

Strasbourg, 10 September 2006

CEPEJ (2006)
Version finale

**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

SWEDEN/SUEDE



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Stockholm 4 January 2006

Ju2005/4499/DOM
Sweden version1

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

SWEDEN

REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Information provided by Sweden

Contents

I. Demographic and economic data	p. 3
I. A. General information.....	p. 3
I. B. Budgetary data concerning judicial system.....	p. 4
II. Access to Justice and to all courts	p. 5
II. A. Legal aid.....	p. 5
II.B. Users of the courts and victims	p. 7
II.B.1. Rights of the users and victims	p. 7
II.B.2. Confidence of citizens in their justice system.....	p. 8
III. Organisation of the court system	p. 10
III.A. Functioning.....	p. 10
III.B. Monitoring and evaluation	p. 13
IV. Fair trial	p. 15
IV.A. Fundamental principles.....	p. 15
IV.B. Timeframes of proceedings	p. 16
IV.B.1. General	p. 16
IV.B.2. Civil and administrative cases.....	p. 17
IV.B.3. Criminal cases.....	p. 18
V. Career of judges and prosecutors	p. 19
V.A. Appointment and training.....	p. 19
V.B. Practice of the profession	p. 21
V.C. Disciplinary procedures	p. 22
VI. Lawyers	p. 23
VII. Alternative Dispute Resolution	p. 26
VIII. Enforcement of court decisions	p. 30
VIII.A. Execution of decisions in civil matters	p. 30
VIII.B. Enforcement of decisions in criminal matters	p. 33
IX. Notaries	p. 34

DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY:

National correspondents

First Name – Name	Johan Sangborn	Catarina Barketorp
Position	Deputy Director Ministry of Justice, Sweden	Judge, Consultant The Swedish National Courts Administration
E-mail	johan.sangborn@justice.ministry	catarina.barketorp@dom.se
Telephone	+46 8 405 47 78	+46 8 701 57 29

I. Demographic and economic data

I. A. General information

- 1. Number of inhabitants** 9 034 837
Source: Statistics Sweden (31 August 2005)
- 2. Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**
State level 87 913 178 770 EURO (Central Government expenditure, 802 366 000 000 SEK)
Regional / entity level 65 806 087 566 EURO (Local Government expenditure, 600 599 000 000 SEK)
Source Statistics Sweden, National Accounts for 2004
The Swedish Riksbank, annual average of currency exchange rate (SEK – EURO)
- 3. Per capita GDP** 28 832 EURO
(2004 GDP 260 495 463 908 EURO)
(2004 GDP 2 377 490 000 000 SEK)
Source Statistics Sweden, GDP 2004
The Swedish Riksbank, annual average of currency exchange rate (SEK – EURO)
- 4. Average gross annual salary** 31 906 EURO
Source Statistics Sweden, Salary 2003
The Swedish Riksbank, annual average of currency exchange rate (SEK – EURO)

I. B. Budgetary data concerning judicial system

5. **Total annual budget allocated to all courts** 463 687 163 EURO
(4 231 980 000 SEK)
(Excluding expenditure for legal aid)

Source The Budget Bill for 2006 (amount allocated to 2005).
The Swedish Riksbank, annual average of currency exchange rate
(SEK – EURO)

Please specify:

The Labour court, The Market court and The Court of Patent appeals are excluded.

6. **Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:**

	Yes	Amount
▪ Salaries?		276 677 157 €
▪ IT?	No	€
▪ Justice expenses borne by the State?	No	€

Source [redacted]

7. **Annual public budget spent on legal aid** 95 455 900€

Source [redacted]

8. **If possible, please specify:**

▪ the annual public budget spent on legal aid in criminal cases	79 492 100 €
▪ the annual public budget spent on legal aid in other court cases	15 963 800 €

Source [redacted]

9. **Annual public budget spent on prosecution system** 89 000 000€
Swedish prosecution authority

36 000 000€
Economic crime bureau

Source Letter of appropriation 2005

10. **Bodies formally responsible for budgets allocated to the courts:**

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	YES	NO	NO	YES
Other ministry. Please specify	YES	NO	NO	YES

Parliament	NO	YES	NO	YES
Supreme Court	NO	NO	NO	NO
Judicial Council	–	–	–	–
Courts	NO	NO	NO	NO
Inspection body.	NO	NO	NO	YES
Other. The National Courts Administration	NO	NO	YES	YES

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your budgetary system**

II. Access to Justice and to all courts

II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes (public defender)	Yes
Legal advice (Yes/No)	No	Yes
Other (Yes/No). Please specify	Yes Journeys, Counsel to the party injured Examples: The Legal Aid and Advice Act (1999:1619), section 16 (evidence), section 17 (documentation), section 18 (mediator according to the Swedish code of judicial procedure chapter 42 section 17), section 19 (different fees), section 20 (security). The Public Counsel Act (1996:1620)	Yes Journeys, Counsel to the party injured Examples: The Legal Aid and Advice Act (1999:1619), section 16 (evidence), section 17 (documentation), section 18 (mediator according to the Swedish code of judicial procedure chapter 42 section 17), section 19 (different fees), section 20 (security). The Public Counsel Act (1996:1620)

12. Number of legal aid cases:

- **total**
- **criminal cases**



- other than criminal cases

Source No figure available

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes No

14. Does your country have an income and asset test for granting legal aid:

- | | No | Yes/Amount |
|----------------------------------|-------------------------------------|-------------------------------------|
| ▪ for criminal cases? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ for other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> 27 368 EUR |

Source The Legal Aid and Advice Act

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes No

16. If yes, is the decision taken by:

- | | Yes |
|--|--------------------------|
| ▪ the court? | <input type="checkbox"/> |
| ▪ a body external to the court? | <input type="checkbox"/> |
| ▪ a mixed decision-making body (court and external)? | <input type="checkbox"/> |
- The decision is taken by the court if the case is already initiated at the court, if not the decision is taken by The Legal Aid Authority.

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- | | Yes | No |
|----------------------------------|-------------------------------------|--------------------------|
| ▪ for criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ for other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, are there exceptions? Please specify:

The public prosecutors are exempted from the obligation to pay a fee.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No
 Yes Please specify:

The benefits according to the Swedish Legal Aid and Advice Act are subsidiary to the private insurance system. An individual who owns an insurance which cover legal expenses shall always use the insurance first.

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

- | | Yes | No |
|------------------------------|-------------------------------------|--------------------------|
| ▪ criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ other than criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your legal aid system**

If the defendant is found guilty he or she might be obliged to repay to the state some or all of the costs for his or her public representation in court, but only if his or her income is above a certain level.

II. B. Users of the courts and victims
II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- | | Yes | No |
|---|-------------------------------------|--------------------------|
| <ul style="list-style-type: none"> ▪ legal texts (e.g. codes, laws, regulations, etc.)? <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): www.lagrummet.se | | |
| <ul style="list-style-type: none"> ▪ case-law of the higher court/s? <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): www.rattsinfo.se | | |
| <ul style="list-style-type: none"> ▪ other documents (for examples legal forms)? <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): www.dom.se | | |

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes No

If yes, please specify:

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

Yes No

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	No	Yes	Yes	
Victims of terrorism	No	Yes	Yes	
Child/Witness/Victim	No	Yes	Yes	

Victims of domestic violence	No	Yes	Yes	
Ethnic minorities	No	Yes	Yes	
Disabled persons	No	Yes	Yes	
Juvenile offenders	No	Yes	Yes	
Other	No	Yes	Yes	

24. Does your country have compensation procedure for victims of crimes?

Yes No

25. If yes, does this compensation procedure consist in:

- a public fund?
- a court order?
- private fund?

26. If yes, which kind of cases does this procedure concern?

If the court orders compensation to be paid by the defendant to the victim and the defendant does not do this then the victim may instead turn to The Crime Victim Compensation and Support Authority.
 Webpage: www.brottsoffermyndigheten.se/informationsmaterial/infofoldrar/2005

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No Yes Please specify:

II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

- | | Yes | No |
|------------------------------------|-------------------------------------|--------------------------|
| ▪ excessive length of proceedings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful arrest? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ wrongful condemnation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If yes, please specify (fund, daily tariff):

The Chancellor of Justice receives complaints and claims for damages directed to the State and decide on financial compensation for such damages. Financial compensation for a wrongful arrest or imprisonment can by the practice of the Chancellor of Justice be received for suffering, loss of income and expenses. In these cases suffering is normally compensated with 500–700 SEK a day with the possibility of both higher and lower amounts. The users also have the option of bringing

the claims before a court.

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

Yes No

If possible, please specify their titles, how to find these surveys, etc:

Surveys are used only to a small extent.

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level	No	No
Surveys at court level	No	Yes, occasionally

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of Justice	_____	_____
Other external organisations (e.g. Ombudsman)	No	No

Can you give information elements concerning the efficiency of this complaint procedure?

The Parliamentary Ombudsmen (Riksdagens ombudsmän) and the Chancellor of Justice (Justitiekanslern) exercise control *inter alia* over the conduct of proceedings before public authorities, including the courts. Where appropriate the Ombudsmen and the Chancellor of Justice may criticise an authority's delay in deciding a matter before it. However, the Ombudsmen and the Chancellor of Justice have no power to directly order a public authority to conclude proceedings within a certain time-period.

Court Presidents and senior judges responsible for divisions and sections within a court are responsible for ensuring that cases are determined within a reasonable time. Each court of appeal has supervisory authority over courts subordinate to it.

III. Organisation of the court system

III. A. Functioning

33. Total number of courts (administrative structure):

- first instance courts of general jurisdiction 91
- specialised first instance courts 15

Source [redacted]

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

The Labour Court (1)
The Market Court (1)
The Court of Patent Appeals (1)
Rent and Leasehold Tribunals (12)

Of the Swedish district courts 25 are also land courts, 5 are also environmental courts and 7 are maritime law courts.

A lot of the Swedish Administrative Courts are specialized. This fact depends on the design of the rules for their jurisdiction.

34. Total number of courts (geographic locations)

Source 132

35. Number of first instance courts competent for a case concerning:

- a debt collection for small claims 68

Please specify what is meant by small claims in your country:

A claim that concerns less than 2 074 EUR.

- a dismissal 68
- a robbery 68

36. Number of professional judges sitting in courts 1618

(present the information in full time equivalent and for permanent posts)

Source Annual Report

37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:

- gross figure [redacted]
- if possible, in full time equivalent [redacted]

Source [redacted]

Please specify:

[redacted]

Figure unknown

38. **Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs** 7556

Source [redacted]

Please specify:

[redacted]

39. **Does your judicial system include trial by jury with the participation of citizens?**

No [redacted]

Yes **For which type of case(s)?**

Press libel and freedom of speech cases include trial by jury.

If possible, number of citizens who were involved in such juries for the year 2004?

[redacted]

40. **Number of non-judge staff who are working in courts** 1337
(present the information in full time equivalent and for permanent posts)

Source [redacted]

41. **If possible, could you distribute this staff according to the 3 following categories:**

- **non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars:** -
- **staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management):** -
- **technical staff:** -

42. **In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):**

No

Yes [redacted] Number of staff [redacted]

43. **Number of public prosecutors** 767

Swedish prosecution Authority (688)
Economic Crime Bureau (79)

(present the information in full time equivalent and for permanent posts)

Source Annual reports for 2004

44. **Do you have persons who have similar duties as public prosecutors?**

No
 Yes Please specify:

45. Is the status of prosecutors:

- independent within the judiciary?
- independent from the judiciary ?
- under the authority of the Ministry of Justice?

46. Number of staff (non prosecutors) attached to the public prosecution service

Swedish prosecution authority, 291. Economic Crime Bureau, 329. (police investigators and auditors included)

(present the information in full time equivalent and for permanent posts)

Source *Annual reports for 2004*

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board				
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office				
Other. Please specify				

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

Yes No

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
-----------	------------	----------------	----------------	----------------	------------------

Direct assistance to the judge/court clerk	Word processing	X			
	Electronic data base of jurisprudence	X			
	Electronic files				x
	E-mail	X			
	Internet connection	X			
Administration and management	Case registration system	X			
	Court management information system	X			
	Financial information system	X			
Communication between the court and the parties	Electronic forms				x
	Special Website	x			
	Other electronic communication facilities				x

Source

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

No

Yes Please specify the name and the address of this institution:

The Swedish National Courts Administration, 551 81 JÖNKÖPING

www.dom.se

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes

No

52. Do you have a regular monitoring system of court activities concerning the:

- | | Yes | No |
|------------------------------|-------------------------------------|--------------------------|
| ▪ number of incoming cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of decisions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ number of postponed cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ length of proceedings? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ other? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Please specify:

The number of cases involving an interpreter and the number of divorce cases can be found.

53. Do you have a regular evaluation system of the performance of the court?

No
Yes

Please specify:

Filed, determined, backlog and age structure

54. Concerning court activities, have you defined:

▪ performance indicators? Yes No

Please specify the 4 main indicators for a proper functioning of justice:

Median age of determined cases, total backlog, backlog older than six months and backlog older than twelve months.

▪ targets? Yes No

Please specify who is responsible for setting the targets:

- executive power?
- legislative power?
- judicial power?
- other?

Please specify:

Please specify the main objectives applied:

Median age of determined cases, total backlog, backlog older than six months and backlog older than twelve months.

Source

55. Which authority is responsible for the evaluation of the performances of the courts:

▪ the High Council of judiciary?
▪ the Ministry of justice?
▪ an Inspection body?
▪ the Supreme Court?
▪ an external audit body?
▪ other?

Please specify:

56. Does the evaluation system include quality standards concerning judicial decisions?

No

Yes Please specify:

Source

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

- | | Yes | No |
|-------------------------|-------------------------------------|--------------------------|
| ▪ civil cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ administrative cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

No
Yes Please specify:

59. Do you monitor and evaluate the performance of the prosecution services?

No
Yes Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

Example of indicators:
- number of registered and completed cases
- stock of cases
- percentage of suspect who are prosecuted
- average and medium time of case flow
- percentage of crime suspicions handled within 15 days.
- type of prosecutor decision

IV. Fair trial

IV. A. Fundamental principles

60. Is there in your judicial system:
▪ a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?

Yes No

▪ the right to have reasons given for all prisons sentences?

Yes No

▪ for all cases, an effective remedy to a superior jurisdiction?

Yes No

61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented?

Source

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?

No

Yes

If possible, number of successful challenges (in a year):

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)		3	1						1	
	Article 6§1 (duration)		5	1							
	Article 6§2										
	Article 6§3a										
	Article 6§3b										
	Article 6§3c										
	Article 6§3d				1						
	Article 6§3e										
Civil proceedings	Article 6§1 (equity)	7	1	4	3		1			1	1
	Article 6§1 (duration)	2	2	1	1		6				
	Article 6§1 (non execution only)										

Source: The Ministry of Foreign Affairs

IV.B. Timeframes of proceedings

IV. B. 1. General

64. Are there specific procedures for urgent matters in:

- | | Yes | No |
|-------------------------|-------------------------------------|--------------------------|
| ▪ civil cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ criminal cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ administrative cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

65. Are there simplified procedures for:

- | | Yes | No |
|------------------------------------|-------------------------------------|-------------------------------------|
| ▪ civil cases (small claims)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ criminal cases (petty offences)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ▪ administrative cases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes

No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No
 Yes

Please specify:

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 69 721

Please specify the main types of cases:

Ordinary civil cases 35 620, family cases 31 512

Source

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	43 539		5 537	Unknown
	Decisions on the merits	Unknown	Unknown	Unknown	-
	Percentage of decisions subject to appeal in a higher court	4,8%		-	-
	Pending cases by 1 January 2005	26 151		3 838	-
	Percentage of pending cases of more than 3 years	3,9%		0,19%	-
Average length (from date of lodging of court proceedings*)	1st instance decisions	153 days		-	-
	2nd instance decisions	251 days			-
	Total procedure	-		-	-

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Where appropriate, please specify the specific procedure as regards divorce:

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

	Yes	No
▪ to conduct or supervise police investigation?	X	<input type="checkbox"/>
▪ to conduct investigation?	<input type="checkbox"/>	X
▪ when necessary, to demand investigation measures from the judge?	X	<input type="checkbox"/>
▪ to charge?	X	<input type="checkbox"/>
▪ to present the case in the court?	X	<input type="checkbox"/>
▪ to propose a sentence to the judge?	X	<input type="checkbox"/>
▪ to appeal?	X	<input type="checkbox"/>
▪ to supervise enforcement procedure?	<input type="checkbox"/>	X
▪ to end the case by dropping it without the need for a judicial decision?	X	<input type="checkbox"/>
▪ to end the case by imposing or negotiating a penalty without a judicial decision?	X	<input type="checkbox"/>
▪ other significant powers?	X	<input type="checkbox"/>

Please specify:

To handle every treasure of ... such as search and seizure and confiscation and to arrest

71. Does the prosecutor also have a role in civil and/or administrative cases?

No

Yes Please specify:

To handle the plaintiffs claims for damages
To issue restraining orders


72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		185 710 (Swedish prosecution authority)
	Concluded:	189 327 (Swedish prosecution authority)
Discontinued by the public prosecutor	In general	71 944
	Because the offender could not be identified	
	Due to the lack of an established offence or a specific legal situation	
Concluded by a penalty, imposed or negotiated by the public prosecutor		24 488 by penalty
Charged by the public prosecutor before the courts		92 900

73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	68 555	Not specified	Not specified
	Judicial decisions		-	-
	Convicted persons	not specified	-	-
	Acquitted persons	not specified	-	-
	Percentage of decisions subject to appeal in a higher court	12,9%	-	-
	Pending cases by 1 January 2005	25 827	-	-
	Percentage of pending cases of more than 3 years	2,6%	-	-
Average length*(from the date of official charging)	1st instance decision	127 days	-	-
	2nd instance decision	144 days	-	-
	Total procedure	-	-	-

* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source 

You can indicate below:



- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

The length of proceedings are calculated from the date of official charging, or the date of a detention hearing or the date when a public defender was appointed if that was before the official charging.



V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:

- | | | |
|---|--|---|
| | | Yes |
| ▪ | a body composed of members of the judiciary? | X |
| ▪ | a body composed of members external to the judiciary? |  |
| ▪ | a body composed of members of the judiciary and external to the judiciary? |  |

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- | | | |
|---|--|---|
| | | Yes |
| ▪ | a body composed of members of the prosecution system? | X |
| ▪ | a body composed of members external to the prosecution system? |  |
| ▪ | a body composed of members of the prosecution system and external to the prosecution system? |  |

76. Is the mandate given for an undetermined period for:

	Yes	No
▪ judges?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ prosecutors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Are there exceptions ? Please specify:

no exceptions

If no, what is the length of the mandate:

Is it renewable?

		Yes	No
▪ of judges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ of prosecutors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of the selection and nomination procedure of judges and prosecutors**

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
		Yes		Yes
Initial training	Compulsory	Yes		
	Highly recommended			
	Optional			
General in-service training	Compulsory	Yes	Annual	
	Highly recommended		Regular	Yes
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	
In-service training for specific functions (e.g. head of court)	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
		Yes		Yes
Initial training	Compulsory	Yes		

	Highly recommended			
	Optional			
General in-service training	Compulsory	No	Annual	No
	Highly recommended		Regular	
	Optional		Occasional	
Specialised in-service training	Compulsory		Annual	
	Highly recommended	No	Regular	
	Optional		Occasional	No

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your training system for judges and prosecutors

V. B. Practice of the profession

79. Gross annual salary of a first instance professional judge at the beginning of his/her career
23 364 €

Source

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court
88 416 €

Source

81. Gross annual salary of a public prosecutor at the beginning of his/her career
39 000 €

Source Salary agreement 2005

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court
70 000 €

Source Salary agreement 2005

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit (If yes, please specify)	No	No

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	Yes			X		
Research and publication	Yes			X		
Arbitrator	Yes					X
Consultant	Yes					X
Cultural function	Yes			X		
Other function to specify						

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No
Yes

Please specify:

V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number		4
	Breach of professional ethics (Yes/No) If yes, please specify the number	No information	-
	Professional inadequacy (Yes/No) If yes, please specify the number	No information	1
	Criminal offence (Yes/No) If yes, please specify the number	No information	3
	Other (Yes/No) If yes, please specify	No information	-
	Types of sanctions	Total number	
Reprimand (Yes/No) If yes, please specify the number		Yes, 3 cases, all rejected	1
Suspension (Yes/No) If yes, please specify the number		No	

Dismissal (Yes/No) If yes, please specify the number	1 case, rejected (the judge has probably left his position)	
Fine (Yes/No) If yes, please specify the number	No	
Other (Yes/No) If yes, please specify	4 cases during 2004, all rejected.	

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

1 reprimand. The other 3 disciplinary proceedings against prosecutors in the year of 2004 were left without sanctions.

VI. Lawyers

87. Number of lawyers practising in your country

4,354 (as per 21.12.2005).

NB. The figure stated includes only members of the Swedish Bar Association. There are no formal requirements for practising law in Sweden or for appearing before courts.

Source: The Swedish Bar Association's member database

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes No

The figure stated includes only members of the Swedish Bar Association; there are no formal requirements, however, for representing clients in court in Sweden. The figure does not include trainees or other assistant lawyers employed in members' law firms.

89. Do lawyers have a monopoly of representation:

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*	No		Member of family	Yes
			Trade Union	Yes
			NGO	Yes
			Other	Yes
Criminal cases*	Defendant	No	Member of family	Yes
			Trade Union	Yes
			NGO	Yes
			Other	Yes
	Victim	No	Member of family	Yes
			Trade Union	Yes
			NGO	Yes
			Other	Yes

Administrative cases*	No	Member of family	Yes
		Trade Union	Yes
		NGO	Yes
		Other	Yes

* If appropriate, please specify if it concerns first instance and appeal.

90. Is the lawyer profession organised through?

- Yes
- a national bar?
 - a regional bar?
 - a local bar?

Please specify:

There is only one, nation-wide bar association in Sweden. The Bar Association and its members are divided into seven geographical sections, but members are admitted directly by the national board of the bar association.

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes No

NB. This applies to members of the Swedish Bar Association. There are no formal requirements for practising law in Sweden.

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes No

NB. This applies to members of the Swedish Bar Association. There are no formal requirements for practising law in Sweden.

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No Yes **Please specify:**

94. Can users establish easily what the lawyers' fees will be?

Yes No

95. Are lawyers fees:

- Yes
- regulated by law?
 - regulated by Bar association?
 - freely negotiated?

96. Have quality standards been formulated for lawyers?

Yes No

97. If yes, who is responsible for formulating these quality standards:

- the bar association? Yes
- the legislature?
- other? Please specify:

The board of the Swedish Bar Association lays down the Code of Conduct of the association. The Code of Conduct should be adhered to by members according to law (the Swedish Code of Judicial Procedure).

98. Is it possible to complain about :

- the performance of lawyers? No
Yes Please specify:

A person or body who is not satisfied with the performance or conduct of a member of the Swedish Bar Association may file a complaint with the association. The Disciplinary Committee of the Swedish Bar Association receives the complaint. Eight members of the Disciplinary Committee are appointed by the Bar Association's general assembly; three members are appointed by the Swedish Government.

- the amount of fees? Yes No

99. Disciplinary proceedings and sanctions against lawyers:

The question refers to disciplinary proceedings which are generally introduced, for instance by other lawyers or judges. This question, which appears as a table specifies the number of disciplinary proceedings against lawyers from the sanctions actually decided against lawyers. If a significant difference between those two figures exists in your country, and if you know why, please specify it.

NB. These figures comprises all disciplinary matters of 2004, whether the complaint was filed by a private person, another lawyer, a judge or another official, a court or another public body, or was instigated by the Board of the Bar Association.

The total number of disciplinary matters instigated in 2004 was 591.

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	No data available
	Professional inadequacy	No data available
	Criminal offence	No data available
	Other	No data available
<u>Type of sanctions</u>	Statement	42
	Admonition	77
	Warning	22
	Warning combined with fine	6
	Disbarment	1

100. Who is the authority responsible for the disciplinary procedures:

Yes
X

▪ **a professional body?** **Please specify:**

The disciplinary procedure is conducted by Disciplinary Committee of the Swedish Bar Association. Eight members of the Disciplinary Committee are appointed by the Bar Association's general assembly; three members are appointed by the Swedish Government as representatives of the public. The Board of the Bar Association may instigate a disciplinary matter against a lawyer, referring it to the Disciplinary Committee. If a complaint against a lawyer is made by a person or body not concerned by the matter in question, the Board decides whether to refer the matter to the Disciplinary Committee or to close the matter. A disbarred member may appeal to the Supreme Court. The Chancellor of Justice may appeal against Disciplinary Committee decision to the Supreme Court; he may also request that the committee should implement disciplinary measures against a negligent member.

▪ **the judge?**

▪ **the Ministry of justice?**

▪ **other?** **Please specify:**

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning the organisation of the Bar**

VII. Alternative Dispute Resolution

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	Yes
			Court	Yes
	Compulsory stage in court proceedings	No	Judge	Yes
	Ordered by judge in certain cases	Yes	Prosecutor	
Family cases	Compulsory stage prior to court proceedings	No	Private mediator	Yes
			Public or authorised by court body	Yes
			Court	Yes
	Compulsory stage in court proceedings	No	Judge	Yes
	Ordered by judge in certain cases	Yes	Prosecutor	
Administrative cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	

			Court	
	Compulsory stage in court proceedings	No	Judge	
	Ordered by judge in certain cases	No	Prosecutor	
Employment dismissals	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
	Compulsory stage in court proceedings	No	Judge	
	Ordered by judge in certain cases	Yes	Prosecutor	
Criminal cases	Compulsory stage prior to court proceedings	No	Private mediator	
			Public or authorised by court body	
			Court	
		Compulsory stage in court proceedings	No	Judge
	Ordered by judge in certain cases	No	Prosecutor	

102. Can you provide information about accredited mediators?

No, in Sweden there is no accreditation of mediators.

103. Can you provide information about the total number of mediation procedure concerning:

- **civil cases?** No
- **family cases?** No
- **administrative cases?** No
- **employment dismissals?** No
- **criminal cases?** No

Source

104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:

Firstly, it should be mentioned that besides mediation, conciliation is widely used in court cases. In addition, there are various extrajudicial procedures. Some of them are statutory, whilst others are founded on agreements between two or more private bodies/persons.

Conciliation in judicial proceedings

When the court has issued a summons in a civil case, oral or written preparatory proceedings must take place. One of the aims of the preparatory proceedings is to clarify whether there are prospects for conciliation. If conciliation is permitted in the case, the court must endeavour to ensure that the parties are reconciled where appropriate, having regard to the nature of the case and other circumstances. It is therefore the court which, if it deems it appropriate, takes the initiative for conciliation talks between the parties. The presiding judge in the case chairs the conciliation talks. The conciliation procedure is not required to take any specific form, nor is it mandatory. The parties can therefore declare that they are not interested in holding conciliation talks without suffering any repercussions. If the conciliation talks do not lead to a settlement

between the parties, the judicial proceedings continue as normal. The judge who takes part in conciliation must ensure that he or she is impartial throughout the procedure.

Statutory proceedings

Perhaps the most important statutory proceeding takes place at the National Board for Consumer Complaints. The National Board only examines disputes between businesses and consumers at the request of the consumer. The procedure, which also covers cross-border disputes, is written and free of charge to the parties. Decisions by the National Board for Consumer Complaints take the form of recommendations to the parties on the way in which their dispute should be resolved and cannot be enforced compulsorily. However, many traders have, through their branch organisations, undertaken to follow the Board's decisions. The procedure is free of charge for the parties.

Non-statutory proceedings

In several sectors, private initiatives have set up special boards. This is very common in the insurance sector, for example. The fields of activity of the various boards may vary somewhat, but in general it can be said that their function is often to work towards a flexible and impartial resolution of disputes between, for instance, an insurance company and a policyholder. Several boards in the insurance sector also have the task of working towards the uniform resolution of insurance cases, which reduces the number of disputes that arise. The boards have been formed primarily under agreements between different companies, but are fully independent of their instigators. The boards concentrate mainly on disputes between businesses and consumers. Larger insurance companies often also have their own customer ombudsmen, who policyholders may contact if they are not satisfied with the company's decision on the settlement of a claim. The customer ombudsman is appointed by the company, but performs his duties independently of it. The procedure is written, except in a few exceptional cases. The private dispute resolution procedures are mostly free of charge, even though a small application or registration fee is levied in a few exceptional cases. Decisions primarily take the form of recommendations, which cannot be enforced compulsorily. In some cases, however, a business may give a prior undertaking to its trade organisation to comply with the recommendations.

There are also different private bodies that offer dispute resolution. One such body is the Stockholm Chamber of Commerce Mediation Institute. The Mediation Institute offers dispute resolution to parties that do not wish to engage in formal arbitration proceedings. The salient features of the SCC Mediation Rules are the following:

- A sole mediator is appointed, unless otherwise agreed by the parties. The mediator may be appointed by the parties jointly, or by the SCC Mediation Institute.
- The time limit for the mediation is two months, unless otherwise agreed by the parties.
- After having reached a settlement agreement, the parties may agree to appoint the mediator as arbitrator in order to enable him to confirm the settlement agreement in an arbitral award.

Family disputes

For parents who find themselves in dispute with one another, there are two alternatives to judicial proceedings: cooperation discussions and family counselling. Family counselling is also an option for couples without children.

Cooperation discussions

Cooperation discussions are discussions chaired by experts, the aim of which is for the parents to reach agreement on the custody of their children, the children's residence and access to the children. The goal of the discussions is therefore compromise solutions. But even if this aim cannot be achieved, the parents may gain greater understanding of one another's viewpoints as a result of the discussions and may learn to handle their conflicts in a way that does not cause suffering for their children. All municipalities in Sweden offer cooperation discussions. If a court action on custody, residence and access has already been brought, the court can take the initiative to hold cooperation discussions. The discussions are free of charge. If the parents

concur, they can make an agreement on custody, residence and access. If the agreement is in written form and approved by the Social Welfare Board, it has the same effect as a court judgment. This implies, among other things, that the agreement is enforceable.

Family counselling

Family counselling consists of discussions with a view to dealing with cohabitation conflicts in couples and families. The discussions can take place before, during or after a separation. If there are children, family counselling can help to abate conflicts so that parents are able to work together as parents after the separation. Contact with family counselling is voluntary and is made on the couple's own initiative. Family counselling sessions have particularly strict confidentiality rules. Anyone who so wishes can contact the family counselling service anonymously. All municipalities are required by law to offer family counselling either through the municipality itself or through other suitable professional counsellors. Family counsellors are qualified social workers with advanced training in relational matters. Those who wish to contact the family counselling office can contact the municipality. The municipality is entitled to levy a charge for family counselling.

Activities at regional rental and tenancy tribunals

The regional rental and tenancy tribunal can mediate in all rental disputes and disputes involving tenant-owners that occur. Normally, the regional rental or tenancy tribunal makes a proposal for an agreement if the parties themselves fail to reach a settlement in a meeting at the tribunal. Mediation is obligatory in certain cases. The regional rental or tenancy tribunal can issue an opinion in the course of the mediation, for example on market rents for premises. Such an opinion has presumptive effect in any subsequent compensation dispute. Furthermore, even if mediation is not requested, the regional rental or tenancy tribunal must endeavour to reconcile the parties in disputes which the tribunal must examine in accordance with the division of responsibilities between ordinary courts and regional rental and tenancy tribunals. Lastly, ordinary courts can refer cases that they hear for mediation in regional rental and tenancy tribunals. If mediation is unsuccessful, the court decides the case. The regional rental and tenancy tribunal does not levy any charge on the parties. Each party must bear its own costs. The procedure before the regional rental and tenancy tribunal is public.

Arbitration

In Sweden, it is very common that disputes within commerce and industry are settled by arbitration tribunals. It is also not unusual that parties in commercial relationships which have no link with Sweden at all opt to have their dispute settled by a Swedish arbitration tribunal. The main rule is that the parties can reach an arbitration agreement concerning matters in respect of which they may reach a settlement.

Rules about arbitration proceedings are to be found in the Swedish Arbitration Act. In the first place it is up to the parties to decide the number of arbitrators and the manner in which they shall be appointed. The same applies to the place of arbitration. In case the parties have not agreed on those issues the rules in the Arbitration Act applies. The arbitrators shall handle the dispute in an impartial, practical and speedy manner. They shall act in accordance with the decisions of the parties insofar as there is no impediment to so doing. The arbitrators shall afford the parties, to the extent necessary, an opportunity to present their respective case in writing or orally. Where a party so requests, and provided that the parties have not otherwise agreed, an oral hearing shall be held prior to the determination of an issue referred to the arbitrators for resolution. Where one of the parties, without valid cause, fails to appear at a hearing or otherwise fails to comply with an order of the arbitrators, such failure shall not prevent a continuation of the proceedings and a resolution of the dispute on the basis of the existing materials. The proceedings are not public. The issues which have been referred to the arbitrators shall be decided in an written award. Appeal is not possible, but the award can be wholly or partially set aside upon motion of a party under certain conditions. The parties are jointly and severally liable to pay reasonable compensation to the arbitrators for work and expenses. However, the arbitrators may, upon request by a party and unless otherwise agreed by the parties, order the opposing party to pay

compensation for the party's costs and determine the manner in which the compensation to the arbitrators shall be finally allocated between the parties. The Swedish Arbitration Act applies to arbitral proceedings which take place in Sweden notwithstanding that the dispute has an international connection.

Certain arbitration institutes, such as the Arbitration Institute of the Stockholm Chamber of Commerce, may have adopted rules that supplement the Arbitration Act.

Victim-Offender mediation

Victim-offender mediation is for the benefit of both parties, and according to Swedish law (the Mediation Act [lagen 2002:445 om medling med anledning av brott]) its goal is to increase the offender's level of insight into the consequences of the offence, at the same time as the victim is provided with the opportunity to work through his or her experiences. The mediator's role is to help the parties to communicate with one another, and to ensure that a balance is maintained and that neither party is given offence. The Mediation Act constitutes a piece of framework legislation and covers mediation organised by the state or by municipalities. According to the Act, the offence must first have been reported to the police, and the offender must have acknowledged his or her guilt before mediation can be initiated. Participation in mediation is always voluntary for both parties. Mediation does not constitute a penal sanction or an alternative to the regular justice system, but rather plays a complementary role. It is however possible for the prosecutor to take the fact that mediation has taken place into consideration in relation to the prosecution of young offenders.

The mediation process

The mediation projects involve different collaborative partners, such as the police, for example, prosecutors, the social services, other local authorities, schools and victim support agencies. Cases are usually forwarded to mediation projects by the police or the social services.

The mediation meeting is normally preceded by one or more preliminary meetings with the victim and the perpetrator by themselves, during which the two parties are prepared for the mediation meeting. At the mediation meeting, the crime is then discussed and the parties are given the opportunity to describe their own version of what happened. The offender, for example, is given the opportunity to explain how the offence came to be committed, what he/she was thinking, and also to offer an apology. The victim is given the opportunity to ask questions of the perpetrator and to describe how he/she has been affected by the crime. The possibility exists for legal guardians or other support persons to be present at both the preliminary meetings and the mediation meeting itself. Certain mediation cases are concluded with an agreement on how the offender may make amends. This may involve some form of economic compensation, compensation in the form of work conducted by the offender, or a contract relating to future behaviour. Of the cases initiated by mediation projects, 74 per cent have been seen through to completion and 40 per cent have been concluded with some form of contractual agreement. The majority of the offenders who have participated in mediation are between fourteen and seventeen years of age. The most common offence types in mediation cases are shoplifting, assault and vandalism. Other common offence types include various categories of theft, threatening behaviour, robberies from shops and muggings. Most commonly, the cases involve an offender who has committed a crime against an individual victim.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning ADR**

See above.

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- Yes
- judges?
 - bailiff practising as private profession ruled by public authorities?
 - bailiff working in a public institution?
 - other enforcement agents?
- Please specify their status:

The enforcement agents in Sweden are not judges or bailiffs. They are employed by the state (the Enforcement Service Authority). They must be Swedish citizens and have at least upper secondary school education. Before starting as an enforcement agent they get both practical and theoretic (principally about laws and rules of insolvency) education. The length of the education is a year. They must be approved before they can enter the profession of enforcement agent.

106. Number of enforcement agents
Sweden, all employed by the State

There are about 1 200 enforcement agents in

Source:

The Enforcement Service Authority

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes No (see answer under 105)

108. Is the profession of enforcement agent organised by?

- Yes
- a national body?
 - a regional body?
 - a local body?

The profession of enforcement agent is organised by a regional body for registration and representation of the profession. Disciplinary procedures is organised at national level.

109. Can users establish easily what the fees of the enforcement agents will be?

Yes No

110. Are enforcement fees:

- Yes
- regulated by law?
 - freely negotiated?

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No
Yes Which authority is responsible for the supervision and the control of enforcement agents:

- Yes
- a professional body?
 - the judge?
 - the Ministry of justice?
 - the prosecutor?

- other?

Please specify:

There are several authorities entrusted with the supervision and the control of enforcement agent. First of all we have the Parliamentary Commissioner for the Judiciary and Civil Administration. Then we have an Attorney-general who can prosecute the agents for example breach of duty.

We have also the national tax board that can decide about disciplinary proceedings (dismissal, reprimand, suspension or deduction from salary). And further, the regional body has an intern check-up system to find mistakes in the hearing of the case.

112. Have quality standards been formulated for enforcement agents?

- No There is no special quality standard formulated for enforcement agents. However, there are both national and regional standards for the quality in the hearing of the case.
- Yes **Who is responsible for formulating these quality standards?**

Source: The Enforcement Service Authority

113. What are the main complaints of users concerning the enforcement procedure:

	Yes	No
▪ no execution at all?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ lack of information?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ excessive length?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ unlawful practices?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ insufficient supervision?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ excessive cost?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ other?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The main complaints from debtors are

- lack of contact with the enforcement agent
- the treatment and
- a feeling that debtors are unjustly treated (specially young debtors 18-24 years old are more negative than older people).

The main complaints from creditors are

- lack of rapidity
- accessibility and
- lack of communication

Source: The Enforcement Service Authority - a report from the National Tax Board (2003:3) (Personalansvarsnämnden).

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

- No
- Yes **Please specify:**

115. Is there a system measuring the timeframes of the enforcement of decisions :

- for civil cases? Yes No

- for administrative cases?

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more: please specify

Yes

Timeframes are regulated by the Swedish Enforcement Code. For some cases the enforcement authority can enforce without notifying the debtors, for example in cases concerning sequestration.

Source: The Enforcement Service Authority

117. Disciplinary proceedings and sanctions against enforcement agents:

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	
	Professional inadequacy	
	Criminal offence	
	Other	
Sanctions	Reprimand	
	Suspension	
	Dismissal	
	Fine	
	Other	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters

There is a committee under the National Tax Board (Personalansvarsnämnden) which decide about disciplinary proceedings and sanctions. The statistics from this committee include both employees from the tax and the enforcement authorities. According to the national Tax board there is one case a year concerning enforcement agents.

VIII. B. Enforcement of decisions in criminal matters

118. Is there a judge who has in charge the enforcement of judgments?

Yes Please specify his/her functions and activities (e.g. Initiative or control functions):

No Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):

The Swedish Prison and Probation Service is responsible for implementing prison sentences and probation, for the supervision of conditionally released persons, to implement sentences regarding community service and to carry out pre-sentence reports in criminal cases. The Prison and Probation Service is also responsible for remand prisons.

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No

Yes Please specify:

Fines decided by a criminal court is part of the study of reoffending made by the Swedish National Council for Crime Prevention published in 2004. The study is based on data from the register of persons convicted of offences for the years 1995-2001.

Fines decided by a criminal court is also part of the reoffending study within the annual report of Criminal statistics, published by the National Council for Crime Prevention, in the series Official Statistics on Sweden (BRÅ rapport 2005:12).

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

IX. Notaries

120. Is the status of notaries:

- a private one?
 - a status of private worker ruled by the public authorities?
 - a public one?
 - other?
- Please specify:

Yes	Number
<input checked="" type="checkbox"/>	167
<input type="checkbox"/>	
<input type="checkbox"/>	

Source: The Ministry of Justice (L6)

121. Do notaries have duties:

- within the framework of civil procedure?
- in the field of legal advice?
- to authenticate legal deeds?
- other?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If yes, please specify:

122. Is there a body entrusted with the supervision and the control of the notaries?

Yes Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

Please specify:

The County Administrative Boards

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system of notaries**

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system: