



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: Sweden**National correspondent**

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2011)

9 415 570

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	189 210 838 000
Regional / federal entity level (total for all regions / federal entities)	NAP

3) Per capita GDP (in €)

39 408

4) Average gross annual salary (in €)

38 078

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

8,95

A.1

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Source is Statistics Sweden.

Q2 : In 2008 the exchange course for 1 Euro was 10,8405 Swedish crowns and in 2010 it was 8,95 Swedish crowns. This explains the increase of the total annual public expenditure by 29.6%. If we instead calculate the expenditure in Swedish crowns there is an increase by 6,97 %.

Q3 : In 2008 the exchange course for 1 Euro was 10,8405 Swedish crowns and in 2010 it was 8,95 Swedish crowns. This explains the increase of the total annual public expenditure by 24,3%. If we instead calculate the GDP per capita in Swedish crowns there is an increase by 2,59 %.

Q4 : In 2008 the exchange course for 1 Euro was 10,8405 Swedish crowns and in 2010 it was 8,95 Swedish crowns. This explains the increase of the average annual salary by 26,93%. If we instead calculate the annual salary in Swedish crowns there is an increase by 4,80 %.

Q4 is net annual salary including taxes but excluding social expenses.

1. 2. Budgetary data concerning judicial system

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

6) Annual approved public budget allocated to the functioning of all courts, in €(if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	557 260 358
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	394 206 713
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	13 108 158
3. Annual public budget allocated to justice		

expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.		NA
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	78 077 930
5. Annual public budget allocated to investments in new (court) buildings		NA
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	6 873 752
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	70 688 129

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

Public Prosecution offices not included.

8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

A person who qualify for legal aid does not pay the application fee.

9) Annual income of court taxes or fees received by the State (in €)

4 469 274

10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA 4 064 159 050

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	NAP
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	No
Refugees and asylum seekers services	No
Other	Yes

Comment :

- The Swedish Police
- The Swedish Security Service
- The Swedish Economic Crime Authority
- The Swedish National Council for Crime Prevention
- The National Board of Forensic Medicine
- The Swedish Gene Technology Advisory Board
- The Crime Victim Compensation and Support Authority
- The Swedish Commission on Security and Integrity Protection
- Economic compensation for damages suffered due to crime

- Economic costs for certain claim settlements
- Economic contributions to local crime prevention

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	195683782	NA	NA

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.

Amount 127 316 425

Comment :

The amount is included in the amount in question 10.

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	No	Yes
Other ministry	Yes	No	No	Yes
Parliament	No	Yes	No	Yes
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	Yes
Other	No	No	Yes	Yes

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Ministry of Finance
Swedish National Audit Office
National Courts Administration

A.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

Q6 : Due to differences in nomenclature within different audit systems there is an inherent problem in comparing numbers. As a result, the figures presented in question 6 should be used with prudence. The figures are not approved budget but executed expenses.

However, we have to correct our previously given answer to this question. Instead of 7 413 834 Euros in 2010 and 10 305 719 Euros in 2008, this should be 13 108 158 Euros in 2010 and 11 184 429 Euros in 2008.

With these new figures there was an increase since 2008 by 17,20 %. If we calculate this change in Swedish crowns it would actually be a decrease by 3,24 %.

Q6#2#5 : In 2008 the exchange course for 1 Euro was 10,8405 Swedish crowns and in 2010 it was 8,95 Swedish crowns. This may explain the increase of the annual approved budget of the courts allocated to court buildings by 33,71 %. If we instead calculate the budget of the courts allocated to court buildings in Swedish crowns there is an increase by 10,45 %.

Q9 : In 2008 the exchange course for 1 Euro was 10,8405 Swedish crowns and in 2010 it was 8,95 Swedish crowns. This may explain the increase of the annual income of taxes or fees received by the State by 25,31 %. If we instead calculate the annual income of taxes or fees received by the State in Swedish crowns there is an increase by 11,56 %.

Q10 : The annual approved public budget allocated to the whole justice system increased from 31 380 237 000 SEK (approximately 3 558 414 827 euro) in 2008 to 35 840 193 000 SEK (approximately 4 064 159 050 euro) in 2010 (an increase of about 14 percent). The increase was a result of the government's economic investments in the judiciary. The investments has been undertaken to, inter alia, increase the number of police officers, to safeguard effective public prosecution services, to safeguard the quality of the judiciary, to safeguard effective prison and probation systems and to strengthen the victim perspective throughout the justice system.

Question 12 : The amount is included in the amount in question 10.

The annual approved public budget allocated to legal aid increased from 1 225 657 000 SEK (approximately 138 985 439 euro) in 2008 to 1 725 657 000 SEK (approximately 195 683 782 euro) in 2010. The increase was a result of, inter alia, the increase in number of received and pending criminal cases in which a public defender was appointed, and the complexity of these cases.

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

Question 6 and 9: economic data at the Swedish National Courts Administration.

Official budgetary data from the ministry of Justice (questions 10-15)

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

According to section 19 of the Legal Aid Act, the person who is granted legal aid does not have to pay court fees such as fee for application or proclamation.

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

If yes, please specify:

According to section 19 of the Legal Aid Act, the individual with legal aid does not have to pay an application fee to the Swedish Enforcement Authority.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

In criminal cases legal aid can be granted for travel expenses and subsistence for the accused person. He or she can also be granted legal aid for expenses for witnesses who are not called by the prosecutor.

In other than criminal cases the individual granted legal aid can have expenses covered for traveling and subsistence, evidence in court, investigation costs to a certain amount (approximately 100 EUR) and for costs for a mediator appointed by the court.

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

If a suspect under arrest or detained so requests, a public defence counsel shall be appointed for him. A public defence counsel shall also be appointed upon request for a person who is suspected of an offence in respect of which a less severe sentence than six months imprisonment is not prescribed. A public defence counsel shall also be appointed if a defence counsel is needed by the suspect in connection with the inquiry into the offence, if a defence counsel is needed in view of doubt concerning choice of sanction and there is reason to impose a sentence other than a fine or conditional sentence or such sanctions linked together, or if there are otherwise special reasons relating to the personal circumstances of the suspect or the subject of the case.

In certain cases, counsel for the aggrieved person can be appointed. Such counsel shall be appointed when there is a preliminary investigation concerning sexual crimes, if it is not obvious that there is no need for a counsel, - concerning crimes against life and health or liberty and peace, if the sentence can be imprisonment, or robbery if it with regard to the aggrieved persons relation to the suspect or other circumstances can be assumed that the person needs such counsel. A counsel can also be appointed when the investigation concerns other crimes that can lead to imprisonment, and it, with regard to the aggrieved persons personal or other circumstances can be assumed that the aggrieved person is in a specially strong need for such a counsel.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes

No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NA
for other than criminal cases?	27 000 EUR	NA

Comment :

The amount applies to the total of the applicants economic conditions. The income and asset evaluation figure is regulated in section 6 in The Swedish Legal Aid Act.

The change of the figure since the previous evaluation is due to currency fluctuations.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

If yes, please explain the exact criteria for denying legal aid:

Legal aid can be granted only if it is reasonable with regard to the kind and importance of the matter, the value of the matter and other circumstances that the state contributes to the costs.

25) Is the decision to grant or refuse legal aid taken by :

the court?

an authority external to the court?

a mixed decision-making authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings? Yes No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

The benefits according to the Swedish Legal Aid Act are subsidiary to the private insurance system. The vast majority of residents have a home insurance which cover legal assistance. An individual who owns an insurance which cover legal expenses shall always use the insurance. If the individual does not have such an insurance but he or she should have had one with regard to his or her insurance coverage in general or economic and personal conditions, legal aid can be granted only if there are special reasons with regard to the kind and importance of the matter for the claimant.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1**You can indicate below:****- any useful comments for interpreting the data mentioned in this chapter****- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years**

Question 22: Only an advocate, who is considered suitable for the assignment, shall be appointed as public defence counsel. For special reason, another suitable person whose qualifications make him eligible for appointment as a judge may be appointed public defence counsel. The court should seek to engage advocates who regularly function as attorneys before the court.

When the suspect proposes as his public defence counsel a person competent to serve in that capacity, that person shall be appointed, unless special circumstances indicate that the appointment should not be made.

Since January 2010 the suspect can have a public defence counsel appointed even if the engagement would substantially increase the costs due to the fact that the counsel operates far from the city where the court is situated. If that is the case the increased costs will be covered by the state only if there are special reasons. A special reason can be that the suspect is accused of a serious crime. If the state does not cover the costs the suspect can chose the counsel anyway and bare the exceeded costs him or herself. The suspect can ask the court for a decision in advance if the exceeded costs will be borne by the state.

The conditions are the same concerning the aggrieved persons right to choose a lawyer, with the exception that an associate at a law firm or someone else who is suitable for the matter can be appointed.

Question 23: There is no income and asset evaluation for granting legal aid in criminal cases. However, in both criminal (if the accused is convicted) and other cases, the main rule is that some part of the legal aid has to be repaid to the state. The size of the repayment is due to income and asset evaluation.

Question 25: If the case, in other than criminal cases, has not yet been initiated at a court the decision is made by the Legal Aid Authority. Otherwise, the decision is made by the court.

Please indicate the sources for answering the questions 20 and 23

Question 23: se comment above.

2. 2. Users of the courts and victims**2. 2. 1. Rights of the users and victims****28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in

the "comment" box below what documents and information the addresses for "other documents" include:

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes <http://www.lagrummet.se/>
- case-law of the higher court/s? Internet address(es): Yes <http://www.lagrummet.se/>
- other documents (e.g. downloadable forms, online registration)? Yes <http://www.domstol.se/Ladda-ner--bestall/Blanketter/>

Comment :

This page includes for instance form for joint application for divorce, joint application for dissolution of registered partnership, application of the Legal Aid and forms for application for summons.

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No

If yes, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
 No

If yes, please specify:

www.brottsoffermyndigheten.se

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	No	Yes	No
Victims of terrorism	No	Yes	No
Children (witnesses or victims)	No	Yes	No
Victims of domestic violence	No	Yes	No
Ethnic minorities	No	Yes	No
Disabled persons	No	Yes	No
Juvenile offenders	No	Yes	No
Other (e.g. victims of human trafficking)	No	Yes	No

Comment :

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

The compensation is not dependent on specific type of crime.

33) If yes, does this compensation consist in:

- a public fund?
- damages to be paid by the responsible person (decided by a court decision)?
- a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
- No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

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 or she shall if possible, notify the aggrieved person in sufficient time prior to the institution of the prosecution.

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
- No

If yes, please specify:

Comment Q35- 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 or she shall if possible, notify the aggrieved person in sufficient time prior to the institution of the prosecution.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- Yes
- No
- NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, 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/hers decision. If not, the case will be reviewed by the Director of Public Prosecution. The decision of the Director of Public Prosecution can in its turn be reviewed by the Prosecutor-General.

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

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

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

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

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 € per day, but the amount can - depending on the circumstances in the case - be lower or (in some extraordinary cases) much higher. Compensation can be awarded by the Chancellor of Justice or decided by court.

Damages for excessive length of proceedings is awarded according to the case-law of the European Court of Human Rights.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (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 the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

Every five years the Swedish Courts Administration carries out nationwide surveys on confidence among users.

Every two years the Swedish Courts Administration carries out studies on the work situation among court employees.

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	Yes
Surveys at court level	No	Yes

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the treatment of a case by a judge or the duration of a proceeding)?

- Yes
 No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	No	No
Higher court	No	No	No
Ministry of Justice	No	No	No
High Council of the Judiciary	No	No	No
Other external bodies (e.g. Ombudsman)	No	No	No

Comment :

Measures to prevent delays

An application for a Declaration of Priority can be made in all types of cases in court. If the handling of the case in question has been unreasonably delayed the chief judge shall declare the case to have priority. When deciding whether the handling of the case has been unreasonably delayed the chief judge shall especially consider the complexity of the case, how the parties

have been acting during the process, how the court has handled the case and the importance of the matter for the applicant.

Certain specific remedies

Specifically with respect to the conduct of proceedings before the court, chapter 49, section 7 of the Swedish code of judicial procedure provides that a party who is of the opinion that the processing of the case has been unnecessarily delayed by decision of a district court may file an interlocutory appeal against the decision. If the court of appeal finds that the appeal is meritorious it may quash the disputed decision.

Where criminal proceedings have exceeded a reasonable time, this may cause the sentence imposed to be more lenient. Thus, chapter 29 section 5 and chapter 30 section 4 of the Swedish penal code provides that courts in criminal cases shall, both in its choice of sanction and in its determination of the appropriate punishment, take into account whether an unusually long time has elapsed since the commission of the offence. Similarly, in tax cases, the Tax Authority and the administrative courts may reduce or remit a tax surcharge when the taxpayer has not had his or her case determined within a reasonable time (chapter 5, section 14.3 of the taxation act).

Supervisory remedies

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

Court presidents and other senior judges responsible for divisions or sections within a court are responsible for ensuring that cases are determined within a reasonable time. The manner in which they exercise this control function is regularly reviewed by the Parliamentary Ombudsmen.

A public official who intentionally or through carelessness disregards the duties of his office, e.g. by omitting to render a decision in a matter that is pending before him, may be held criminally or administratively responsible and subjected to criminal or disciplinary sanctions (chapter 20, section 1 of the Swedish penal code and section 14 of the Public Employment Act).

Compensatory remedy

An individual may be entitled to compensation for loss, injury or damage caused by the excessive length of proceedings. Pursuant to chapter 3 section 2 of the 1972 Tort Liability Act the state shall be held liable to pay compensation for personal injury, loss of or damage to property and financial loss where such loss, injury or damage has been caused by a wrongful act or omission done in the course of, or in connection with, the exercise of public authority in carrying out functions for the performance of which the state is responsible.

On the basis of rather recent developments in the case-law of the Swedish Supreme Court, it must be concluded that Swedish law provides a remedy in the form of compensation for pecuniary and non-pecuniary damage in respect of any violation of the European Convention on Human Rights, including violations on account of excessive length of all types of proceedings under Article 6 § 1 of the Convention.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	60
42.2 First instance specialised Courts (legal entities)	12
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	95

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	12
Commercial courts	NA
Labour courts	1
Family courts	NAP
Rent and tenancies courts	8
Enforcement of criminal sanctions courts	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	3

Comment :

44) Is there a foreseen change in the structure of courts [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:

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	48
a dismissal	48
a robbery	48

Please give the definition for small claims and indicate the monetary value of a small claim:

Small claims are disputes where the value of the claim is less than one-half times the basic amount. The base amount is approximately 4730 EURO.

Please indicate the sources for answering questions 42, 43 and 45:

The Swedish National Courts Administration.

Q 42 : The explanation to the decrease of number of first instance courts of general jurisdiction is that we had a reform during this period where we merged the administrative courts of first instance from 23 to 12 and some of the general courts of first instance where merged in to others. The numbers are correct.

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1081	606	475
1. Number of first instance professional judges	734	428	306
2. Number of second instance (court of appeal) professional judges	308	159	149
3. Number of supreme court professional judges	39	19	20

Comment :

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	73	55	18
1. Number of first instance court presidents	62	45	17
2. Number of second instance (court of appeal) court presidents	9	9	NA
3. Number of supreme court presidents	2	1	1

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure Yes 211
 If possible, in full-time equivalent Yes 46

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure Yes 8 000

50) 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.

51) Number of citizens who were involved in such juries for the year of reference:

33

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)		NA
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal		NAP
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	2800
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input checked="" type="checkbox"/> Yes	1179
4. Technical staff		NA
5. Other non-judge staff		NA

Comment :

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

NAP

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

- Yes
 No

If yes, please specify:

Most courts have delegated for example cleaning services, some training of staff, archives relocation, security check in the courts and security services to private providers.

C.1

You can indicate below:

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

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	1 001	384	617
1. Number of prosecutors at first instance level	NAP	NAP	NAP
2. Number of prosecutors at second instance (court of appeal) level	NAP	NAP	NAP
3. Number of prosecutors at supreme court level	10	6	4

Comment :

Cases in first and second instance are handled by the same prosecutors.

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	39	22	17
1. Number of heads of prosecution offices at first instance level	NAP	NAP	NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	NAP	NAP	NAP
3. Number of heads of prosecution offices at supreme court level	3	2	1

Comment :

No distinction is made between first and second instance prosecution offices. Cases in first and second instance are handled by the same prosecutors.

57) Do other persons have similar duties to public prosecutors?

Yes

No

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

Yes

No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for

permanent posts actually filled).

Number

Yes

607

C.2

You can indicate below:

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

The answers to questions 55-60 include prosecutors at the Swedish Prosecution Authority as well as the Swedish Economic Crime Authority.

Please indicate the sources for answering questions 55, 56 and 60

The HR departments within the Swedish Prosecution Authority and the Swedish Economic Crime Authority.

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

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

Comment :

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

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	0 % of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	100% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

Electronic web forms	0 % of courts
Website	100% of courts
Follow-up of cases online	0 % of courts
Electronic registers	+50% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt	0 % of courts

recovery	
Electronic submission of claims	0 % of courts
Videoconferencing	100% of courts
Other electronic communication facilities	+50% of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	Yes	Yes	Yes

Comment :

The legal framework concerning the use of videoconferencing is documented in the code of judicial procedure and in the administrative court procedure act. The court decides if videoconferencing is to be used, weighing the importance of having a person present in the court against the reasons for the person participating via video. In deciding whether a hearing should be held in person or by videoconference the courts the wishes of the parties of the case are taken into special account. Concerning the hearing the rules are the same that apply to a hearing of a person present in the court. The use of videoconferencing is fairly new to Sweden, becoming an instrument through a larger legal reform that took place in november 2008. The reform was preceded by a trial period from january 2000 to may 2002. In the three years that have passed since the reform the use of videoconferencing has been on a steady increase.

C.3

You can indicate below:

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

62 Electronic database of case-law:

All courts have access to various databases managed by commercial actors. Beside the commercial actors the Swedish national courts administration has recently developed a knowledge management system that can be used by the courts. The knowledge management system is currently in use at a small number of courts, the aim however is to achieve a general adoption of the system in the courts.

64

Electronic registers:

There are a number of different systems used by the courts, none of which are maintained by the national courts administration.

Other electronic communication facilities:

- An increasing number of courts are using a service for sending text messages to cell phones. The number of courts using this service is presumed to rise.
- In criminal cases the judgement is transferred electronically to the police authority, which is administering the criminal records and to the Swedish national council for crime prevention.
- The prosecution office is notified when judgements become legally binding.
- The courts have access to the national database of adresses managed by the national tax agency.

3. 2. Performance and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

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

The Swedish National Courts Administration, SE-551 81 Jönköping, SWEDEN

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

number of incoming cases?

number of decisions delivered?

number of postponed cases?

length of proceedings (timeframes)?

other?

If other, please specify:

Statistics concerning review permits in a superior court (this is often required when you appeal to a superior court)

- Number of incoming cases where there is a demand for a review permit
- Number of cases that receives a review permit
- Time to examine if a review permit will be given

Statistics concerning hearings

- Number and duration of hearings in a case
- Number of cancelled hearings in a case

Statistics concerning parties

- Number and type of parties in a case (defendants, witnesses, parties injured, plaintiffs)
- Number of detained persons (in custody) in a criminal case
- Number of cases including minor offenders (< 18 years old)

Statistics concerning various types of decisions

- Number of times a judicial decision is changed in a superior court

Statistics concerning unit within court used to handle the case

Statistics concerning number of judges used to handle the case

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

Yes

No

Please specify:

Number of filed and determined cases, backlog and age structure of cases.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

Yes

No

71) Please select the 4 main performance and quality indicators that have been defined:

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
- No

73) Who is responsible for setting the targets for each judge?

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

If other, please specify:

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
- No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- other

If other, please specify:

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

76) Please specify the main targets applied to the courts:

Average length of proceedings for different types of cases.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary

- Ministry of justice
 inspection authority
 Supreme Court
 external audit body
 other

If other, please specify:

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
 No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
 No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

- in civil law cases
 in criminal law cases
 in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
 No

If yes, please specify:

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
 No

Please specify the frequency of the evaluation:

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

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

C.4

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your court monitoring and evaluation systems

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

NA

85) 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):

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

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

Please indicate the sources:

Swedish National Courts Administration

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

there is no specific procedure

If yes, please specify:

Accelerated procedures exist in civil cases as well as in criminal and administrative cases. For example, procedures of urgency can be used in administrative cases concerning the right to control and care for a child, in criminal cases when the defendant is under arrest or in detention and in civil cases when it is reasonable to suspect that the opposing party will evade payment of the debt.

88) Are there simplified procedures for:

civil cases (small disputes)?

criminal cases (small offences)?

administrative cases?

there is no simplified procedure

If yes, please specify:

In civil cases amenable to out of court settlement, the district court shall consist of a single legally qualified judge, if the value of the claim obviously does not exceed half of the base amount according to the National Insurance Act. In 2010, half of the base amount was about 2343 €. In such small claims cases, the right to compensation for litigation costs is limited.

In criminal cases, simplified procedures can be used, inter alia in the following cases:

1. Summary penalty order: in the case of less serious crimes, the prosecutor may decide on a so-called summary penalty order instead of prosecuting. This means that the prosecutor, without a trial, decides that the suspect should pay a fine. A precondition for this is that the person suspected of the offence has confessed to it. Summary penalty orders are common in the case of traffic offences, e.g. speeding.
2. Judgment in simplified form: if the defendant has admitted the act and a penalty other than imprisonment, or closed juvenile care or of imprisonment for a term of no more than six months is imposed, the judgment may be rendered in simplified form. A judgment by an appellate court confirming the judgment of a lower court may also be rendered in simplified form (chapter 30, section 6 of the Swedish code of judicial procedure).
3. Without oral hearing: As a main rule, a criminal case shall be adjudicated after a main (oral) hearing. However, if there is no grounds to improve a criminal sanction other than a fine, if neither of the parties have asked for an oral hearing and if the matter can be satisfactorily investigated, the case may be adjudicated without a main hearing (chapter 45 section 10 a of the Swedish code of judicial procedure).

89) Do courts and lawyers have the possibility to conclude agreements on arrangements 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:

For example 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. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	79 621	196 544	183 343	92 822
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see	30 539	63 428	62 095	31 872

category 6)*				
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	9 303	22 373	22 704	8 972
3. Enforcement cases	NAP	NAP	NAP	NAP
4. Land registry cases**	NAP	NAP	NAP	NAP
5. Business register cases**	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	37 146	107 654	95 262	49 538
7. Other cases (e.g. insolvency registry cases)	2 633	3 089	3 282	2 440

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

Joint petitions for divorce and custody of children.

93) If "other cases", please indicate the case categories included:

Property cases and environmental cases.

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	31 892	92 431	90 768	33 555
8. Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9. Misdemeanour and / or minor offences cases	NAP	NAP	NAP	NAP

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

On Enforcement cases, we wish to change "NAP" to "NA" because these cases are included in civil case but cannot be presented separately.

Land registry cases and Business register cases are not handled at courts in Sweden. . That is the reason why we put "NAP" on these cases.

In Sweden, there is no separation of criminal cases by severity like separating severe criminal offences cases and minor criminal offences cases. That is the reason why we put "NAP" on severe criminal offences cases and on misdemeanour/minor criminal cases.

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	13 345	35 993	38 239	11 099
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	900	2 951	2 950	901
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NAP	NAP	NAP	NAP
3. Enforcement cases	NAP	NAP	NAP	NAP
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	10 832	21 138	23 383	8 587
7. Other cases (e.g. insolvency registry cases)	1 613	11 904	11 906	1 611

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	3 169	9 374	9 451	3 092
8. Criminal cases (Severe criminal offences)	NAP	NAP	NAP	NAP
9. Misdemeanour and/or minor offences cases	NAP	NAP	NAP	NAP

Comment :

The category "Other" include environmental and property cases as well as other cases. In our evaluation for 2008 we did not include other cases.

The administrative law cases are handled by the administrative courts of appeal.

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	4 155	11 965	12 635	3 485
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	168	308	327	149
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NAP	NAP	NAP	NAP
3. Enforcement cases	NAP	NAP	NAP	NAP

4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	3 035	7 713	8 316	2 432
7. Other cases (e.g. insolvency registry cases)	952	3 944	3 992	904

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	295	1 757	1 788	264
8. Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9. Misdemeanour cases (minor offences)	NAP	NAP	NAP	NAP

Comment :

Administrative law cases are handled by the Supreme Administrative Court, while all the other cases in the table are dealt with by the Supreme Court.

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	5 045	8 812	8 214	5 643
Employment dismissal cases	NA	NA	NA	NA
Robbery cases	NAP	NAP	NAP	NAP
Intentional homicide	NAP	NAP	NAP	NAP

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NAP	0	228	NAP	NAP	NA
Employment dismissal cases	NA	NA	NA	NA	NAP	NA
Robbery cases	NAP	NAP	NAP	NAP	NAP	NAP
Intentional homicide	NAP	NAP	NAP	NAP	NAP	NAP

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

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 agree to get divorced, there will always be a period of 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.

104) 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 is calculated from the date when the application of summons is received by the court until the date of the judgment.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- 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 enforcement procedure
- to discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

It is not compulsory for the prosecutor to propose a sentence to the judge but none the less this is often done by the prosecutor.

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

- Yes
 No

If yes, please specify:

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	658 330	238 317	100 077	215 934

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	238 317
1. Discontinued by the public prosecutor because the offender could not be identified	NA
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	30 524
3. Discontinued by the public prosecutor for reasons of opportunity	46 801

109) Do the figures include traffic offence cases?

Yes

No

D.2

You can indicate below:

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

Q91#4#1 : The number of incoming cases to first instance courts has generally increased.

Q97#1#1 : The category "Other cases" include environmental and property cases as well as other cases. In our evaluation for 2008 we did not include other cases. That may explain this.

Q99#1#1 : The Supreme administrative court has these last years worked very hard to decrease their backlog.

Q99 "4#1 : The Supreme administrative court has these last years worked very hard to decrease their backlog.

Q100#1#1 : The Supreme court has during these last few years primarily worked on cases that has received a review permit, that may explain this increase on pending criminal cases.

Q107- in the 2008 evaluation grid the number 52 508 consists of the number of cases concluded by a penalty (a fine or a conditional sentence) imposed by a public prosecutor. The question 100 in the 2008 evaluation grid did not ask for any other measures besides penalties that could be imposed by the public prosecutor.

In the 2010 the number of cases concluded by a penalty or a measure imposed by the public prosecutor was higher (100 077)(NB. 100 109 is faulty) as it not only included the above mentioned penalties (51 913) but also another measure which allows the prosecutor under certain circumstances to omit to charge the suspect before the court. The measure is not a penalty but it will show in the criminal records (in Swedish: åtalsunderlåtelse). There were 48 164 such cases in 2010.

Q107 and Q108 include relevant data from both the Swedish Prosecution Authority and the Swedish Economic Crime Authority.

Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Question 91,94,97-102: data from the statistics system at National Courts administration.

The data has been provided by the Statistics department at the Swedish Prosecution Authority and include data from the Swedish Economic Crime Authority.

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

Judges are appointed by the Government under an applications procedure. The applications procedure does not apply to the highest offices. Judges are appointed essentially on the basis of ability and suitability for the profession. In making its choices the Government is assisted by The Appointments Proposals Board for the Swedish Judiciary (TFN). The Board 's main function is to make recommendations to the Government for the filling of appointments.

In Sweden judges are usually trained specifically for the profession. Thus, persons trained as judges make up the main base for recruitment of professional judges. Such training is however not an absolute condition. Anyone with a legal qualification, such as a prosecutor or a lawyer, may apply for a post as a judge.

In order to be accepted for training as a judge the prospective trainee must have both a bachelor of laws degree and a qualification as a court clerk, i.e. he or she 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. An assistant judge deals with the court's 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 as an associated judge of the ordinary or administrative court 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

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

The Appointments Proposals Board for the Swedish Judiciary (TFN),

112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

113) 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 such a position is vacant. Thus, the promotion is decided by the Government upon application. The Appointments Proposals Board for the Swedish Judiciary (TFN) gives a recommendation to the Government on who to promote.

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.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
 No

115) Is the status of prosecution services:

- Indépendant?
 Under the authority of the Minister of justice ?
 Other?

Please specify:

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
 A combination of both (competitive exam and working experience)
 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.

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
 An authority composed of non-public prosecutors only?
 An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
 No

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

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

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Promotions are decided on after an individual reasoning about the qualifications and personal skills of the prosecutors applying for promotion

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
 No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
 No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
 No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	2.75 (2 years and 9 months)

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

NAP

E.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

The correct answer to 124) is 2 years and 9 months, which was impossible to answer.

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	Regular (e.g. every 3 months)
In-service training for the use of computer facilities in courts	Annual

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Compulsory
In-service training for the use of computer facilities in office	Optional

130) Frequency of the in-service training of public prosecutors

General in-service training	Annual
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).

If your judicial training institutions do not correspond to these criteria, please specify it.

	Initial training only	Continuous training only	Initial and continuous training
--	-----------------------	--------------------------	---------------------------------

One institution for judges	NAP	NAP	NAP
One institution for prosecutors	NAP	NAP	NAP
One single institution for both judges and prosecutors	NAP	NAP	NAP

Comment :

E.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in 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 has been implemented over the last two years

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	52 587	
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	91 600	
Public prosecutor at the beginning of his/her career	52 290	
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	69 318	

Comment :

Q132- In the 2008 evaluation grid the question 118 did not specifically state not refer to the Prosecutor General's salary, therefore the answer given then is most certainly the salary of the Prosecutor General, who is the only public prosecutor authorized by law to plead in the Swedish Supreme Court. However, the Prosecutor General does not plead before the Supreme Court in his own person. Therefore, there are a number of other prosecutors appointed to do so (see question 55). Some of these prosecutors work temporarily at the Prosecutor General's office and are younger in service than those prosecutors who work there on a permanent basis. Consequently, their salaries are lower which will appear as a large decrease in the average salary in the 2010 evaluation grid from that stated in the 2008 evaluation.

The net annual salary can not be stated as the level of income tax varies.

133) Do judges and public prosecutors have the following additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

134) If other financial benefit, please specify:

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	Yes	No
Consultant	No	No
Cultural function	Yes	No
Political function	Yes	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	No
Political function	Yes	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other?
 This is not possible

If "executive power" and/or "other", please specify:

Parliamentary Ombudsmen
The Office of the Chancellor of Justice

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

The Office of the Chancellor of Justice
The Prosecution Authority

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

The National Disciplinary Offence Board

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	2	NA
1. Breach of professional ethics	NA	NA
2. Professional inadequacy	2	NA
3. Criminal offence	NA	NA
4. Other	NA	NA

Comment :

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	NA	NA
1. Reprimand	NA	NA
2. Suspension	NA	NA
3. Removal of cases	NA	NA
4. Fine	NA	NA
5. Temporary reduction of salary	NA	NA
6. Position downgrade	NA	NA
7. Transfer to another geographical (court) location	NA	NA
8. Resignation	NA	NA
9. Other	NA	NA

Comment :

Decisions regarding the initiated cases from 2010 were taken in 2011.

E.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

Please indicate the sources for answering questions 144 and 145

The National Disciplinary Offence Board

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

5 000

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes

No

148) Number of legal advisors who cannot represent their clients in court:

NAP

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a 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 who may represent a client before a court in civil cases, criminal cases (both defendant and victim) and administrative cases.

150) Is the lawyer profession organised through? (multiple options possible)

a national bar?

a regional bar?

a local bar?

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

Yes

No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

If yes, please specify:

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

Source for answering question 146 and 148: The Registry of the Swedish Bar Association

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

Yes

No

155) Are lawyers' fees freely negotiated?

Yes

No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes laws provide rules

Yes standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

F.2

Useful comments for interpreting the data mentioned in this chapter:

Question 155) When legal aid has been granted, the normal hourly fee is fixed (as decided annually by the government or the authority designated by the government). Court appointed public defence counsels, counsels for the aggrieved party 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 legislation. The hourly compensation may deviate from the hourly costs norm if it is warranted by reason of the skill and care exhibited by counsel or other significant circumstances.

Question 156) Section 4.1 of the Code of Conduct includes a general rule that the fees charged must always be reasonable.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

Yes

No

If yes, what are the quality criteria used?

The Code of professional Conduct provides ethical rules that the members of the Swedish Bar need to comply with.

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

the bar association?

the Parliament?

other?

If "other", please specify:

159) Is it possible to file a complaint 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 that 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.

160) Which authority is responsible for disciplinary procedures?

- the judge
- the Ministry of justice
- a professional authority
- other

If other, please specify:

The disciplinary procedure is conducted by the Disciplinary Committee of the Swedish Bar Association. 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 a Disciplinary Committee decision to the Supreme Court. The Chancellor of Justice may also request that the committee should implement disciplinary measures against a negligent member.

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	862	NA	NA	NA	NA

Comment :

The number indicates cases finalized by the Disciplinary Committee in 2010. The number of cases initiated at the Swedish Bar Association 2010 was 538.

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number						

	146	NA	NA	NA	NA	NA
--	-----	----	----	----	----	----

Comment :

The sanctions that the Swedish Bar Association, or more specifically it's Disciplinary Committee, can decide to take against a lawyer if he or she has failed to comply with the rules of professional conduct are the following: reprimand, warning (which may be combined with a fine) and disbarment. The Disciplinary Committee may also confine itself to issuing a statement. Fine is not used as a separate sanction. In 2010 the number of actions taken were proportioned as follows:

Statements: 29

Reprimands: 86

Warnings: 17

Warnings + Fines: 13

Disbarments: 1

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

- Yes
 No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	No	Yes	No
Family law cases (ex. Divorce)	Yes	Yes	No	Yes	No
Administrative cases	No	No	No	No	No
Employment dismissals	Yes	Yes	No	Yes	No
Criminal cases	No	No	Yes	No	No

165) 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.

166) Number of accredited or registered mediators who practice judicial mediation:

NAP

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	NA
1. civil cases	NA
2. family cases	NA
3. administrative cases	NA
4. employment dismissals cases	NA
5. criminal cases	NA

Comment :

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes

Conciliation?	Yes
Other alternative dispute resolution?	No

Comment :

G.1

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

Please indicate the source for answering question 166:

Swedish National Courts Administration

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

2 089

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

Profession within a separate national Enforcement Authority

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

The Annual Account 2010 for the Enforcement Authority

Q 170 : Explanations to the decrease in the number of enforcement agents are found in a combination of less money contributions from the State and at the same time higher efficiency in the activities due to better working methods

through developed IT-support

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

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

If other, please specify:

As the Enforcement Authority constitutes one independent State body, operative supervision and monitoring take place within its headquarters. The activities of the Enforcement Authority are carried out under the authority of the Ministry of Finance, but the Ministry is not allowed to intervene into the supervision and monitoring of the operative activities of enforcement agents. The Ministry annually evaluates the activities in terms of budget allocations. The judge does not have any supervising or monitoring function and acts only in case of an appeal against a decision of the Enforcement Authority, e.g. on seizure in a specific matter. Complaints may be filed to the Ombudsman of Justice in a specific matter and this may result in criticism against the Enforcement Authority.

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

Education and experience.

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

The Enforcement Authority following the guidelines of the Ministry of Finance.

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

182) Is there a system for monitoring the execution?

- Yes

No

If yes, please specify

Within the Enforcement Authority controllers monitor and evaluate the activities in terms of volume, time, quality, and money.

183) What are the main complaints made by 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?

If other, please specify:

In some few specific cases, length of time.

184) 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:

185) Is there a system measuring the timeframes of the enforcement procedures:

- for civil cases?
 for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- between 1 and 5 days
 between 6 and 10 days
 between 11 and 30 days
 more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	2
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	0
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	1
3. for criminal offence	<input checked="" type="checkbox"/> number:	1
4. Other	<input checked="" type="checkbox"/> number:	0

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	4
1. Reprimand	<input checked="" type="checkbox"/> number:	0
2. Suspension	<input checked="" type="checkbox"/> number:	0
3. Dismissal	<input checked="" type="checkbox"/> number:	2
4. Fine	<input checked="" type="checkbox"/> number:	0
5. Other	<input checked="" type="checkbox"/> number:	2

Comment :

In two cases the Enforcement Authority reported the individuals concerned to the Public Prosecutor.

H.1

You can indicate below:

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

It should be mention that out of the total number of employees of the Enforcement Authority, as mentioned earlier, about 70% work with the enforcement of civil law claims and all public claims. The remaining 30% of employees mainly work with summary proceedings, debt relief, and supervision in bankruptcy.

Please indicate the source for answering the questions 186, 187 and 188:

The Annual Account 2010 for the Enforcement Authority.

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions in criminal matters

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The Swedish police is responsible for the recovery of fines.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

Source: The Swedish National Police Board

Of decided fines (by a criminal court) imposed in 2010 which has become final, 49% have been fully paid. The remaining 51% has been forwarded to the Swedish Enforcement Authority.

The recovery rate of fines decided by the public prosecutor and accepted by the suspect (summary imposition of a fine) during the same period is 80%. The remaining 20% has been forwarded to the Swedish Enforcement Authority.

H.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- 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. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?	<input checked="" type="checkbox"/> number	127
private professionals under the authority (control) of public authorities?		NAP
public agents?		NAP
other?		NAP

Comment :

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

Being present as a witness when storage rooms are opened or closed or when seals are applied or broken, supervising draws and confirming that someone is authorised to do certain things or that someone has the expertise or the official position to represent someone else.

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

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

If other, please specify:

The County Administrative Board has a limited supervision over notary public, meaning that the County Administrative Board shall dismiss a notary public or deputy notary, if he becomes unsuitable or unable to fulfill this mission in a satisfactory manner.

I.1

You can indicate below:

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

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

- Yes
 No

198) Is the function of court interpreters regulated by legal norms?

- Yes
 No

199) Number of accredited or registered court interpreters:

NAP

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No

Comment :

The interpreters can be recruited and/or appointed by the court, either for a long term of office (for instance, they can be registered on a list on which the judge can choose the interpreter for given proceedings) or on a case by case basis, according to the specific needs in a given proceeding.

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

The Swedish National Courts Administration

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

203) Is the title of judicial experts protected?

- Yes
- No

204) Is the function of judicial experts regulated by legal norms?

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

NAP

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
- Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

The government shall, for a three year period, appoint those who shall serve as financial experts under Chapter 1, Section 8, and Chapter 2, Section 4a in the Swedish Code of Judicial Procedure.

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

The Swedish National Courts Administration

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

1. (Comprehensive) reform plans

On 1 January 2012 extensive changes in the Instrument of government as well as amendments in the Electoral Act and Local Government Act enter into force. This will also result in changes in other legislation.

Changes in the Instrument of government:

- The language is simplified and the text is gender-neutral.
- The wording is made more transparent and clear.
- The provisions concerning fundamental rights and freedoms are strengthened.
- Personal integrity is strengthened.
- Protection against discrimination is extended to cover sexual orientation.
- The public responsibility concerning children's rights, rights of national minorities is clarified.
- The provisions concerning the courts' and other public bodies' so called judicial review is changed. This amendment means that an instruction in a law or regulation in conflict with the constitution or fundamental law should not be applied even if it is not an apparent error.
- The special status of municipalities is clearly emphasised.
- The role of the Council on Legislation concerning inspection of bills is enforced and extended.
- It is clearly stated that Sweden is a member of the European Union and takes part in international cooperation within the framework of the United Nations and the Council of Europe.

A large ongoing project is the information management project between law enforcement authorities. It entails amongst others the Police, the Prosecution authority, the Courts of Sweden and the Swedish Prisons and Probation Service and the Swedish Tax Agency.

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

- New law concerning the declaration of priority cases in courts enters into force on 1 January 2012.
- A new organisation for the general administrative courts in first instance meant that 23 county administrative courts were reduced to 12. The name was also changed from county administrative courts to administrative courts.
- A number of different matters that were previously handled by the courts have been transferred to administrative authorities. The objective has been to refine the work of the courts to focus on adjudication.
- 5 Land and environment courts, as well as a Land and environment court of appeal, have been set up in order to facilitate, coordinate and streamline the handling of environment cases, property cases and cases according to the Planning and Building Act. These changes entered into force on 2 May 2011.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

On 1 January 2011 the system of appointment of permanent judges was reformed. As a result of the reform, it is now possible to apply for all types of positions as a judge. The independent Judges Proposals Board makes a recommendation to the government.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

The meting out of punishment was changed in a reform that entered into force on 1 July 2010. The aim was to introduce tougher sentencing for serious violent crimes and recidivism. At the same time enhanced protection under criminal law against human trafficking was introduced as well as an elimination of statutory limitation for certain

serious crime, e.g. murder, manslaughter, terrorist crimes. Measures to more effectively combat child pornography crimes were also introduced.

On 1 December 2010 a law entered into force aiming at more effectively preventing terrorism.

Implementation of the EU Framework Decision on combating organised crime led to amendments in the Penal Code and other acts.

8. Mediation and other ADR

The government has proposed changes concerning mediation and conciliation. The aim was to increase the possibility to solve disputes on a voluntary basis.

9. Fight against crime and prison system

New legislation on imprisonment and detention entered into force on 1 April 2011. It meant, among other things, that each inmate would receive his own individual implementation plan and that normal leave of absence is granted when the inmate has served a quarter of the sentence.