatible with European Convention requirements. On 19 November 2012 the case was referred to the Grand Chamber at the Ms Söderman's request.

<sup>1</sup> Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

<sup>2</sup> Formerly known as *E.S. v. Sweden*.

## Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Josep **Casadevall** (Andorra), *President*,  
Guido **Raimondi** (Italy),  
Ineta **Ziemele** (Latvia),  
Isabelle **Berro-Lefèvre** (Monaco),  
Corneliu **Bîrsan** (Romania),  
Boštjan M. **Zupančič** (Slovenia),  
Mirjana **Lazarova Trajkovska** (“the Former Yugoslav Republic of Macedonia”),  
Ledi **Bianku** (Albania),  
Zdravka **Kalaydjieva** (Bulgaria),  
Kristina **Pardalos** (San Marino),  
Julia **Laffranque** (Estonia),  
Paulo **Pinto de Albuquerque** (Portugal),  
Linos-Alexandre **Sicilianos** (Greece),  
Erik **Møse** (Norway),  
Helen **Keller** (Switzerland),  
Helena **Jäderblom** (Sweden),  
Johannes **Silvis** (the Netherlands), *judges*,  
Aleš **Pejchal** (the Czech Republic),  
Nona **Tsotsoria** (Georgia),  
Alvina **Gyulumyan** (Armenia), *substitute judges*,

and also Erik **Fribergh**, *Registrar*.

## Representatives of the parties

### Government

Anders **Rönquist**, *Ambassador and Director General for Legal Affairs, Counsel*,  
Gunilla **Isaksson**, Olof **Widgren**, Mathias **Säfsten**, Viveca **Lång** and  
Carl **Rosenmüller**, *Advisers*;

### Applicant

Jan **Södergren** and Kenneth **Lewis** *Counsel*,  
Clarence **Crafoord**, *Adviser*.

The applicant, Eliza Söderman, will also attend the hearing.

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.