



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Sweden

National correspondent

First Name - Last Name: **WETTERQVIST Olof**

Job title: **Legal Adviser**

Organisation: **Ministry of Justice**

E-mail: **Olof.wetterqvist@justice.ministry.se**

Phone Number : **46 8 405 13 29**

## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants

9113357

##### 2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

|                         | Amount       |
|-------------------------|--------------|
| State level             | 165988000000 |
| Regional / entity level |              |

##### 3) Per capita GDP (in €)

35417

##### 4) Average gross annual salary (in €)

46948

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

9,0155 SEK

#### Please indicate the sources for the questions 1 to 4

Questions 1-4 Statistics Sweden

(Question 2-4 for 2005)

Question 5: The Swedish Riksbank

(Question 4: The average net annual salary was approximately 21 500 euro.)

Q4 - Q4: As indicated under Q 114 of the questionnaire the employer pay approx 50 % of the gross salary for social expenses and pension schemes directly to the authorities. In the figures of 2004 the social expenses and pension schemes are not included. They are not included in the official statistics of Sweden, but to be able to compare them to the figures in Q 114 (and to countries where you maybe the fee for the pension schemes is not deducted directly from the employer. To compare with 2004 you therefor have to adjust either of the figures.

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

##### 6) Total annual approved budget allocated to all courts (in €)

452000000

**7) Please specify****8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned**

|   |   |           |
|---|---|-----------|
| Annual public budget allocated to (gross) salaries                                      | <input checked="" type="checkbox"/> Yes | 317860130 |
| Annual public budget allocated to computerisation (equipment, investments, maintenance) | <input checked="" type="checkbox"/> Yes |           |
| Annual public budget allocated to justice expenses                                      | <input checked="" type="checkbox"/> Yes |           |
| Annual public budget allocated to court buildings (maintenance, operation costs)        | <input checked="" type="checkbox"/> Yes |           |
| Annual public budget allocated to investments in new (court) buildings                  | <input type="checkbox"/> Yes            |           |
| Annual public budget allocated to training and education                                | <input checked="" type="checkbox"/> Yes | 6705452   |
| Other (please specify):   | <input type="checkbox"/> Yes            |           |

**9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?**

- Yes  
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

Increased from 403 500 000 euro (2002) to 452 000 000 euro (2006).

**10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

- for criminal cases?  
 for other than criminal cases?

If yes, are there exceptions? Please specify:

**11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)**

3500000

**12) Total annual approved budget allocated to the whole justice system (in €)**

3083500000

**13) Total annual approved public budget allocated to legal aid (in €)**

150764128

**14) If possible, please specify**

|        | the annual public budget allocated to legal aid in criminal cases | the annual public budget allocated to legal aid in other court cases |
|--------|---|--|
| Amount | 98341744  | 27153458   |

**15) Is the public budget allocated to legal aid included in the court budget ?**

- Yes
- No

**16) Total annual approved public budget allocated to the public prosecution system (in €)**

134529613

**17) Is the budget allocated to the public prosecution included in the court budget?**

- Yes
- No

**18) Authorities formally responsible for the budget allocated to the courts:**

|                     | budget                              | budget                              | of the budget among the individual courts | budget at a national level          |
|---------------------|-------------------------------------|-------------------------------------|---|-------------------------------------|
| Ministry of Justice | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> |
| Other ministry      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> |
| Parliament          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>                  | <input checked="" type="checkbox"/> |
| Supreme Court       | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>                  | <input type="checkbox"/>            |
| Judicial Council    | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>                  | <input type="checkbox"/>            |
| Courts              | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>                  | <input type="checkbox"/>            |

|                 |                          |                          |                                     |                                     |
|-----------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| Inspection body | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Other           | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

**19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):**

The Ministry of Finance  
 The Swedish National Audit Office  
 The National Courts Administration

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Question 14: The specification only includes the legal aid that covers the lawyers fees. No specification available concerning legal aid covering e.g. remuneration to witnesses for loss of income and travel expenses.

Question 16: 95 660 000 Euro for the Swedish Prosecution Authority and 38 870 000 euro for the Economic crime bureau.

**Please indicate the sources for the questions 6, 7, 13 et 16**

Official budgetary data from the Ministry of Justice

## 2. Access to justice

### 2. 1. Legal aid

#### 2. 1. 1. Principles

**20) Does legal aid concerns:**

|                         | Criminal cases                      | Other than criminal cases           |
|-------------------------|-------------------------------------|-------------------------------------|
| Representation in court | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Legal advice            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Other                   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

**21) If other, please specify (in regards to question 20):**

Journeys and Counsel to the party injured

**22) Does legal aid foresee the covering or the exoneration of court fees?**

- Yes
- No

If yes, please specify:

According to section 19 of the Legal Aid Act, Legal Aid covers various court fees related to the execution of judicial decisions

**23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?**

- Yes
- No

If yes, please specify:

Se answer above, question 22.

**24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:**

|                           | Number |
|---------------------------|--------|
| Total                     | ?      |
| Criminal cases            | ?      |
| Other than criminal cases | 6 664  |

**25) 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

**26) Does your country have an income and asset test for granting legal aid:**

|                                | No | Yes | Amount       |
|--------------------------------|----|-----|--------------|
| for criminal cases?            | X  |     |              |
| for other than criminal cases? |    | X   | 28000 p year |

**27) 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

**28) If yes, is the decision for granting or refusing legal aid taken by:**

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external)?

**29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?**

- Yes
- No

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.

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

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|



|                            |                                     |                          |
|----------------------------|-------------------------------------|--------------------------|
| 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 and the main reforms that have been implemented over the last two years

Question 28: The court decides if the case is initiated at the court. If the case has not yet been initiated at a court the decision is made by The Legal Aid Authority

The Legal Aid Act is currently being evaluated by the National Courts Administration. The results of this evaluation will be presented in september 2008. Among other issues the National Courts Administration will examine how private insurances relate to the Legal Aid system and to what extent privat enterprises should be granted Legal Aid.

**Please indicate the sources for the questions 24 and 26**

Question 26: Section 6 of the Legal Aid act

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

**31) 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 (Please specify the Internet addresses):**

- |  |   |   |
|--|---|---|
| legal texts (e.g. codes, laws, regulations, etc.)? | <input checked="" type="checkbox"/> yes | <a href="http://www.lagrummet.se">www.lagrummet.se</a>  |
| case-law of the higher court/s?                    | <input checked="" type="checkbox"/> yes | <a href="http://www.rattsinfosok.dom.se">www.rattsinfosok.dom.se</a><br>and<br><a href="http://www.hogstodomstolen.se">www.hogstodomstolen.se</a> |
| other documents (for example forms)?               | <input checked="" type="checkbox"/> yes | <a href="http://www.dom.se">www.dom.se</a>  |

**32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?**

Yes

No

If yes, please specify:

**33) Is there a public and free-of-charge specific information system to inform and to help victims of**

**crimes?**

- Yes  
 No

If yes, please specify:

www.brottsoffermyndigheten.se and www.brottsofferportalen.se

**34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

|                              | Information mechanism    | Hearing modalities                  | Procedural rights                   | Other                    |
|------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Victims of rape              | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Victims of terrorism         | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Children/Witnesses/Victims   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Victims of domestic violence | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ethnic minorities            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Disabled persons             | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Juvenile offenders           | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other                        | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/> |

**35) Does your country have a compensation procedure for victims of crimes?**

- Yes  
 No

**36) If yes, does this compensation procedure consist in:**

- a public fund?  
 a court decision?  
 private fund?

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

If the defendant is ordered by the court to pay compensation (damages) to the victim and the defendant lacks assets the victim may be compensated by The Crime Victim Compensation and Support Authority.

**37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?**

- Yes  
 No

If yes, please specify:

**38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?**

- Yes  
 No

If yes, please specify:

When a private claim is based upon an offence subject to public prosecution, the prosecutor, upon request of the aggrieved person, shall also prepare and present the aggrieved person's action in conjunction with the prosecution, provided that no major inconvenience will result and that the claim is not manifestly devoid of merit.

During the inquiry of an offence, if the investigation leader or the prosecutor finds that a private claim may be based upon the offence, he shall, if possible, notify the aggrieved person in sufficient time prior to the institution of the prosecution.

**39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?**

- Yes  
 No

If yes, please specify:

It is possible to request a retrial of a prosecutor's ruling concerning, for example, a discontinued preliminary investigation or a decision not to bring charges. If a request for a retrial is received by a public prosecution office, first of all the prosecutor who made the ruling shall decide whether or not any new circumstances have come to light in the matter. If new circumstances are cited, the prosecutor reconsiders his/her decision. If

not, the case will be reviewed by a Director of Public Prosecution. The decision of the Director of Public Prosecution can be reviewed by Prosecutor-General.

## 2. 2. 2. Confidence of citizens in their justice system

### 40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

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

Financial compensation for a wrongful arrest/wrongful condemnation can be received for suffering, loss of income and expenses. Suffering is normally compensated with approximately 80-110 euro per day, but the amount can - depending on the circumstances in the case - be lower or, in extraordinary cases, much higher. Compensation can be awarded by the Chancellor of Justice or decided court.

Damages for excessive length of proceedings is awarded by national courts and the Chancellor of Justice according to the case-law of the European Court of Human Rights.

### 41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

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

The National Courts Administration

**42) If yes, please specify:**

|                           | Yes (surveys at a regular interval: for example annual) | Yes (incidental surveys)            |
|---------------------------|---|-------------------------------------|
| Surveys at national level | <input type="checkbox"/>                                | <input checked="" type="checkbox"/> |
| Surveys at court level    | <input type="checkbox"/>                                | <input checked="" type="checkbox"/> |

**43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?**

- Yes  
 No

**44) If yes, please specify:**

|   | Time limit to respond (Yes) | Time limit for dealing with the complaint (Yes) |
|---|-----------------------------|---|
| Court concerned                               | <input type="checkbox"/>    | <input type="checkbox"/>                        |
| Higher court                                  | <input type="checkbox"/>    | <input type="checkbox"/>                        |
| Ministry of Justice                           | <input type="checkbox"/>    | <input type="checkbox"/>                        |
| High Council of the Judiciary                 | <input type="checkbox"/>    | <input type="checkbox"/>                        |
| Other external organisations (e.g. Ombudsman) | <input type="checkbox"/>    | <input type="checkbox"/>                        |

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

The Parliamentary Ombudsmen (Riksdagens ombudsmän - JO) and the Chancellor of Justice (Justitiekanslern - JK) exercise control inter alia over the conduct of proceedings before public authorities, including e.g. the police, the prosecutors and the courts. Where appropriate the Ombudsmen and The Chancellor of Justice may criticise e.g. 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. It is also possible to make complaint about the performance or the functioning of a judge directly to the president of the court concerned.

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)**

|  | Total number |
|--|--------------|
| First instance courts of general jurisdiction (legal entities) | 76           |
| Specialised first instance courts (legal entities)             | 11           |
| All the courts (geographic locations)                          | 135          |

**46) 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 (8)

Of the Swedish districts courts, 25 are also land courts, 5 are also environmental courts and 7 are also maritime law courts. Svea Court of Appeal is also the Environmental Court of Appeal.

Three of the Swedish county administrative courts are also migration courts and the Administrative Court of Appeal in Stockholm is also the Migration Court of Appeal.

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

**47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?**

Yes

No

If yes, please specify:

A reduction of the number of administrative courts is probable (Today there are 23 administrative courts.)

**48) Number of first instance courts competent for a case concerning:**

|                                    | Number |
|------------------------------------|--------|
| a debt collection for small claims | 53     |
| a dismissal                        | 53     |
| a robbery                          | 53     |

**Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):**

A claim that concerns less than 2 235 Euro.

**Please indicate the sources for the question 45**

Annual report of the National Courts Administration

### 3. 1. 2. Judges, courts staff

**49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)**

1270

**50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

|                                      | Number |
|--------------------------------------|--------|
| gross figure                         |        |
| if possible, in full time equivalent |        |

**51) Please specify (answer only if the information has changed compared to the previous evaluation round):**

Question 49: Of the professional judges 966 are professional regular judges, the rest are assistant or associate judges (see further information under question 99). Approximately 300 assistant judges that exclusively work with preparing cases for the regular judges are excluded. (This category of judges were included in the figures of the 2004-2006 evaluation).

**52) Number of non-professional judges (including lay judges and excluding juries) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):**

8500

**53) Does your judicial system include trial by jury with the participation of citizens?**

Yes

No

If yes, for which type of case(s)?

Only Press libel/Freedom of speech cases include trial by jury.

**54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**

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

3251

**56) If possible, could you distribute this staff according to the 4 following categories:**

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal  Yes

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  Yes

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)  Yes

technical staff  Yes

**Please indicate the sources for the questions 49, 50, 52, 53 and 55**

The National Courts Administration, Annual report

### 3. 1. 3. Prosecutors

**57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)**

905

**58) Do any other persons have similar duties as public prosecutors?**

Yes

No

If yes, please specify:

Q59: in Sweden the prosecution service is divided into the Swedish Prosecution



Authority and the Economic Crime Bureau (EBM). It seems as if police investigators and auditors employed at the EBM have been included in the figures of 2004 but not in those of 2006. To be comparable the figure of 2006 should be increased from 430 to approximately 630 (which means that the sum is about the same as for 2004).

**59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)**

668

**Please indicate the sources for the questions 57 and 59**

The Swedish Prosecution Authority and the Economic crime bureau

Q59: In Sweden the prosecution service is divided into the Swedish prosecution authority and the Economic Crime bureau. It seems as if policeinvestigators and auditors employed att the Economic Crime Bureau have been included in the figures of 2004 but not of 2006. To be compares the figure of 2006 should be increased to approximately 630 (which means that the sum is about the same as for 2004).

**3. 1. 4. Budget and New technologies**

**60) Who is entrusted with the individual court budget?**

|                                | Preparation of the budget           | Arbitration and allocation of the budget | Day to day management of the budget | Evaluation and control of the use of the budget |
|--------------------------------|-------------------------------------|--|-------------------------------------|---|
| Management Board               | <input type="checkbox"/>            | <input type="checkbox"/>                 | <input type="checkbox"/>            | <input type="checkbox"/>                        |
| Court President                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>             |
| Court administrative director  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>             |
| Head of the court clerk office | <input type="checkbox"/>            | <input type="checkbox"/>                 | <input type="checkbox"/>            | <input type="checkbox"/>                        |
| Other                          | <input type="checkbox"/>            | <input type="checkbox"/>                 | <input type="checkbox"/>            | <input type="checkbox"/>                        |

**61) You can indicate below:**

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

**62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

|                                       | 100% of courts                      | +50% of courts           | -50% of courts           | - 10 % of courts                    |
|---------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| Word processing                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Electronic data base of jurisprudence | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Electronic files                      | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| E-mail                                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
|                                       |                                     |                          |                          |                                     |

|                     |                                     |                          |                          |                          |
|---------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Internet connection | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|

**63) For administration and management, what are the computer facilities used within the courts?**

|                                     | 100% of courts                      | +50% of courts           | -50% of courts           | -10% of courts           |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Case registration system            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Court management information system | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Financial information system        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**64) For the communication between the court and the parties, what are the computer facilities used within the courts?**

|   | 100% of courts           | +50% of courts           | -50% of courts           | -10% of courts                      |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| Electronic web forms                      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Special Website                           | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other electronic communication facilities | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?**

- Yes  
 No

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

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

**Please indicate the sources for the questions 62, 63 and 64**

The Swedish National Courts Administration, 551 81 JÖNKÖPING

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Monitoring and Evaluation

**66) Are the courts required to prepare an annual activity report?**

Yes

No

**67) Do you have a regular monitoring system of court activities concerning the:**

number of incoming cases?

number of decisions?

number of postponed cases?

length of proceedings (timeframes)?

other?

Please specify:

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

**68) Do you have a regular system to evaluate the performance of each court?**

Yes

No

Please specify:

Filed, determined, backlog and age structure

**69) Concerning court activities, have you defined performance indicators?**

Yes

No

**70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.**

- Incoming cases
- Length of proceedings (timeframes)
- Closed cases
- Pending cases and backlogs
- Productivity of judges and court staff
- Percentage of cases that are treated by a single sitting judge
- The enforcement of penal decisions
- Satisfaction of employees of the courts
- Satisfaction of clients (regarding the services delivered by the courts)
- Judicial and organisational quality of the courts
- The costs of the judicial procedures
- Other

Please specify:

**71) Are there performance targets defined for individual judges?**

- Yes
- No

**72) Are there performance targets defined at the level of the courts?**

- Yes
- No

**73) Please specify who is responsible for setting the targets:**

- executive power (for example the Ministry of Justice)
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

Please specify

The government set the general targets for the courts every year. The detailed targets are set after a discussion between the courts presidents and The National Courts administration. The Supreme Court and the Supreme Administrative Court set their own targets.

**74) Please specify the main targets applied:**

Average length of proceedings for different types of cases.

**75) Which authority is responsible for the evaluation of the performances of the courts:**

- the High Council of judiciary
- the Ministry of Justice
- an Inspection authority
- the Supreme Court
- an external audit body
- other?

Other, please specify:

**76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?**

- Yes
- No

If yes, please specify:

**77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?**

- Yes
- No

**78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:**

- civil cases?
- criminal cases?
- administrative cases?

**79) Do you have a way of analysing waiting time during court procedures?**

- Yes
- No

If yes, please specify:

**80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?**

- Yes
- No

Please specify (including an indication of the frequency of the evaluation):

**81) Is there a system for monitoring and evaluating the functioning of the prosecution services?**

- Yes
- No

If yes, please specify:

statistics concerning e.g. number of incoming cases, number of decisions by prosecutor, length of investigations, percentage of cases charged/dropped,

**You can indicate below:**

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

**Please indicate the sources for the the question 70,71, 72 and 76**

70: Ministry of Justice

71, 72 and 76: The Swedish National Courts Administration, 551 81 JÖNKÖPING

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?**

**83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

Yes

No

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

**84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference**

|   | Cases declared inadmissible by the Court | Friendly settlements | Judgements establishing a violation | Judgements establishing a non violation |
|---|--|----------------------|-------------------------------------|---|
| Civil proceedings - Article 6§1 (duration)      | 0  | 1                    | 2                                   | 0                                       |
| Civil proceedings - Article 6§1 (non-execution) | 0  | 0                    | 0                                   | 0                                       |
| Criminal proceedings - Article 6§1 (duration)   | 0  | 12                   | 0                                   | 0                                       |

**Please indicate the sources for the questions 82 and 84**

Question 84: The Ministry of Foreign affairs

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**85) Are there specific procedures for urgent matters as regards:**

civil cases?

criminal cases?

administrative cases?

If yes, please specify:



**86) Are there simplified procedures for:**

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

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

- Yes
- No

If yes, please specify:

E.g. agreements that a civil case should be decided upon by a single judge, timeframes for the parties (lawyers) in civil cases when to submit conclusions and written evidence.

## 4. 2. 2. Penal, civil and administrative law cases

**88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)**

|   | Pending cases on 1 January 2006 | Incoming cases | Decisions | Pending cases on 31 December 2006 |
|---|---------------------------------|----------------|-----------|-----------------------------------|
| Total of civil, commercial and administrative law cases (1-7) | 36 721                          | 64 264         | 65 212    | 35 773                            |

|   |        |         |         |        |
|---|--------|---------|---------|--------|
| 1 Civil (and commercial) litigious cases*     | 16 752 | 32 514  | 31 501  | 17 765 |
| 2 Civil (and commercial) non-litigious cases* | 19 969 | 31 750  | 33 711  | 18 008 |
| 3 Enforcement cases                           |        |         |         |        |
| 4 Land registry cases**                       |        |         |         |        |
| 5 Business register cases**                   |        |         |         |        |
| 6 Administrative law cases                    | 44 231 | 103 784 | 104 647 | 45 094 |
| 7 Other                                       |        |         |         |        |
| Total criminal cases (8+9)                    | 27 391 | 71 426  | 72 604  | 28 569 |
| 8 Criminal cases (severe criminal offences)   |        |         |         |        |
| 9 Misdemeanour cases (minor offences)         |        |         |         |        |

**89) \* The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.**

**\*\* if applicable**

**Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".**

## Explanation

**90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)**

|   | Pending cases on 1 Jan. '06 | Incoming cases | Decisions on the merits | Pending cases on 31 Dec. '06 |
|---|-----------------------------|----------------|-------------------------|------------------------------|
| Total of civil, commercial and administrative law cases (1-7) | 17 309                      | 37 870         |                         | 16 224                       |
| 1 Civil (and commercial) litigious cases*                     | 1 465                       | 2 605          |                         | 1 471                        |
| 2 Civil (and commercial) non-litigious cases*                 |                             |                |                         |                              |
| 3 Enforcement cases   |                             |                |                         |                              |
| 4 Land registry cases**                                       |                             |                |                         |                              |
| 5 Business register cases**                                   |                             |                |                         |                              |
| 6 Administrative law cases                                    | 14 277                      | 24 087         |                         | 13 184                       |
| 7 Other   | 1 567                       | 11 178         |                         | 1 569                        |
| Total criminal cases (8+9)                                    | 3 684                       | 8 767          |                         | 3 603                        |
| 8 Criminal cases (Severe criminal offences)                   |                             |                |                         |                              |
| 9 Misdemeanour cases (minor offences)                         |                             |                |                         |                              |

**91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)**

|   | Pending cases on 1 Jan. '06 | Incoming cases | Decisions on the merits | Pending cases on 31 Dec. '06 |
|---|-----------------------------|----------------|-------------------------|------------------------------|
| Total of civil, commercial and administrative law cases (1-7) | 7 871                       | 11 796         | 10 813                  | 8 854                        |
| 1 Civil (and commercial) litigious cases*                     | 223                         | 558            | 581                     | 200                          |
| 2 Civil (and commercial) non-litigious cases*                 |                             |                |                         |                              |
| 3 Enforcement cases   |                             |                |                         |                              |
| 4 Land registry cases**                                       |                             |                |                         |                              |
| 5 Business register cases**                                   |                             |                |                         |                              |
| 6 Administrative law cases                                    | 6 795                       | 8 071          | 6 967                   | 7 899                        |
| 7 Other   | 853                         | 3 167          | 3 265                   | 755                          |
| Total criminal cases (8+9)                                    | 255                         | 1 524          | 1 583                   | 196                          |
| 8 Criminal cases (Severe criminal offences)                   |                             |                |                         |                              |
| 9 Misdemeanour cases (minor offences)                         |                             |                |                         |                              |

**92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)**

|                            | Pending cases on 1 Jan. '06 | Incoming cases | Decisions | Pending cases on 31 Jan. '06 |
|----------------------------|-----------------------------|----------------|-----------|------------------------------|
| Divorce cases              | 13 002                      | 25 953         | 25 953    | 13 002                       |
| Employment dismissal cases |                             |                |           |                              |
| Robbery cases              |                             |                |           |                              |
| Intentional homicide case  |                             |                |           |                              |

**93) Average length of proceedings (from the date of lodging of court proceedings)**

|                            | % of decisions subject to appeal | % pending cases more than 3 years | 1st instance | 2nd instance | Total procedure |
|----------------------------|----------------------------------|-----------------------------------|--------------|--------------|-----------------|
| Divorce cases              |                                  |                                   | 183 days     |              |                 |
| Employment dismissal cases |                                  |                                   |              |              |                 |
| Robbery cases              |                                  |                                   |              |              |                 |
| Intentional homicide       |                                  |                                   |              |              |                 |

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

If neither of the spouses live together with their own children and they have jointly applied for a divorce, the district court may issue a judgment as soon as possible. If the spouses wish, they can have a period for reconsideration before the judgment is made. The period for reconsideration is always at least six months and at most one year. If the spouses still want to get divorced when the six months have expired, they must give notice of this to the district court (so-called completion). This notification must be received by the district court after the six months have expired. If the notification for completion is not received by the district court within one year, the matter will be written off.

If the spouses have children living at home (their own, the wife's/husband's or common children), or if one of the spouses does not wish to get divorced, it will always be a period for reconsideration.

If the spouses have lived apart for more than two years they can have a divorce directly, even if they have children or if one of the spouses doesn't agree on getting divorced. In that event the husband or wife should enclose a certificate of separate living.

**95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)**

Average length of proceedings in divorce cases calculated from the date when the application of summons is received by the court until the date of the judgment.

**96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):**

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

**97) Does the prosecutor also have a role in civil and/or administrative cases?**

- Yes
- No

If yes, please specify:

In Sweden the public prosecutor's main role is to prosecute criminal cases. But the public prosecutor also has a role in some other cases beyond the criminal law field. For instance, if a victim of a crime wants to bring an action for damages against the defendant, the principal rule is that the prosecutor has to plead the case of the victim in connection with the prosecution. The prosecutor is only qualified to bring the victim's action for damages to the court if it is done in connection with the prosecution. If the court separates the action for damages from the prosecution the prosecutor is no longer qualified to handle the action for damages.

**98) Functions of the public prosecutor in relation to criminal cases – please complete this table:**

|   | Received by the public prosecutor | Discontinued by the public prosecutor because the offender could not be identified | Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | Discontinued by the public prosecutor for reason of opportunity | Concluded by a penalty, imposed or negotiated by the public prosecutor | Charged by the public prosecutor before the courts |
|---|-----------------------------------|--|---|---|--|--|
| Total number of 1st instance criminal cases | 201274                            |  |   |   | 51689  | 189546   |

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

90-91: The figures on civil cases include both litigious and non-litigious cases.

98: In (approx) 140 000 cases the public prosecutors have decided not to initiate investigations or to discontinue investigations. In 29 370 cases the prosecutors have decided not to charge after finishing the investigations.

**Please indicate the sources for the questions 92 to 94 and question 98**

92-94: National Courts Administration

98: Swedish Prosecution Authority and Economic crime bureau

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

#### 5. 1. 1. Recrutement, nomination and promotion

#### 99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

Judges are appointed by the Government under an applications procedure. The system does not apply to the highest judicial offices. Judges are appointed essentially on the basis of ability and suitability for the profession. In making its choices the Government is assisted by a special judicial appointments commission. The commission's main function is to make recommendations to the Government for the filling of appointments.

In Sweden would-be judges usually train specifically for the profession. Persons trained as judges make up the main base for recruitment of professional judges. Such training is however not required. Anyone with a legal qualification, e.g. a prosecutor or a lawyer, may apply for a post as judge.

In order to be accepted for training the prospective trainee must have both a bachelor of laws degree and a qualification as a court clerk, that is to say must have worked for two years as a clerk at a district court or county administrative court. A person accepted for training as a judge is employed as a reporting clerk at a court of appeal, general or administrative, on six months' probation. (The courts of appeal decide themselves who they employ as reporting clerks.) If his or her performance over the probationary period is approved, the trainee is employed as a reporting clerk at the court of appeal on conditional tenure. After at least one year in that capacity, the trainee serves as an assistant judge at a district court or county administrative court for another two years. These assistant judges are judges of the court and deal with business in the same way as the regular judges.

In the final stage of training, the assistant judge returns to the general or administrative court of appeal to serve as a judge for at least a year. Once that period of service has been successfully completed, he or she is designated an associate judge of the ordinary or administrative courts of appeal, and the traineeship ends.

Associate judges who wish to be appointed as regular judges normally work outside the judiciary for a number of years after completing their training, in order to acquire varied experience and to improve their ability to compete for a post as a regular judge.

#### 100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

#### 101) Is the same authority competent for the promotion of judges?

Yes

No

If no, please specify which authority is competent for promoting judges:

See answer under question 99.

**102) Which procedures and criteria are used for promoting judges? (please specify).**

Judges can normally only be promoted by applying for a position as a promoted judge, e.g. president of a district court, when it is vacant. (The promotion is thus decided by the Government upon application.). The commission mentioned under question 99 give a recommendation.

However, the judges of the Supreme Court and the Supreme Administrative court as well as the presidents of the Courts of appeal are appointed by the government without any application from the appointed.

**103) How are prosecutors recruited?**

Through a competitive exam? (for example after a law degree)

A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?

A combination of both

Other

If other, please specify:

To become a prosecutor you must have a Swedish Bachelor of Laws degree and have undergone a Swedish court clerk merit rating.

**104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

an authority composed of prosecutors only?

an authority composed of non-prosecutors only?

an authority composed of prosecutors and non-prosecutors?

**105) Is the same authority formally responsible for the promotion of prosecutors?**

- Yes  
 No

If no, please specify which authority is competent for promoting prosecutors.

\*Specialist prosecutors and head prosecutors are appointed by the authority after a consultative proceeding in a special board.

**106) Which procedures and criteria are used for promoting prosecutors (please specify)**

Promotions are made after an individual reasoning of the qualifications and personal skills of the prosecutors applying for promotion.

**107) Is the mandate given for an undetermined period for judges ?**

- Yes  
 No

Are there exceptions? Please specify:

**108) Is the mandate given for an undetermined period for prosecutors?**

- Yes  
 No

Are there exceptions? Please specify:

**109) If no, what is the length of the mandate?  
Is it renewable?**

for judges

yes, please  
specify the  
length



for prosecutors

yes, please specify the length

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 and the main reforms that have been implemented over the last two years

5. 1. 2. Training

**110) Nature of the training of judges.  
Is it compulsory?**

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

**111) Frequency of the training of judges:**

|   | Annual                   | Regular                             | Occasional                          |
|---|--------------------------|-------------------------------------|-------------------------------------|
| Initial training  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| General in-service training   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| In-service training for specialised judicial functions              | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| In-service training for management functions of the court           | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| In-service training for the use of computer facilities in the court | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**112) Nature of the training of prosecutors.  
Is it compulsory?**

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

**113) Frequency of the training of prosecutors:**

|  | Annual | Regular | Occasional |
|--|--------|---------|------------|
|  |        |         |            |

|  |                                     |                                     |                                     |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| Initial training   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| General in-service training  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Specialised in-service training  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| In-service training for management functions of the prosecution services                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| In-service training for the use of computer facilities in the public prosecution service | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

Initial training, specialised inservice training and In-service training for the use of computer facilities are compulsory.

## 5. 2. Practice of the profession

### 5. 2. 1. Salaries

#### 114) Salaries of judges and prosecutors (complete the table)

|  | Gross annual salary (euro) | Net annual salary (euro) |
|--|----------------------------|--------------------------|
| First instance professional judge at the beginning of his/her career     | 96 500                     | 38 000                   |
| Judge of the Supreme Court or the Highest Appellate Court                | 152 000                    | 53 000                   |
| Public prosecutor at the beginning of his/her career                     | 64 500                     | 29 500                   |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance | 143 500                    | 50 000                   |

#### 115) Do judges and public prosecutors have additional benefits?

|                         | Judges                   | Prosecutors              |
|-------------------------|--------------------------|--------------------------|
| Reduced taxation        | <input type="checkbox"/> | <input type="checkbox"/> |
| Special pension         | <input type="checkbox"/> | <input type="checkbox"/> |
| Housing                 | <input type="checkbox"/> | <input type="checkbox"/> |
| Other financial benefit | <input type="checkbox"/> | <input type="checkbox"/> |

#### 116) If other financial benefit, please specify:

#### 117) Can judges combine their work with any of the following other professions?

|                          | Yes with remuneration               | Yes without remuneration | No                                  |
|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Teaching                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Research and publication | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Arbitrator               | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Consultant               | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Cultural function        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Other function           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            |

**118) If other function, please specify:**

**119) Can prosecutors combine their work with any of the following other professions?**

|                          | Yes with remuneration               | Yes without remuneration | No                                  |
|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Teaching                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Research and publication | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Arbitrator               | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Consultant               | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Cultural function        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Other function           | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            |

**120) If other function, please specify:**

**121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?**

- Yes  
 No

If yes, please specify:

**Please indicate the source for the question 114**

The Swedish Prosecution Authority and the National Courts Administration

### 5. 2. 2. Disciplinary procedures

**122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

The Swedish Prosecution Authority (the Prosecutor-General), the presidents of the courts, the Ombudsmen of Justice and the Chancellor of Justice

**123) Which authority has the disciplinary power on judges and prosecutors? Please specify:**

The National Disciplinary Offence Board

**124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated**

|                                  | Judges | Prosecutors |
|----------------------------------|--------|-------------|
| Total number (1+2+3+4)           | 3      | 0           |
| 1. Breach of professional ethics | 0      | 0           |
| 2. Criminal offence              | 0      | 0           |
| 3. Professional inadequacy       | 3      | 0           |
| 4. Other                         | 0      | 0           |

**125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced**

|  | Judges | Prosecutors |
|--|--------|-------------|
| Total number (total 1 to 9)                          | 3      | 0           |
| 1. Reprimand   | 3      | 0           |
| 2. Suspension  | 0      | 0           |
| 3. Withdrawal of cases                               | 0      | 0           |
| 4. Fine  | 0      | 0           |
| 5. Temporary reduction of salary                     | 0      | 0           |
| 6. Degradation of post                               | 0      | 0           |
| 7. Transfer to another geographical (court) location | 0      | 0           |
| 8. Dismissal   | 0      | 0           |
| 9. Other   | 0      | 0           |

**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 and the main reforms that have been implemented over the last two years

Question 114: The salary of "first instance professional judge" is the salary of a regular permanent (professional) judge (se question 99).

(When calculating the gross annual salary, social expenses and pension schemes are included with 54 % of the sum of the net salary and the taxdeduction. Social expenses and pension schemes were not included in the figures of the 2004-2006 evaluation round.)

## 6. Lawyers

### 6. 1. Statute of the profession

#### 6. 1. 1. Profession

#### 126) Total number of lawyers practising in your country

4427

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

- Yes  
 No

#### 128) Number of legal advisors?

#### 129) Do lawyers have a monopoly of representation:

- Civil cases\*  
 Criminal cases - Defendant\*  
 Criminal cases - Victim\*  
 Administrative cases\*

\* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

There is no monopoly of representation. Members of family, trade unions, NGO:s and others are examples of organisations or persons which may represent a client before a court in civil cases, criminal cases (both defendant and victim) and administrative cases.

#### 130) Is the lawyer profession organised through:

- 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.

**Please indicate the source for the question 126**

The Swedish Bar Association's Annual Report 2006

**6. 1. 2. Training**

**131) Is there a specific initial training and/or examination to enter the profession of lawyer?**

- Yes  
 No

**132) Is there a mandatory general system for lawyers requiring continuing professional training?**

- Yes  
 No

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

- Yes  
 No

If yes, please specify:

**6. 1. 3. Fees**

**134) Can users establish easily what the lawyers' fees will be?**

- Yes  
 No

**135) Are lawyers fees:**

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

**6. 2. Evaluation****6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- Yes
- No

**137) If yes, who is responsible for formulating these quality standards:**

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

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).

**138) Is it possible to complain about :**

- the performance of lawyers?
- the amount of fees?

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. A person who is not satisfied with the fee charged by a member of the Swedish Bar Association may contact the lawyer and discuss the matter. If an agreement on the fee can not be reached, the matter may be settled by legal action in a court of law.

**139) Which authority is responsible for disciplinary procedures:**

- the judge?
- the Ministry of Justice?
- a professional authority or other?

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.

**140) Disciplinary proceedings and sanctions against lawyers:****Disciplinary proceedings initiated**

|               | Breach of professional ethics | Professional inadequacy | Criminal offence | Other |
|---------------|-------------------------------|-------------------------|------------------|-------|
| Annual number |                               |                         |                  |       |

**141) Disciplinary proceedings and sanctions against lawyers:****Sanctions pronounced**

|               | Reprimand | Suspension | Removal | Fine | Other |
|---------------|-----------|------------|---------|------|-------|
| Annual number | 82        | 0          | 1       | 2    |       |

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

126: (as per 31.12.2006) 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.

127: 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.

128: No data available

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

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

135: When legal aid has been granted the normal fee (per hour) is fixed (decided annually). Court appointed public defence counsels, aggrieved party counsels and legal aid counsels are not allowed to demand or receive further remuneration from the clients than the fee decided by the court in accordance with the relevant law

140: The total number of disciplinary matters instigated in 2006 was 516. No detailed data about the different



reasons available.

141: These figures comprises all disciplinary matters of 2006, 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.

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation

**142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:**

|                                | Possibility of private mediation or court annexed mediation | Private mediator                    | Public authority         | Judge                               | Prosecutor               |
|--------------------------------|---|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Civil and commercial cases     | <input checked="" type="checkbox"/>                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Family law cases (ex. Divorce) | <input checked="" type="checkbox"/>                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Administrative cases           | <input type="checkbox"/>                                    | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Employment dismissals          | <input checked="" type="checkbox"/>                         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Criminal cases                 | <input type="checkbox"/>                                    | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

**143) Is there a possibility to receive legal aid for mediation procedures?**

- Yes  
 No

If yes, please specify:

If a party is entitled to legal aid, the remuneration to the mediator is covered by the legal aid.

**144) Can you provide information about the number of accredited mediators?**

- Yes  
 No

If yes, please provide the number of mediators:

**145) Can you provide information about the total number of judicial mediation procedures concerning:**

civil cases?

yes,  
number:

family cases?

yes,  
number:

administrative cases?

yes,  
number:

- employment dismissals?  yes,  
number:
- criminal cases?  yes,  
number:

**Please indicate the source for the question 145**

7. 1. 2. Other forms of alternative dispute resolution

**146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:**

ADR in Sweden

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 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 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. Family counseling is also provided by bodies like church associations.

### 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 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.

#### Disputes between employees and employers

Employers and employees in a contractual relationship who are in dispute with one another must resolve the dispute by means of negotiation or, as a last resort, through proceedings at the Labour Court. There are no alternative dispute resolution mechanisms for legal disputes of this kind. For certain other disputes, however, mediation may be possible. In Sweden there is therefore a National Mediation Office, whose mediation work is governed by statute. The National Mediation Office provides mediators for disputes between employers and employees over negotiations on wages and general terms of employment or for disputes where a company refuses to sign a collective agreement with a professional organisation. The National Mediation Office can appoint mediators at the request of the parties. The National Mediation Office can also appoint mediators even in the absence of such a request, for example if one of the parties has given notice of a conflict and the National Mediation Office considers that mediators can bring about a successful resolution of the dispute. The procedure is free of charge.

#### You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Regarding the Swedish system concerning ADR, see above.

As regards main reforms, it should be mentioned that an Inquiry has been looking into the possibility to increase the use of court-annexed mediation in Sweden. It delivered its report this spring. In the report it is suggested that mediation replaces conciliation as the main method for reaching settlements within court proceedings. How to proceed with the proposals in the report is still under consideration within the Swedish Government Offices.

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

#### 147) Number of enforcement agents

800

#### 148) Are enforcement agents:

- 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 Authority is currently linked to the Swedish Tax Agency for strategic guidance and management in administrative matters. This has been criticized from an impartiality perspective and, by 1 January 2008, the Enforcement Authority will become fully independent from the Tax Agency. However, the two bodies are expected to continue using common resources in the area of IT and other forms of administrative support over a non defined period to come. The answers below are based on the situation as from 1 January 2008.

In the organisation they are both bailiffs and enforcement agents. Most of the field work is carried out by enforcement agents, but the legal quality is ensured by bailiffs. There are approximately 130 bailiffs in the organisation. Just as the enforcement agents, they are employed by the state (the Enforcement Authority). To become a bailiff, you need a law degree, (normally) 2 years court practice and internal training (please see below).

The enforcement agents are not judges or bailiffs. They are employed by the state (the Enforcement Authority). Before starting as an enforcement agent they have to go through both practical (on-the-job) and theoretical training organised by the authority. They must be approved before they can enter the profession of enforcement agent.

#### 149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

#### 150) Is the profession of enforcement agent organised by?

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

#### 151) Can users establish easily what the fees of the enforcement agents will be?

- Yes

No

**152) Are enforcement fees:**

regulated by law?

freely negotiated?

**Please indicate the source for the question 147**

The Enforcement Authority

**8. 1. 2. Supervision**

**153) Is there a body entrusted with the supervision and the control of the enforcement agents?**

Yes

No

**154) Which authority is responsible for the supervision and the control of enforcement agents:**

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 agents. First of all we have the Parliamentary Commissioner (Ombudsman) for the Judiciary and Civil Administration. Furthermore, the Attorney-general can prosecute the agents e.g. for breach of duty. Requests for damages based on mistakes committed by civil servants are dealt with by the Chancellor of Justice, a high Government official.

Within the Enforcement Authority, there is also a board composed of representatives of the employer as well as the employees' organisations (trade unions), that can decide about disciplinary proceedings (dismissal, reprimand, suspension or deduction from salary). And further, there is an internal follow-up system to find mistakes in the hearing of the case.

**155) Have quality standards been formulated for enforcement agents?**

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

**156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?**

- Yes  
 No

If yes, please specify:

**Please indicate the sources for the questions 155 and 156**

The Enforcement Authority

### 8. 1. 3. Complaints and sanctions

**157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)**

- no execution at all?  
 non execution of court decisions against public authorities?  
 lack of information?  
 excessive length?  
 unlawful practices?  
 insufficient supervision?  
 excessive cost?  
 other?

Please specify:

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: Debtors', creditors' and the general public's attitude towards the Enforcement Authority - a report from the National Tax Board (2003: 3).

**158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

Yes

No

If yes, please specify:

**159) Is there a system measuring the timeframes of the enforcement of decisions:**

for civil cases?

for administrative cases?

**160) 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:

**161) Disciplinary proceedings initiated against enforcement agents:**

Breach of professional ethics

yes,  
number:

Professional inadequacy

yes,  
number:

Criminal offence

|       |   |   |
|-------|---|---|
|       | <input checked="" type="checkbox"/> yes,<br>number: | 1 |
| Other | <input checked="" type="checkbox"/> yes,<br>number: | 1 |

**162) Sanctions pronounced against enforcement agents:**

|            |   |   |
|------------|---|---|
| Reprimand  | <input checked="" type="checkbox"/> yes,<br>number: | 1 |
| Suspension | <input type="checkbox"/> yes,<br>number:            |   |
| Dismissal  | <input type="checkbox"/> yes,<br>number:            |   |
| Fine       | <input type="checkbox"/> yes,<br>number:            |   |
| Other      | <input checked="" type="checkbox"/> yes,<br>number: | 1 |

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

As already indicated (please see answer to Q. 154), there is a board within the Enforcement Authority (Personalansvarsnämnden) that decides about disciplinary proceedings and sanctions for its employees.

**Please indicate the sources for the questions 157 and 160**

The Enforcement Authority

**8. 2. Execution of decisions in criminal matters****8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

- Yes  
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If 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 supervision of conditionally released persons, to implement sentences regarding community service and to carry out pre-sentenced reports in criminal cases. The Swedish Prison and Probation Service is also responsible for remand prisons.

**164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

Yes

No

If yes, please specify:

Fines decided by a criminal court are part of the reoffending study within the annual report of Criminal statistics, published by the national council for Crime Prevention, in the series of Official statistic on Sweden (BRÅ rapport 2007:20).

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functioning

**165) Do you have notaries in your country? If no, go to question 170.**

- Yes  
 No

**166) Is the status of notaries:**

- |   |   |
|---|---|
| a private one (without control from public authorities)?    | <input type="checkbox"/> yes,<br>number:                |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> yes,<br>number:                |
| a public one?   | <input type="checkbox"/> yes,<br>number:                |
| other?  | <input type="checkbox"/> yes,<br>number and<br>specify: |

**167) Do notaries have duties:**

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

Please specify:

**Please indicate the source for the question 166**

#### 9. 1. 2. Supervision

**168) Is there an authority entrusted with the supervision and the control of the notaries?**

- Yes

No

**169) 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?

Please specify:

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

## 10. Functioning of justice

### 10. 1. Foreseen reforms

#### 10. 1. 1. Reforms

**170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.**

On the 1st of November 2008 a number of amendments of the Code of Judicial Procedure, in order to modernise the process of the general courts, will come into force.

One amendment concerns the use of videoconference. Parties, persons who are summoned to give evidence and others can take part in the proceedings by videoconference instead of appearing in the courtroom. When deciding if a person can appear in court via videoconference the court should consider the cost or inconvenience that would otherwise arise and whether the person is afraid to appear in person. A condition for using videoconference is that it is not deemed inappropriate.

Another amendment is that testimony in the district court will be recorded by video technology. This will enable the Court of Appeals deliberations to be limited to the facts that were known to the court of first instance. Thus, the videotaped statements of witnesses in the court of first instance will be used in the Court of Appeal.

The use of video technology will reduce the risk of having to adjourn court proceedings due to witnesses and parties failure to appear in court. It will also make it easier to plan and hold trials and other hearings, which will result in a speedier trial.

Furthermore the courts will be permitted to reject evidence when, despite all reasonable efforts, it proves impossible to take the evidence and the judgement of the court must not be further delayed. Testimony by a witness can for example be rejected if the court cannot locate the witness.

Main hearings will continue to be the normal procedure in criminal cases. There will, however, be possible for the district courts to decide in criminal cases without holding a main hearing when there is no reason to impose another sanction than a fine, unless a main hearing is demanded by a party or if such a hearing is necessary for the sake of the judicial inquiry.