



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SWEDEN

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: SWEDEN

Contact Name: Mr Johan Sangborn, Deputy Director, Ministry of Justice, Stockholm, SWEDEN

I. General information

1. Number of inhabitants

Number: 8 940 788
.....
Source: SCB (Statistics Sweden)
.....

Year of reference: 2002/2003

2. Total annual State/regional public budget

Budget: 708 100 000 000 SEK (the Swedish currency)
.....
Source: Ministry of Finance
.....

Year of reference: 2003

3. Average gross annual salary

Salary: 203 257 SEK¹
.....
Source : SCB (Statistics of Sweden)
.....

Year of reference: 2002/2003

¹ Salary, pension, unemployment insurance and reimbursement from the social insurance offices

II. Access to Justice and to all courts

II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: 945 million SEK Year : 2002
.....
Source : The National Courts Administration
.....

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: 725 million SEK Year : 2003
.....
Source : The National Courts Administration

- annual public budget spent on legal aid in other court cases

Annual budget: 222 million SEK Year : 2003
.....
Source : The National Courts Administration

6. Total number of legal aid cases (in a year)

Number of cases: 94 308 Year : 2003
.....
Source : The National Courts Administration

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: 68 425 Year : 2003
.....
Source : The National Courts Administration

- the total number of legal aid cases in other court cases (in a year)

Number of cases: 22 991 Year : 2003
.....
Source : The National Courts Administration

8. Does your country have an income and asset test for granting legal aid?

Yes / No: Yes

9. If yes, what is the maximum income level for granting legal aid?

Income level: 260 000 SEK Year : 2002
.....

10. Is it possible to refuse legal aid for lack of the merit of the case?
(eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: Yes
.....

If yes, is the decision taken by : - The decision is taken by either the court (if the case in question already is initiated in the court) or a body external to the court, The Legal Aid Authority (Rättshjälpsmyndigheten).

What factors are taken into account ?

Factors: For example if it, without any deeper examination, is obvious that the action is without any prospect of success legal aid is refused.
.....

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: Yes
.....

If yes, is this true for :
- criminal cases? No
- other than criminal cases? Yes

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise: Yes
.....

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise: Yes
.....

If yes, is this true for :
- criminal cases ? Yes
- other than criminal cases? Yes

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? No
- the State? No

If yes, please indicate the references of these studies published in the year 2002 or 2003:
(Author / instance) (Title) (Type of courts or costs reported on):

.....
.....
.....

II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? Yes
internet address: www.lagrummet.se

- to the case-law of the higher court/s? Yes
internet address: www.rattsinfo.dom.se

- to other documents (for examples legal forms)? Yes
internet address: www.dom.se

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes

Comments: There is an authority for matters regarding victims of crime – The Crime Victim Compensation and Support Authority (Brottsoffermyndigheten)

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? No

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes

Comments: The Crime Victim Compensation and Support Authority decides on questions of public compensation.

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?

No, only to a small extent.

If yes, are these surveys

- at national level No
- at court level Yes, occasionally

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Yes

Please specify:

- at court level/internal procedure Yes
- at court level/external procedure Yes
- at national level/internal procedure Yes
- at national level/external procedure Yes

Comments:

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: No
- time limit for dealing with the complaint: No

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of courts: 122
.....

23. Number of general jurisdiction first instance courts

Number of courts: 72 District Courts and 23 County Administrative Courts

Annual budget: 111 056 000 SEK Year :2004
 Source : The National Courts Administration

30. Has the budget for justice increased during the last 5 years? Yes
 What are the figures?

Budget 4 495 million SEK Year 2003
 Budget 4 419 million SEK Year 2002

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) No
- the Government No
- the Parliament Yes
- the Judicial Council No
- the Courts No
- other:

32. Who manages the budget of the courts?

- the President of the Court Yes
- the person administratively responsible for the court No
- other:

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: the court
- in other than criminal cases the court

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: 393 200 (crime suspicions) Year :2002
 Source : The Case Handling System of the Prosecution Service. (Also the Annual Report)

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: 160 800 Year : 2002

Source : The Case Handling System of the Prosecution Service. (Also the Annual Report)

Please indicate also, out of this total, those dropped as the offender has not been identified

Comment: In principle, all cases registered at the Prosecution Service concern an identified suspected person. Decisions to drop cases with unidentified offenders are made by the police. The number of cases is here unknown.

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: 68 300 (summary penalties by fine and waivers of prosecution Year : 2002

Source : See above

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: 164 100

Year : 2002

Source : See above

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

Number of cases: Not available ¹

Year:

Source:

.....
The National Courts Administration
.....

.....
.....

39. Total number of judicial decisions, involving robbery (in a year)

Number of cases: 827

Year: 2002

Source:

.....
The National Council for Crime Prevention
.....

.....
.....

Please indicate, if possible:

Number of convicted persons: Not available

% of convicted persons:

.....

.....

Number of acquitted persons: Not available

% of acquitted persons:

.....

.....

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

Percentage of decisions: Not available ² Year:

Source:

.....
The National Courts Administration

41. Total number of incoming criminal cases in the courts,

involving intentional homicide (in a year)

Number of cases: Not available ¹ Year:
Source: The National Courts Administration

42. Total number of judicial decisions, involving intentional homicide (in a year)

Number of decisions: 89 Year: 2002
Source: The National Council for Crime Prevention

Please indicate also if possible:

Number of convicted persons: Not available % of convicted persons:
Number of acquitted persons: Not available % of acquitted persons:

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

Percentage of decisions: Not available ² Year:
Source: The National Courts Administration

¹ (DV) The National courts Administration – the total number of incoming criminal cases in the courts year 2002 was 62 236. The division on incoming criminal cases in the courts concerning robbery and intentional homicide cases is not available.

² (DV) The National courts Administration – the total number of decisions subjected to an appeal to a higher court year 2002 was 8 325. The division on decisions subjected to an appeal to a higher court concerning robbery and intentional homicide cases is not available.

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: Incoming civil cases: 64 761 Year : 2003
Incoming administrative cases: 90 036

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of decisions: Decisions in civil cases: 65 074 Year : 2003
Decisions in administrative cases: 88 807

46. Percentage of decisions concerning civil and administrative matters

subject to an appeal to a higher court (in a year)

Percentage of decisions: Civil matters 4,4 %
Administrative matters 25,3 % Year : 2002

47. Total number of incoming divorce cases in the courts (in a year)

Number of cases: 26 918 Year : 2002
.....
Source :
The National Courts Administration

48. Total number of judicial decisions in divorce cases (in a year)

Number of decisions: 27 415 Year : 2003
.....
Source : The National Courts Administration

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

Percentage of decisions: _ Year :
.....
Source :
.....

50. Total number of incoming employment dismissal cases in the courts (in a year)

Number of cases: _ Year :
.....
Source :
.....

51. Total number of judicial decisions of employment dismissal cases (in a year)

Number of decisions: _ Year :
.....
Source :
.....

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

Percentage of decisions: _ Year :
.....
Source :
.....

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: 86 070 000 SEK ≈ 9 396 288 Euros Year : 2004

Source :
The National Courts Administration
.....

54. In general, do the courts in your country have computer facilities?

- for judges Yes
- for non-judges court staff Yes

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary ? Yes

If yes, please specify the name and the address of this institution

Names and addresses of the institutions:

- The National Courts Administration, S-551 81 Jönköping, SWEDEN
- National Council for Crime Prevention, Box 1386, S-111 93 Stockholm, SWEDEN

56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone Yes
- Mail Yes
- Fax Yes
- E-mail Yes
- Internet No

57. Is there an electronic form to carry out certain procedural steps? No

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: _ Year :

Source :
.....

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes

61. Are reasons given for all prison sentences? Yes

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

Average length: approx. 70 days Year : 2003
Source :

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

Average length: approx. 160 days Year : 2003
Source :

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

Average length: Depends on whether the spouses have children. If not, a judgment can be delivered immediately. If there are children involved there is a time for consideration of 6 month. When this period of time has elapsed, the parties can ask for a judgment, which then is delivered as soon as possible (approx. 7-21 days).

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

Average length: _ days Year :
.....

Source :

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

Average length: _ days Year :
.....

Source :

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

Average length: _ days Year :
.....

Source :

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes

69. Do you have a way of analysing queuing time during court procedures?

No, no formal analysing of the time when no procedural measures are taken.

If yes, please specify:

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary : 486 000 SEK Year : 2002
.....
Source : wage contract, The National Courts Administration

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary : 810 000 SEK Year : 2002
.....
Source : wage contract, The National Courts Administration

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Yes

If yes, please specify:

Specification: They are allowed to have spare-time occupations if the occupation isn't damaging the public's trust in the court or the reputation of the court.

73. Are judges recruited and nominated by an independent institution?

Answer: Yes. Judges are nominated by an independent institution (The Court Services Officer Appointments Board) and appointed by the Government.

(if yes), who are represented in this institution:

- the members of the judiciary Yes
- officials not part of the judiciary No
- a mixture of the two categories referred to above No

Is the process of selection and nomination of judges carried out according to pre-established procedures? Yes

74. Is there a system of induction I and continuation training for judges?

Yes, compulsory

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: 90 – 95 %

Year : 2002

Source : The National Courts Administration

75. Is there a system of supervision and control on the courts - other than through appeal ? Yes

If yes, please specify: the Parliamentary Ombudsman

76. Is there in your country a system of temporary judges? Yes

If yes, are these temporary judges paid on the basis of their activity? No

If yes, please specify:

77. Annual number of disciplinary proceedings against judges

Number of proceedings: 4

Year : 2002

Source : The National Disciplinary Offence Board (Statens ansvarsnämnd)

78. Annual number of sanctions against judges

Number of sanctions: 0

Year : 2002

Source : The National Disciplinary Offence Board (Statens ansvarsnämnd)

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget: 746 Million SEK

Year : 2002

Source : Letter of Appropriation from the Government (also Annual Report)

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: 653

Year : 2002

Source : Personnel Administrative System

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary : 264 000 SEK

Year : 2002

Source : Personnel Administrative System

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary : 648 000 SEK

Year: 2002

Source : Personnel Administrative System

83. Can public prosecutors combine their work with other professions? No

If yes, please specify:

.....

84. Are public prosecutors recruited and nominated by an independent institution? No

(If yes), who are represented in this institution:

- the public prosecutors ? Yes / No

- other stakeholders outside? Yes / No

- a mixture of the two categories referred to above? Yes / No

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes

85. Is there a system of induction and continuation training for public prosecutors?

Yes, and compulsory

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: 90% Year : 2002

Source : Training Centre of the Prosecutor-General's office

86. Is there a system of supervision and control on public prosecutors? Yes

If yes, please specify: Public prosecutors are under the supervision of the Prosecutor-General. However, disciplinary actions are decided upon by an independent board.

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: 4 Year : 2002
Source : The National Disciplinary Board

88. Annual number of sanctions against public prosecutors

Number of sanctions: 2 Year : 2002
Source : The National Disciplinary Board

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: Year :
4 113 2003
Source :
The Swedish Bar Association

90. Is there a national bar association? Yes

91. Have quality standards been formulated for lawyers? Yes

If yes, who is responsible for formulating these quality standards?

- the bar association Yes

- the legislature Yes

- other No

92. Can disciplinary proceedings be instituted against lawyers? Yes

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: 540 Year :
2003
Source :
The Swedish Bar Association

94. Annual number of sanctions against lawyers

Number of sanctions: 69 Year :
2003
Source :
The Swedish Bar Association

95. Is it possible to complain about the performance of lawyers? Yes

If yes, please specify: Either to the court if the lawyer is appointed by the court or filing a complaint at the disciplinary board of the Bar Association.

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Comment: No such information is available. If the applicant will be granted legal aid in a divorce case, the Legal Aid Counsel will be reimbursed by an hourly rate for the number of working hours spent.

IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

98. How much public budget is devoted to mediation?

99. Number of incoming mediation cases (in a year)

100. Number of cases solved through mediation (in a year)

If possible, please specify:

- number of criminal cases solved through mediation:

- number of cases other than criminal solved through mediation:

101. In which areas of law is mediation most practised and successful in your country?

- in criminal cases?

- in other than criminal cases?

Answer: Questions 97-101 are difficult to adapt to the appearance of mediation in the Swedish judiciary.

However, since this form of extrajudicial settlement exist and is also very useful, we provide you with information about the system. Unfortunately, there is no statistical information available regarding the number of cases solved through mediation or which costs that are connected with it.

Civil cases

In the context of court procedures in progress there are two forms of dispute settlement which have extrajudicial characteristics, conciliation and mediation. Both procedures are regulated in the Swedish Code of Judicial Procedure. Conciliation, in particular, is very common in civil cases in the general courts. It has also been considered very successful.

When a court issues a notice of proceedings in a civil case, the case must first be prepared either orally or in writing. One of the purposes of this process is to establish whether the conditions exist for conciliation (Code of Judicial Procedure: Chapter 42 point 6.1.5). If the case is one that permits conciliation the court will, if appropriate in view of the nature of the case and other circumstances, seek conciliation between the parties (point 17.1 of that Chapter). Thus, it is the court which takes the initiative for conciliation negotiations between the parties, where it deems it appropriate. The judge presiding over the case chairs the conciliation negotiations. The conciliation procedure is not tied to any particular form. It is not binding either, which means that the parties can state that they are not interested in conducting conciliation negotiations without this entailing any consequences. If the conciliation negotiations do not lead to an agreement between the parties, the court proceedings continue in the usual way. The judge who takes part in the conciliation procedure must ensure that he acts impartially. The conciliation procedure is, like the court procedure, free of charge. However, an application fee must be paid for the court to take the case on (at present SEK 450).

If, in view of the nature of the case, special mediation is more appropriate, the parties can decide to attend a conciliation meeting before a mediator appointed by the court (Chapter 42 point 17.2 of the Code of Judicial Procedure). In that situation it is not the judge who conducts the conciliation negotiations but a third party appointed by the court. Before the court takes a decision on mediation, consultations are usually held with the parties. The costs for the specially appointed mediator are paid by the parties.

Beside the above mentioned forms of mediation in civil cases within court proceedings there exist other forms of mediation which are regulated by law. Thus, mediation appears in certain cases regarding tenancy, employment and copyright.

Criminal cases

The Swedish legislation also facilitate mediation in penal matters. Please, find enclosed ([appendix. 1](#)) the Swedish answers on a questionnaire encompassing this matter.

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

The Swedish Enforcement Authority is responsible for the enforcement in criminal cases in the same way as they are responsible for enforcement of private claims. Thus if someone is responsible to pay for damages due to a crime the procedure will be the same as if the person is responsible for any other debt. There are ten Enforcement Agencies in Sweden and the procedure is the same for them all.

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes

If yes, please specify: The Swedish Tax Agency has a Disciplinary Offences Board, which deals with matters concerning discharge, termination notice, suspension and criminal prosecution. The board deals with these questions concerning all employees at the Swedish Tax Agency and all enforcement services.

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: 1 (a senior assistant bailiff) Year : 2002
Source : The Annual Report of the Swedish Tax Agencies Disciplinary Offences Board

105. Annual number of sanctioned enforcements agents

Number of agents: 0 Year : 2002
Source : See above

106. Is it possible to file a complaint against an enforcement agent? Yes

If yes, please specify:

It is possible to file complaints against enforcements agents by

- Reporting crimes to police authorities
- Reporting irregularity in exercising public authority, to the current enforcement service. This authority will make an investigation and can decide to report the matter to the Swedish Tax Agencies Disciplinary Offences Board for further acts, see answer to question 103 above. Public authorities have an obligation to report certain crimes to police authorities concerning disciplinary offence, violation of duty to maintain silence, accepting bribes and other crimes that can result in another sanction than fine penalty.
- Reporting to the Parliamentary Ombudsman (JO) or the Chancellor of Justice (JK)

107. Does the court play a role in the execution of court decisions? Yes

If yes, please specify:

The Swedish Enforcement Authority is responsible for enforcement of claims based on judgements and titles by the civil and administrative courts and by the special courts. They are also responsible for the enforcement of legal titles made by other administrative authorities.

The Enforcement Authority also effectuates the titles from the summary debt recovering procedure, which is handled by the Enforcement Agencies. These cases mostly consist of orders to pay but also of orders on repossession and eviction. Some private documents can also be enforced as preliminary remarks, for instance contracts on maintenance allowance.

In Sweden the Enforcement Agencies are independent from the courts. After a judgement, an order or an enforceable title from the summary debt recovering procedure, has been given, and is followed by an application from a party for enforcement, the Enforcement Agency has to independently consider if, and to what extent, it can enforce the title.

In principle all judgements and all titles must be legally valid to be enforceable. This means that the time for an appeal must have passed and no appeal made. However in some circumstances a judgement by a court or any other legal title may be enforced without being legally valid if it is stated so in the Swedish Enforcement Code. (The Enforcement Code, chapter 3). Also there are certain situations when the courts can order that the title is enforceable even though it has not been entered into final force (The Swedish Judicial Code 17 chap 5 §).

If a judgement by a court can be enforced before it is legally binding the debtor can delay the enforcement by posting a security. The Enforcement Authority's orders to pay in the summary debt recovering procedure can also be enforced before they are legally valid unless the court decides otherwise due to an application for a reopening of the case or due to an appeal. A court order where someone has been ordered to release personal property can also be enforced immediately if security is provided. A court's judgement on eviction cannot be enforced until it is legally binding unless the court has specifically ordered, in its judgement that this may be done.

A judgement from any of the Nordic countries, where someone has been fined or where property shall be repossessed, is enforceable in Sweden in the same way as a ruling made by a Swedish court. Other foreign titles are not enforceable in Sweden unless it is stated so in an agreement between Sweden and the foreign state or if it is specifically stated so in the EEC-law.

Any other foreign judgement has to be put forward to the Swedish court of Appeal and the court has to decide if the judgement is enforceable in Sweden or not.

As mentioned above the Swedish Enforcement Agencies are independent from the courts. However, needless to say, the courts are very much involved in the procedure before a judgement is rendered. If a party should deny the claim against him the applying party will have to decide whether the case shall be put forward to a court or whether the case shall be dropped. In the summary debt recovering procedure the parties can also appeal to the court after a judgement has been made and so hindering an execution of the judgement.

The Enforcement Agencies also have to; whenever they are to enforce a judgement, decide if the matters involved are clear and incontestable. If they find anything unclear in the judgement it may not be enforced.

One matter of significance is that, even though the courts are not involved in the procedure after a decision has been made, is the fact that the court has a part in all the procedure leading up to the judgement. If someone should find a ruling been made wrongfully they can always apply to the court for an annulment and if they find something wrong in the claim they can always demand that the case is heard by the court. If a certain person at the Enforcement Authority is believed to have made a mistake there is always a possibility for the plaintiff to report this to the court and to the Swedish "Justitieombudsman". In these cases an investigation will always be done to determine if something has been handled wrongfully.

The courts in Sweden are also involved in other cases handled by the Swedish Enforcement Agencies. Appeals against rulings in the summary procedure are handled by the courts as are cases concerning debt relief. Also, in the Enforcement Agencies handling of bankruptcies the courts will always try the grounds of the case as well as the capability of the lawyer appointed to the case.

108. Are the courts competent to decide against public authorities? Yes

Are the courts involved in executing decisions against public authorities? Yes