

## 1. Evaluation of the judicial systems (2016-2018 cycle)



Sweden

Generated on : 29/08/2018 11:18

**Reference data 2016 (01/01/2016 - 31/12/2016)**

**Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017**

### **Objective :**

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

### **Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

---

## **1.General information**

### **1.1.Demographic and economic data**

#### **1.1.1.Inhabitants and economic general information**



**001. Number of inhabitants (if possible on 1 January of the reference year +1)**

[ 9995153 ]

Comments

**002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)**

	Amount
State or federal level	225251229000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

**003. Per capita GDP (in €) in current prices for the reference year**

[ 46125 ]

Comments

**004. Average gross annual salary (in €) for the reference year**

[ 41168 ]

NA

Comments The indicated amount excludes social expenses.

**005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1**

[ 9.561 ]

Allow decimals : 5

NAP

Comments

**A1. Please indicate the sources for answering questions 1 to 5**

Sources: Statistics Sweden and the Riksbank.

**1.1.2. Budgetary data concerning judicial system**



**006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.**

Approved budget (in €)	Implemented budget (in €)
------------------------	---------------------------

<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	697033550 [ ] NA [ ] NAP	682093650 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	[ X ] NA [ ] NAP	472492347 [ ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation (equipment, investments, maintenance)</b>	[ X ] NA [ ] NAP	8438325 [ ] NA [ ] NAP
<b>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.</b>	[ X ] NA [ ] NAP	36463422 [ ] NA [ ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	[ X ] NA [ ] NAP	86712747 [ ] NA [ ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	[ X ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>6. Annual public budget allocated to training</b>	[ X ] NA [ ] NAP	1402225 [ ] NA [ ] NAP
<b>7. Other (please specify)</b>	[ X ] NA [ ] NAP	76584584 [ ] NA [ ] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences: 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. Annual implemented budget allocated to training now excludes expenses for food and lodging, these expenses are now included in "Other".

**007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments: Public Prosecution offices not included.

**008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

	<b>Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?</b>
<b>for criminal cases</b>	( ) Yes ( X ) No
<b>for other than criminal cases</b>	( X ) Yes ( ) No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

Following case types are excepted from the rule to pay a court tax or fee: administrative law cases, court cases about obtaining an order to pay when the person the claim is directed at objects to an order to pay already issued by the Enforcement Authority, cases where the litigant applies for bankruptcy as well as cases where the litigant has been granted legal aid.

### 008-1. Please briefly present the methodology of calculation of court taxes or fees:

- The calculation method is based on the costs of the general lawyer's offices. The debitible time is set at 72,5 %. The cost components included are salary costs and subsidiary salary costs for lawyers, salary costs and subsidiary salary costs for counsels, court building costs as well as other costs. A conversion of all these costs is done with regard to changes in the cost level of each component. Consumer price index is used as a conversion factor. Consideration of the development of costs during the last three years is taken by using the average increase to convert last year's hourly standard.

### 008-2. The amount of court fees to commence an action for 3000€ debt recovery:

[ 293 ]

[ ] NA

[ ] NAP

Comments

### 009. Annual income of court taxes or fees received by the State (in €)

[ 12802008 ]

[ ] NA

[ ] NAP

Comments On 1st of July 2014 the application fees was significantly raised. Some impact on the income from taxes was visible 2014 cycle but the full impact was visible in the 2016 cycle.

### 012. Annual approved public budget allocated to legal aid, in €.

	<b>TOTAL</b>	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	332168392 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.1 for cases brought to court</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
--	--	--	--

Comments The increase in the budget for legal aid is because in 2016 they include legal aid in cases involving aliens and aliens cases.

### 012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	361941952 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.1 for cases brought to court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: The increase in the budget for legal aid is because in 2016 they include legal aid in cases involving aliens and aliens cases.

### 013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in €	156090472 <input type="checkbox"/> NA <input type="checkbox"/> NAP	150418994 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences:

### 014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level courts
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Supreme Court</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>High Judicial Council</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No [ X ] NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No [ X ] NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No [ X ] NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No [ X ] NAP
<b>Courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP
<b>Inspection body</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP
<b>Other</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [ ] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [ ] NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify: The other Ministry is the Ministry of Finance. The inspection body is the Swedish National Audit office and the category "other" refers to the National Courts Administration.

## A2. Please indicate the sources for answering questions 6 to 14:

Sources: The Government's Budget Bill and the Central government annual report 2016

### 1.1.3. Budgetary data concerning the whole justice system

**015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the whole justice system in €</b>	4591423491 [ ] NA [ ] NAP	4562181466 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences:

**015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):**

Included

<b>Court (see question 6)</b>	( X ) Yes ( ) No [ ] NAP
<b>Legal aid (see question 12)</b>	( X ) Yes ( ) No [ ] NAP
<b>Public prosecution services (see question 13)</b>	( X ) Yes ( ) No [ ] NAP

Comments:

**015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):**

	<b>Included</b>
<b>Prison system</b>	( X ) Yes ( ) No [ ] NAP
<b>Probation services</b>	( X ) Yes ( ) No [ ] NAP
<b>Council of the judiciary</b>	( ) Yes ( ) No [ X ] NAP
<b>Constitutional court</b>	( ) Yes ( ) No [ X ] NAP
<b>Judicial management body</b>	( X ) Yes ( ) No [ ] NAP
<b>State advocacy</b>	( ) Yes ( ) No [ X ] NAP
<b>Enforcement services</b>	( ) Yes ( X ) No [ ] NAP
<b>Notariat</b>	( ) Yes ( ) No [ X ] NAP
<b>Forensic services</b>	( X ) Yes ( ) No [ ] NAP
<b>Judicial protection of juveniles</b>	( X ) Yes ( ) No [ ] NAP
<b>Functioning of the Ministry of Justice</b>	( ) Yes ( X ) No [ ] NAP

<b>Refugees and asylum seekers services</b>	( ) Yes ( X ) No [ ] NAP
<b>Immigration Service</b>	( ) Yes ( X ) No [ ] NAP
<b>Some police services (e.g. : transfer, investigation, prisoners' security)</b>	( ) Yes ( X ) No [ ] NAP
<b>Other</b>	( X ) Yes ( ) No [ ] NAP

Comments - If "other", please specify: The category "other" encompasses namely the Swedish Police; the Swedish Security Service; the Swedish Economic Crime Authority; the Swedish National Council for Crime Prevention; 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; the Judges Proposals Board.

### A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: The Government's Budget Bill and the Central government annual report 2016

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1. Scope of legal aid

016. Does legal aid apply to:

	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>Representation in court</b>	( ) Yes ( ) No [ ] NA [ ] NAP	( ) Yes ( ) No [ ] NA [ ] NAP
<b>Legal advice</b>	( ) Yes ( ) No [ ] NA [ ] NAP	( ) Yes ( ) No [ ] NA [ ] NAP

Comments

017. Does legal aid include the coverage of or the exemption from court fees?

- ( ) Yes  
( ) No

Comments - If yes, please specify: According to section 19 of the Legal Aid Act, a person who is granted legal aid does not have to pay



court fees such as fee for application or proclamation.

**018. 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

Comments - If yes, please specify: According to section 19 of the Legal Aid Act, an individual who is granted legal aid does not have to pay fees to the Swedish Enforcement Authority.

**019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?**

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify: In criminal cases, legal aid can be granted for travel expenses and subsistence in respect of the accused person. The latter can also be granted legal aid for expenses for witnesses who are not called by the prosecutor. In other than criminal cases, an individual granted with legal aid can have expenses covered for traveling and subsistence, evidence in court, investigation costs to a certain amount (10 000 SEK, approximately 1000 EUR) and for costs for a mediator appointed by the court.

**2.1.2. Quantitative information on legal aid**

**020. (Modified question) Please indicate the number of cases for which legal aid has been granted:**

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

**021. 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?**

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<b>Victims</b>	( X ) Yes ( ) No
----------------	---------------------

Comments - If yes, please specify: If a suspect under arrest or detained so requests, a public defence counsel shall be appointed for him/her. 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 the choice of sanction and there is a 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. If a suspected or accused person is under the age of 18 a public defence counsel shall be appointed, unless it is evident that the young person is without need of a counsel. In certain cases, counsel for the aggrieved person can be appointed, e.g. 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 especially strong need for such a counsel.

**022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?**

- ( ) Yes  
( ) No

Comments

**023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.**

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
<b>Full legal aid for criminal cases</b>	5230 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Full legal aid for other than criminal cases</b>	5230 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Partial legal aid for criminal cases</b>	27194 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Partial legal aid for other than criminal cases</b>	27194 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: The annual income value is based on the persons estimated annual income with a deduction of 1569 Euro per each Child that the person is obliged to pay alimony for, however such deduction can never be more than 7844 Euro. If the assets (dwelling shall not be included) exceeds 5230 Euro, an amount equivalent with 50 % of the exceeding amount is added to the estimated annual income. if the debts exceeds the assets, amortizations not related to the dwelling exceeding 523 Euro per year shall be deducted from the annual income.

**024. 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

Comments - 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.

**025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):**

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments If the case is handled in a court when the application for legal aid is made, the court takes the decision. If the case isn't handled in a Court, a certain authority, (Rättshjälpsmyndigheten) takes the decision.

**026. 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

Comments - 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 covers legal assistance. An individual who owns an insurance which covers 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.

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**B1. Please indicate the sources for answering questions 20 and 23 :**

Sources: Question 23: Sections 6, 23 and 38 in the Swedish Legal Aid Act and Section 10 and 11 in DVFS2013:7.

**2.2.Users of the courts and victims**

**2.2.1.Rights of the users and victims**



**028. 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:**

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	( X ) <a href="http://www.riksdagen.se/sv/dokument-lagar/">http://www.riksdagen.se/sv/dokument-lagar/</a>	( )
case-law of the higher court/s	( X ) <a href="https://lagrummet.se/">https://lagrummet.se/</a>	( )
other documents (e.g. downloadable forms, online registration)	( X ) <a href="http://domstol.se/Ladda-ner--bestall/Blanketter/">http://domstol.se/Ladda-ner--bestall/Blanketter/</a>	( )

Comments - Please specify what documents and information the addresses for "other documents" include: It includes forms for application of divorce (in Swedish and English), application form for a civil lawsuit, application form for legal aid and application for bankruptcy.

**029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

( ) Yes, always

( ) No

( X ) Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify: The court shall in civil cases establish a time schedule for the proceedings, unless unnecessary due to the particulars of the case or other special reasons.

**030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

( X ) Yes

( ) No

Comments - If yes, please specify: The Swedish Crime Victim Compensation and Support Authority (Brottsoffermyndigheten) is subordinate to the Ministry of Justice and led by a Director-General appointed by the Government. Its overall aim is to look after the rights of all crime victims and to draw public attention to their needs and interests. Website: [www.brottsoffermyndigheten.se](http://www.brottsoffermyndigheten.se)

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
Victims of terrorism	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
Minors (witnesses or victims)	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
Victims of domestic violence	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

<b>Ethnic minorities</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Disabled persons</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Juvenile offenders</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other vulnerable person" and/or "other special arrangements", please specify: The category "other" may for example include a person who is so afraid so he or she does not openly tell the truth in the Court because of the presence of a party or audience.

### 031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.): Minors over 15 years can be a defendant in a criminal procedure. The main rule is that public defence shall be appointed. In a civil procedure and an administrative procedure, a minor is represented by its guardian or a legal representative. In cases concerning compulsory care of minors (LVU), a minor over 15 years has the right to represent him/herself. In a civil case about a minors income from his/her own work, a minor over 16 years can represent him/herself.

### 032. Does your country allocate compensation for victims of crime?

Yes, please specify for which kind of offences: all offences that causes property damage, injury or severely offended the victims person och freedom.

No

Comments The compensation is not dependent on a specific type of crime.

### 032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments In order to get compensation for the offence must have been reported to the police and the victim must have tried to get compensation from the offender or from the Insurance Company.

### 033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments Compensation is not paid if the person responsible can pay damages and interests. Every person that is convicted for a crime has to pay 84 euro to the public fund.

### 034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body: There are no comprehensive or complete studies on this subject.

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

Yes

No

Comments - If yes, please specify:

**036. 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 decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

Yes

No

NAP

Comments - If necessary, please specify:

**2.2.2. Confidence of citizens in their justice system**

**037. (Modified question) Is there a system for compensating users in the following circumstances:**

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	1902 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1684 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6420000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Excessive length of proceedings</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Non-execution of court decisions</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful arrest</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful conviction</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Compensation can be granted for wrongful arrest and wrongful conviction according to the a law - lagen (1998:714) om ersättning vid frihetsberövanden och andra tvångsåtgärder. 2016 there was 1902 such requests for compensation. During 2016 1874 request/cases was handled by Justitiekanslern (the Chancellor of Justice) and compensation was granted in 1684 of these 1874 cases. As a total 6 420 000 Euros was paid out in these condemnations. It is ot possible

to separate the data for wrongful arrest and wrongful conviction. It is also important to note that compensation for wrongful arrest can be granted even if the decision to arrest the person was correct at the time of the decision since the government has a strict liability for compensation a person that has been wrongfully imprisoned.

**038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?**

	National level	Court level
1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. (Satisfaction) surveys aimed at lawyers	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. (Satisfaction) surveys aimed at the parties	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above:

[http://intranetportal.dom.se/Delade%20dokument/Sveriges%20Domstolar/Rapport%20-%20I%20andras%20ögon%20\[webb\].pdf](http://intranetportal.dom.se/Delade%20dokument/Sveriges%20Domstolar/Rapport%20-%20I%20andras%20ögon%20[webb].pdf)

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

( X ) Yes

( ) No

Comments

**041. (Modified question) If yes, please specify certain aspects of this procedure:**

Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
--	---

<b>Court concerned</b>	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Higher court</b>	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>Ministry of Justice</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Council of the Judiciary</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other external bodies (e.g. Ombudsman)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No

**041-1. (Modified question) Please specify further certain aspects of this procedure:**

	<b>Number of complaints</b>	<b>Compensations amount granted to users</b>
<b>Court concerned</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Higher court</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Ministry of Justice</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Council of the Judiciary</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Other external bodies (e.g. Ombudsman)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

### 3.Organisation of the court system

#### 3.1.Courts

##### 3.1.1.Number of courts

#### 042. Number of courts considered as legal entities (administrative structures) and geographic locations

	<b>Number of courts</b>
<b>42.1 First instance courts of general jurisdiction (legal entities)</b>	60 [ ] NA [ ] NAP
<b>42.2 First instance specialised courts (legal entities)</b>	10 [ ] NA [ ] NAP



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 [ ] NA [ ] NAP
---	-------------------------

Comments

#### 043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	10 [ ] NA [ ] NAP
Commercial courts (excluded insolvency courts)	[ ] NA [ ] NAP
Insolvency courts	[ ] NA [ ] NAP
Labour courts	1 [ ] NA [ ] NAP
Family courts	[ ] NA [ ] NAP
Rent and tenancies courts	8 [ ] NA [ ] NAP
Enforcement of criminal sanctions courts	[ ] NA [ ] NAP
Fight against terrorism, organised crime and corruption	[ ] NA [ ] NAP
Internet related disputes	[ ] NA [ ] NAP
Administrative courts	[ ] NA [ ] NAP
Insurance and / or social welfare courts	[ ] NA [ ] NAP
Military courts	[ ] NA [ ] NAP
Other specialised 1st instance courts	1 [ ] NA [ ] NAP

Comments - If "other specialised 1st instance courts", please specify: 2 specialised 1st instance Courts, Market Court and the Court of Patent appeals are from September 1st 2016 replaced by one Patent and Market Court and a Patent and Market Court of Appeal which is a part of the Stockholm district Court and Svea Hovrätt Court of appeals.  
Other specialised 1st instance court is the Defence Intelligence Court.

**044. 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

Comments - If yes, please specify:

**045. Number of first instance courts (geographic locations) competent for a case concerning:**

	Number of courts
<b>a debt collection for small claims</b>	48 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>a dismissal</b>	48 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>a robbery</b>	48 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?**

Yes

No, please give your definition for small claims: Small claims (called simplified civil cases) are handled under Chapter 1 Section 3 d of the Swedish Code of Judicial Procedure if the value of what is claimed in the case clearly does not exceed half of the base amount. The base amount for 2015 is 44 500 SEK (44 000 SEK in 2012), so if the value does not exceed 22 250 SEK (22 000 SEK in 2012) it is a small claim. The court fee for small claims is lower, the cases are handled by one single judge and the possibility to be reimbursed for litigation costs is limited.

Comments Small claims (called simplified civil cases) are handled under Chapter 1 Section 3 d of the Swedish Code of Judicial Procedure if the value of what is claimed in the case clearly does not exceed half of the base amount. The base amount for 2015 is 44 500 SEK (44 000 SEK in 2012), so if the value does not exceed 22 250 SEK (22 000 SEK in 2012) it is a small claim. The court fee for small claims is lower, the cases are handled by one single judge and the possibility to be reimbursed for litigation costs is limited.

**045-2. (New question) Please indicate the value in € of a small claim:**

[ 2317 ]

Comments

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

Sources: [www.domstol.se](http://www.domstol.se)

### 3.2. Court staff



### 3.2.1. Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1179 [ ] NA [ ] NAP	570 [ ] NA [ ] NAP	609 [ ] NA [ ] NAP
1. Number of first instance professional judges	785 [ ] NA [ ] NAP	397 [ ] NA [ ] NAP	388 [ ] NA [ ] NAP
2. Number of second instance (court of appeal) professional judges	361 [ ] NA [ ] NAP	151 [ ] NA [ ] NAP	210 [ ] NA [ ] NAP
3. Number of supreme court professional judges	33 [ ] NA [ ] NAP	22 [ ] NA [ ] NAP	11 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above:

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	70 [ ] NA [ ] NAP	42 [ ] NA [ ] NAP	28 [ ] NA [ ] NAP
1. Number of first instance court presidents	59 [ ] NA [ ] NAP	35 [ ] NA [ ] NAP	24 [ ] NA [ ] NAP
2. Number of second instance (court of appeal) court presidents	10 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP
3. Number of supreme court presidents	2 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments The president of the Supreme Administrative court was included this cycle and last cycle it was not included.

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	[ X ] NA [ ] NAP

<b>In full-time equivalent</b>	49 [ ] NA [ ] NAP
--------------------------------	-------------------------

Comments - If necessary, please provide comments to explain the answer provided:

**048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

( ) Yes, please give specifications on the types of cases and an estimate in percentage. ....

( X ) No

Comments

**049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):**

	Figure
<b>Gross figure</b>	8363 [ ] NA [ ] NAP
<b>In full time equivalent</b>	[ X ] NA [ ] NAP

Comments In Sweden, lay judges participate in both general courts and general administrative courts in some of the cases. Lay judges do not participate in all cases. For the time being lay judges participate in both first and second instance but not in the Supreme Courts.

**049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:**

	Yes	No	Echevinage
<b>in criminal law cases</b>	( )	( )	( X )
<b>- severe criminal cases</b>	( )	( )	( X )
<b>- misdemeanour and/or minor criminal cases</b>	( )	( )	( X )
<b>in family law cases</b>	( )	( )	( X )
<b>in civil cases</b>	( )	( X )	( )
<b>in labour law cases</b>	( )	( X )	( )
<b>in social law cases</b>	( )	( )	( X )
<b>in commercial law cases</b>	( )	( X )	( )
<b>in insolvency cases</b>	( )	( X )	( )

other	( )	( )	( X )
-------	-----	-----	-------

Comments - If “other”, please specify: In first instance there are three lay judges and one professional judge in criminal cases, family law cases and some administrative cases (including social law cases). Lay judges also participate in cases concerning migration law.

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

Yes

No

Comments Only press libel/freedom of speech cases imply trial by jury.

**050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)**

Severe criminal cases

Misdemeanour cases

Other cases

Comments Only press libel/freedom of speech cases imply trial by jury.

**051. Number of citizens who were involved in such juries for the year of reference:**

[ ]

NA

NAP

Comments

**052. Number of non-judge staff who are working in courts (on 31 December of the reference year) (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)**

	Total	Males	Females
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	4859 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1105 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3754 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)</b>	3343 <input type="checkbox"/> NA <input type="checkbox"/> NAP	597 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2746 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>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)</b>	706 [ ] NA [ ] NAP	234 [ ] NA [ ] NAP	472 [ ] NA [ ] NAP
<b>4. Technical staff</b>	104 [ ] NA [ ] NAP	63 [ ] NA [ ] NAP	41 [ ] NA [ ] NAP
<b>5. Other non-judge staff</b>	706 [ ] NA [ ] NAP	211 [ ] NA [ ] NAP	495 [ ] NA [ ] NAP

Comments - If "other non-judge staff", please specify:

**053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:**

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties:

**054. Have the courts outsourced certain services, which fall within their powers, to private providers?**

- Yes
- No

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

**054-1. (New question) If yes, please specify which services have been outsourced:**

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): .....

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

## C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Palasso, a data system at the Swedish Courts Administration.

### 3.3. Public prosecution

#### 3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	959 [ ] NA [ ] NAP	386 [ ] NA [ ] NAP	573 [ ] NA [ ] NAP
1. Number of prosecutors at first instance level	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
2. Number of prosecutors at second instance (court of appeal) level	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
3. Number of prosecutors at supreme court level	14 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP

Please indicate any useful comment for interpreting the data above:

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	39 [ ] NA [ ] NAP	25 [ ] NA [ ] NAP	14 [ ] NA [ ] NAP
1. Number of heads of prosecution offices at first instance level	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
3. Number of heads of prosecution offices at supreme court level	3 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP

Please provide any useful comment for interpreting the data above:

**057. Do other persons have similar duties to public prosecutors?**

( ) Yes, please specify their number (in full-time equivalent): .....

( X ) No

Comments - If yes, please specify their title and functions:

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

( ) Yes

( X ) No

Comments The answer to Q 57 is no.

**059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

( X ) Yes

( ) No

Comments

**060. Number of staff (non-public prosecutors) attached to the public prosecution service (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	459 [ ] NA	78 [ ] NA	381 [ ] NA

Comments

**C2. Please indicate the sources for answering questions 55, 56 and 60**

Sources: HR management system
-------------------------------

**3.4. Management of the court budget**

**3.4.1. Court budget**

**061. Who is entrusted with responsibilities related to the budget within the court?**

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No



<b>Court President</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Court administrative director</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Head of the court clerk office</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify:

### 3.6. Performance and evaluation

#### 3.6.1. National policies applied in courts and public prosecution services

**066. Are quality standards determined for the judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

Yes

No

Comments - If yes, please specify:

**067. Do you have specialised court staff that is entrusted with these quality standards?**

Yes

No

Comments

**068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?**

Yes

No

Comments

**068-1. (New question) If yes, please specify the frequency of this evaluation:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**069. Is there a system for monitoring and evaluating the performance of the public prosecution service?**

Yes

No

Comments - If yes, please give further details:

## 3.6.2. Performance and evaluation of courts



### **070. Do you have, within the courts, a regular monitoring system of court activities concerning:**

- [ X ] number of incoming cases
- [ X ] number of decisions delivered
- [ ] number of postponed cases
- [ X ] length of proceedings (timeframes)
- [ X ] age of cases
- [ X ] other (please specify): .....

Comments "Other" specified:

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

General comment: The Swedish courts all use the same case management system but with differens set-ups. The system is used for all categories of cases. Information is shared when a case is appealed to a higher instance court. In criminal cases the system communicates with the National Police Board and the prosecutors office. The system also provides the statistics system with data on a daily basis.

The statistics are found in ready-made reports and everyone who is employed by a court can obtain the information quickly and easily. All courts have access to all available information. The statistics system contains operational statistics, as well as historical data and data which is updated continuously. The statistics database and reports are updated every night.

The statistics are mainly used for analysis and follow-ups for all courts and the National Courts Administration, annual reports to the government, official statistics (annual publication), inquiries from media, authorities and public as well as for allocation of budgetary resources between different courts.

### **071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

- [ X ] civil law cases
- [ X ] criminal law cases
- [ X ] administrative law cases

Comments

### **072. Do you have an evaluation process to monitor waiting time during court procedures?**

- ( ) Yes
- ( X ) No

Comments - If yes, please specify:

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

Yes

No

Comments

**073-0. (New question) If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Annual evaluation and occasionally when needed.

**073-1. Is this evaluation of the court activity used for the later allocation of means to this court?**

Yes

No

Comments

**074. Are there performance targets defined at the level of the court?**

Yes

No

Comments

**075. (Modified question) Please specify the main targets applied to the courts:**

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify): .....

Comments

**076. Who is responsible for setting the targets for the courts?**

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify): .....

Comments 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.

**077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)**

Yes

No

Comments

**078. If yes, please select the 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
- number of appeals
- other (please specify): .....

**079. Who is responsible for evaluating the performance of the courts (multiple options possible) :**

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): .....

Comments

**3.6.3. Court activity and administration**

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

Yes (please indicate the name and the address of this institution):The Swedish National Courts Administration, SE-551 81

Jönköping, Sweden

No

Comments

**080-1. Does this institution publish statistics on the functioning of each court:**

Yes, on internet

No, only internally (in an intranet website)

No

Comments

**081. Are individual courts required to prepare an 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

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

**081-1. If yes, please specify in which form this report is released:**

Internet

Intranet (internal) website

Paper distribution

Comments

**081-2. (New question) If yes, please, indicate the periodicity at which the report is released:**

Annual

Less frequent

More frequent

Comments

**082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

Yes

No

Comments - If yes, please specify: The courts och the public prosecutor service always have a communication regarding planning of the hearings before the hearing. This is regulated in Chapter 46 § 10 in The Swedish Code of Judicial Procedure.

**082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

Yes

No

Comments - If yes, please specify: The courts och the lawyers always have a communication regarding planning of the hearings before the hearing. This is regulated in Chapter 46 § 10 in The Swedish Code of Judicial Procedure.

### **3.6.4. Performance and evaluation of judges**

**083. Are there quantitative performance targets (for instance a number of cases to be addressed in**

**a month) defined for each judge?**

( ) Yes

( X ) No

Comments

**083-1. Who is responsible for setting the targets for each judge?**

[ ] Executive power (for example the Ministry of Justice)

[ ] Legislative power

[ ] Judicial power (for example the High Judicial Council, Supreme Court)

[ ] President of the court

[ ] Other (please specify): .....

Comments

**New node**



**4.Fair trial**

**4.1.Principles**

**4.1.1.Principles of fair trial**



**084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?**

[ ]

[ X ] NA

[ ] NAP

Comments

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

( X ) Yes, number of successful challenges in a year NA

( ) No

Comments - Please could you briefly specify:

**086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?**

<b>Monitoring system</b>	
<b>For civil procedures (non-enforcement)</b>	( ) Yes ( X ) No [ ] NAP

<b>For civil procedures (timeframe)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
<b>For criminal procedures (timeframe)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations:

**D1. Please indicate the sources for answering questions in this chapter.**

Sources: There are no sources.

**4.2. Timeframe of proceedings**

**4.2.1. General information**

**087. Are there specific procedures for urgent matters as regards:**

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure

Comments - If yes, please specify: Civil and administrative: Possibility to rule a temporary decisions pending final decision Criminal cases concerning Juveniles.

**088. Are there simplified procedures for:**

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify: Civil cases: small disputes (amount). Criminal cases: misdemeanour cases.

**088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify:

**089. 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)?

( X ) Yes

( ) No

Comments - If yes, please specify:

#### 4.2.2. Case flow management – first instance



##### 091. (Modified question) First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	67865 [ ] NA [ ] NAP	191850 [ ] NA [ ] NAP	190676 [ ] NA [ ] NAP	69039 [ ] NA [ ] NAP	1436 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	26196 [ ] NA [ ] NAP	59591 [ ] NA [ ] NAP	59146 [ ] NA [ ] NAP	26641 [ ] NA [ ] NAP	763 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	8399 [ ] NA [ ] NAP	21366 [ ] NA [ ] NAP	21361 [ ] NA [ ] NAP	8404 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	8399 [ ] NA [ ] NAP	21366 [ ] NA [ ] NAP	21361 [ ] NA [ ] NAP	8404 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP



<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Administrative law cases</b>	30273 <input type="checkbox"/> NA <input type="checkbox"/> NAP	103997 <input type="checkbox"/> NA <input type="checkbox"/> NAP	103601 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30669 <input type="checkbox"/> NA <input type="checkbox"/> NAP	329 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	2997 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6896 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6568 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3325 <input type="checkbox"/> NA <input type="checkbox"/> NAP	344 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:**

. Joint petitions for divorce and custody of children.

**093. Please indicate the case categories included in the category "other cases":**

. Property cases, environmental cases and cases relation to the Planning and Building Act.

**094. (Modified question) First instance courts: number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2)</b>	28675 <input type="checkbox"/> NA <input type="checkbox"/> NAP	83872 <input type="checkbox"/> NA <input type="checkbox"/> NAP	82411 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30136 <input type="checkbox"/> NA <input type="checkbox"/> NAP	948 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences":

#### **4.2.3. Case flow management – second instance**

**097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.**



	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	14390 [ ] NA [ ] NAP	39287 [ ] NA [ ] NAP	39101 [ ] NA [ ] NAP	14576 [ ] NA [ ] NAP	2247 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	825 [ ] NA [ ] NAP	2646 [ ] NA [ ] NAP	2723 [ ] NA [ ] NAP	748 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	11638 [ ] NA [ ] NAP	22820 [ ] NA [ ] NAP	22352 [ ] NA [ ] NAP	12106 [ ] NA [ ] NAP	2230 [ ] NA [ ] NAP
<b>4. Other cases</b>	1927 [ ] NA [ ] NAP	13821 [ ] NA [ ] NAP	14026 [ ] NA [ ] NAP	1722 [ ] NA [ ] NAP	13 [ ] NA [ ] NAP

Comments The category "Other cases" include environmental and property cases as well as cases relation to the Planning and Building act

and so called other cases. The administrative law cases are handled by the administrative courts of appeal.

**098. (Modified question) Second instance courts (appeal): number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of criminal law cases (1+2)</b>	2670 [ ] NA [ ] NAP	8690 [ ] NA [ ] NAP	8790 [ ] NA [ ] NAP	2570 [ ] NA [ ] NAP	8 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

**4.2.4. Case flow management – Supreme Court**



**099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
<b>Total of other than criminal law cases (1+2+3+4)</b>	2831 [ ] NA [ ] NAP	11289 [ ] NA [ ] NAP	11471 [ ] NA [ ] NAP	2649 [ ] NA [ ] NAP	19 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	135 [ ] NA [ ] NAP	347 [ ] NA [ ] NAP	369 [ ] NA [ ] NAP	113 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ X ] NA [ ] NAP

<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Administrative law cases</b>	1905 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6989 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6907 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1987 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	791 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3953 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4195 <input type="checkbox"/> NA <input type="checkbox"/> NAP	549 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?**

( X ) Yes, please indicate the number of cases closed by this procedure:281

( ) No

Comments

**100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.**

	<b>Pending cases on 1 Jan. ref. year</b>	<b>Incoming cases</b>	<b>Resolved cases</b>	<b>Pending cases on 31 Dec. ref. year</b>	<b>Pending cases older than 2 years from the date the case came to the Supreme court</b>
<b>Total of criminal law cases (1+2)</b>	193 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1771 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1794 <input type="checkbox"/> NA <input type="checkbox"/> NAP	170 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>1. Severe criminal cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Administrative law cases are handled by the Supreme Administrative Court, while all the other cases in the tables 99-100 are dealt with by the Supreme Court.

#### 4.2.5. Case flow management – specific cases

**101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
<b>Litigious divorce cases</b>	5292 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9174 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9056 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5410 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery case</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	1279 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13488 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8356 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6411 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Cases relating to the right of entry and stay for aliens</b>	1371 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12065 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10923 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2513 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:**

. In Sweden, the Swedish Migration Agency is the authority that considers applications from people who want to take up permanent residence in Sweden, visit, seek protection from persecution or get Swedish citizenship.

If a person's application is rejected by the Swedish Migration Agency, the decision can be appealed against. The single largest category of decisions of the Swedish Migration Agency that are appealed against are those relating to applications for asylum. A description is provided below of what happens when the Swedish Migration Agency has rejected an application for asylum and the person who has applied then appeals to court. In broad terms, this system applies to most decisions of the Swedish Migration Agency

that are appealed against.

An asylum application is submitted to the Swedish Migration Agency, which will either grant it or reject it. If the Swedish Migration Agency grants the application, a residence permit will be issued. In the event of rejection, the Swedish Migration Agency will also make a decision on refusal of entry or, if the person who made the application is in Sweden, on deportation. A decision of the Swedish Migration Agency to reject an asylum application and simultaneous decision on refusal of entry or deportation can be appealed against. Appeals are submitted to the Swedish Migration Agency, which will first reconsider its decision. If the Swedish Migration Agency does not amend the decision, the appeal will be forwarded to a Migration Court. In the Migration Court, the Swedish Migration Agency will be the opponent of the person who applied for asylum. The asylum seeker will often be represented by public counsel. The determination of the Migration Court can be appealed against to the Migration Court of Appeal. Appeals should be submitted to the Migration Court, which will forward the documents to the Migration Court of Appeal. In order for the Migration Court of Appeal to entertain an appeal, leave to appeal must first be granted. If the Migration Court of Appeal does not grant leave to appeal, the decision of the Migration Court will remain in force and it will not be possible to appeal further. However, if leave to appeal is granted, this means that the case will be considered and determined by the Migration Court of Appeal. The decision will form a precedent and thereby provide guidance for decisions of the Swedish Migration Board and the Migration Courts in similar matters.

The Migration Court of Appeal is the supreme instance and its decisions cannot be appealed against.

**102. Average length of proceedings, in days (from the date the application for judicial review is lodged). 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.**

	% of decisions subject to appeal	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)	% of cases pending for more than 3 years for all instances
<b>Litigious divorce case</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	219 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal case</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	354 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery case</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Sweden's data for average length of insolvency cases refers only to bankruptcy declaration by a court and not the other described procedures connected with bankruptcy as per explanatory note.

**103. Where appropriate, please indicate 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 five case categories of question 102?  
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 judgement.

**4.2.6. Case flow management – public prosecution**



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

- [ X ] to conduct or supervise police investigation
- [ ] to conduct investigations
- [ ] when necessary, to request investigation measures from the judge
- [ X ] to charge
- [ X ] to present the case in court
- [ X ] to propose a sentence to the judge
- [ X ] to appeal
- [ ] to supervise the enforcement procedure
- [ X ] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- [ X ] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- [ X ] other significant powers (please specify): Other significant powers may include decisions on coercive measures

Comments

**106. (Modified question) Does the public prosecutor also have a role in:**

- [ ] civil cases
- [ ] administrative cases

insolvency cases

Comments - If yes, please specify:

**107. Cases processed by the public prosecutor - Total number of first instance criminal cases:**

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
<b>Total number of first instance cases processed by the public prosecutor</b>	455640	169542	57894	176910
	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Discontinued during the reference year (see Q108 below) for year 2014 should be corrected to 181 896.

**107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?**

	Number of guilty plea procedures
<b>Total</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Before the court case</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>During the court case</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

**108. Total cases which were discontinued by the public prosecutor:**

	Number of cases
<b>Total cases which were discontinued by the public prosecutor (1+2+3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Discontinued by the public prosecutor because the offender could not be identified</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	30800 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Discontinued by the public prosecutor for reasons of opportunity</b>	33266 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**109. Do the figures include traffic offence cases?**

Yes



( ) No

Comments

**D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.**

Sources: Databases held by the Swedish Courts Administration.

## 5. Career of judges and public prosecutors

### 5.1. Recruitment and promotion

#### 5.1.1. Recruitment and promotion of judges

##### 110. (Modified question) How are judges recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify): Judges are appointed by the Government under an applications procedure and essentially on the basis of ability and suitability for the profession. In making its choices the Government is assisted by the Judges Proposals Board. 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/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 month probation. (The courts of appeal decide themselves who they employ as reporting clerks). If his/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/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.

Comments Judges are appointed by the Government under an applications procedure and essentially on the basis of ability and suitability for the profession. In making its choices the Government is assisted by the Judges Proposals Board. 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/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 month probation. (The courts of appeal decide themselves who they employ as reporting clerks). If his/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/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.

**110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?**

Yes

No

Comments - If yes, please specify: There are no specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges. Judges are appointed essentially on the basis of ability and suitability for the profession. However, it is possible to consider the interest of gender equality if the qualifications regarding ability and suitability for the profession are similar between the applicants.

**111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:**

an authority made up of judges only

an authority made up of non-judges only

an authority made up of judges and non-judges

Comments - 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: Judges are initially appointed by the Judges Proposals Board. In 2012, the TFN (Appointments Proposals Board) was replaced by an independent authority, Domarnämnden (the Judges Proposals Board).

**112. Is the same authority (Q111) competent for the promotion of judges?**

Yes

No

Comments

**112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?**

Yes

No

Comments - If yes, please specify: There are no specific provisions for facilitating gender equality within the framework of the procedure for promoting judges. Judges are appointed and promoted essentially on the basis of ability and suitability for the profession. However, it is possible to consider the interest of gender equality if the qualifications regarding ability and suitability for the profession are similar between the applicants.

**113. What is the procedure for judges to be promoted? (multiple answers possible)**

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): The

procedure for judges to be promoted is mainly the same as the procedure for appointing judges. Thus, judges are appointed to a promoted post by the Government under an applications procedure. Judges are appointed essentially on the basis of ability and suitability for the profession. In making its choices the Government is assisted by the Judges Proposals Board. The Board's main function is to make recommendations to the Government for the filling of appointments.

Since 2011, all judges are appointed after application, even in the higher instances (judges of the Supreme Court, the Supreme Administrative Court, presidents of the Courts of appeal).

**113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)**

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

**114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?**

- Yes
- No

Comments

**114. If yes, please specify the frequency of this assessment:**

- Annual
- Less frequent
- More frequent

**5.1.2. Status, recruitment and promotion of prosecutors**

**115. What is the status of prosecution services?**

- statutory independent
- under the authority of the Minister of justice or another central authority
- other (please specify): .....

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

**115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.**

- Yes
- No

Comments - If yes, please specify: The government can issue general regulations to the authorities but, according to the Constitution, must not give directions in everyday matters.

**116. How are public prosecutors recruited?**

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify): .....

Comments

**117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:**

- 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

Comments - 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:

**117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

- Yes
- No

Comments - If yes, please specify: SPA strive for an equal genderrepresentation within its employees and focus on attracting the underrepresented gender. Today, women are in the majority both among prosecutors and administrative personell. The agency’s equal treatment plan have provisions regarding recruitment. It states that all recruitments shall be based on merits. However, when two candidates have equal qualifications, the applicant of an underrepresented gender should be chosen. SPA also strive for an equal gender distribution among head of chambers and other managers. The ambition of the Agency is that the proportion of female candidates for positions as head of chamber should increase. These provisions has been in power since 2013.

**118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?**

- Yes
- No, please specify which authority is competent for promoting public prosecutors .....

Comments

**119. What is the procedure for prosecutors to be promoted? (multiple answers possible)**

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): Interview and

**119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes
- No

Comments - If yes, please specify: SPA strive for an equal genderrepresentation within its employees and focus on attracting the underrepresented gender. Today, women are in the majority both among prosecutors and administrative personell. The agency's equal treatment plan have provisions regarding recruitment. It states that all recruitments shall be based on merits. However, when two candidates have equal qualifications, the applicant of an underrepresented gender should be chosen. SPA also strive for an equal gender distribution among head of chambers and other managers. The ambition of the Agency is that the proportion of female candidates for positions as head of chamber should increase. These provisions has been in power since 2013.

**119-2. Please indicate the criteria used for the promotion of a prosecutor:**

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

**120. Is there a system of qualitative individual assessment of the public prosecutors' work?**

- Yes
- No

Comments

**5.1.3.Mandate and retirement of judges and prosecutors**



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

- Yes, please indicate the compulsory retirement age:67
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: A person who has been appointed as a permanent judge may be removed from office only if he/she has shown himself/herself through a criminal act or through gross or repeated neglect of his/her official duties to be manifestly unfit to hold the office or he/she has reached the applicable retirement age or is otherwise obliged by law to resign on grounds of protracted loss of working capacity.

**121-1. Can a judge be transferred (to another court) without his/her consent:**

- For disciplinary reasons
- For organisational reasons
- For other reasons (please specify modalities and safeguards): .....
- No

Comments

**122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?**

- Yes, duration of the probation period (in years): .....

( X ) No

[ ] NAP

Comments

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

( X ) Yes, please indicate the compulsory retirement age:67

( ) No

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

**124. Is there a probation period for public prosecutors? If yes, how long is this period?**

( X ) Yes, duration of the probation period (in years):3

( ) No

Comments

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

( ) Yes, what is the length of the mandate (in years)? .....

( X ) No

Comments

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

( ) Yes, what is the length of the mandate (in years)? .....

( X ) No, what is the length of the mandate (in years)?NAP

Comments NAP - The mandate for public prosecutors is for an undetermined period!

**5.2.Training**

**5.2.1.Training of judges**

**127. Types of different trainings offered to judges**

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in the court)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions of the court (e.g. court president)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

<b>In-service training for the use of computer facilities in courts</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
---	---------------------	---------------------	---------------------

Comments

## 128. Frequency of the in-service training of judges:

	Frequency of the judges training
<b>General in-service training</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for the use of computer facilities in courts</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:

## 5.2.2. Training of prosecutors

### 129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
<b>Initial training</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training for management functions in the courts (e.g. Head of prosecution office, manager)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in office</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments

### 130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions in office (e.g. Head of prosecution office, manager)	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in office	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

### 131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments Regarding prosecutors: In order to become a prosecutor you need to apply for a position. The competent candidates then undergo tests as part of the recruitment process.

All newly employed prosecutors within the Swedish prosecution service have to undergo basic training for a total of 15 weeks, divided into four parts, during their first three years in the service. This basic training is compulsory. All public prosecutors must go through the basic training to become a public prosecutor. After the first three years in the service, the public prosecutors are offered continuous training. The continuous training is compulsory for specialized senior public prosecutors. The training is offered by the Prosecution Authority and is not a public body. The total budget for the training of prosecutors was about 3 400 000 euro in 2014.

### 131-0. (Modified question) If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	6000000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP



One single institution for both judges and prosecutors

NA  
 NAP

Comments

**131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?**

. The Courts of Sweden Judicial Training Academy offers a compulsory training programme for judges in training. It is part of the four year system for training of future judges during which the judges in training work as judges in the courts. There is no compulsory initial training programme for permanent judges. Training for newly appointed permanent judges is planned individually depending on the background and previous experience of each judge. The Judicial Training Academy offers a wide range of training sessions to choose from.

### 5.3.Practice of the profession

#### 5.3.1.Salaries and benefits of judges and prosecutors

**132. Salaries of judges and public prosecutors on 31 December of the reference year:**

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	71064 <input type="checkbox"/> NA <input type="checkbox"/> NAP	44890 <input type="checkbox"/> NA <input type="checkbox"/> NAP	676800 <input type="checkbox"/> NA <input type="checkbox"/> NAP	427524 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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)	133438 <input type="checkbox"/> NA <input type="checkbox"/> NAP	71996 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1270836 <input type="checkbox"/> NA <input type="checkbox"/> NAP	685680 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	51912 <input type="checkbox"/> NA <input type="checkbox"/> NAP	36176 <input type="checkbox"/> NA <input type="checkbox"/> NAP	494400 <input type="checkbox"/> NA <input type="checkbox"/> NAP	344532 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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 Attorney General).	104328 <input type="checkbox"/> NA <input type="checkbox"/> NAP	59420 <input type="checkbox"/> NA <input type="checkbox"/> NAP	993600 <input type="checkbox"/> NA <input type="checkbox"/> NAP	565908 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**133. Do judges and public prosecutors have additional benefits?**

Judges	Public prosecutors
--------	--------------------

<b>Reduced taxation</b>	( ) Yes (X) No	( ) Yes (X) No
<b>Special pension</b>	( ) Yes (X) No	( ) Yes (X) No
<b>Housing</b>	( ) Yes (X) No	( ) Yes (X) No
<b>Other financial benefit</b>	( ) Yes (X) No	( ) Yes (X) No

Comments

**134. If “other financial benefit”, please specify:**

[X] NAP

**135. Can judges combine their work with any of the following other functions/activities?**

	With remuneration	Without remuneration
<b>Teaching</b>	(X) Yes ( ) No	(X) Yes ( ) No
<b>Research and publication</b>	(X) Yes ( ) No	(X) Yes ( ) No
<b>Arbitrator</b>	(X) Yes ( ) No	(X) Yes ( ) No
<b>Consultant</b>	( ) Yes (X) No	( ) Yes (X) No
<b>Cultural function</b>	(X) Yes ( ) No	(X) Yes ( ) No
<b>Political function</b>	(X) Yes ( ) No	(X) Yes ( ) No
<b>Other function</b>	( ) Yes (X) No	( ) Yes (X) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Authorisation is normally needed for a judge to perform activities beside his or hers normal work, if the activity isn't related to the personal needs of the judge or his or hers closest family.

**137. Can public prosecutors combine their work with any of the following other functions/activities?**

	With remuneration	Without remuneration
<b>Teaching</b>	(X) Yes ( ) No	(X) Yes ( ) No

<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. 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) or cases examination?**

( ) Yes

( X ) No

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

**5.4. Disciplinary procedures**

**5.4.1. Authorities responsible for disciplinary procedures and sanctions**

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

[ ] Court users

[ X ] Relevant Court or hierarchical superior

[ ] High Court / Supreme Court

[ ] High Judicial Council

[ ] Disciplinary court or body

[ X ] Ombudsman

[ ] Parliament

[ ] Executive power (please specify): .....

[ X ] Other (please specify): .....

[ ] This is not possible

Comments The category “other” refers to the Parliamentary Ombudsmen and the Office of the Chancellor of Justice.

The Parliamentary Ombudsmen (JO) are directly accountable to the Swedish Riksdag and form one pillar of parliamentary control in Sweden on the work of the Government and the public administration. The four Parliamentary Ombudsmen are appointed directly by the Riksdag. They are completely independent in their decisions and answer directly to Riksdag. Each autumn they submit an annual report to the Riksdag which contains an account of the work carried out during the previous working year with statistics and a selection of

decisions. Their main task is to ensure compliance with the law. The Ombudsmen are specifically tasked with ensuring that public authorities and courts abide by the provisions of the Instrument of Government concerning impartiality and objectivity and that the public sector does not infringe on the basic freedoms and rights of the citizens. The ombudsmen's supervision includes ensuring that public authorities deal with their cases and in general carry out their tasks in accordance with existing legislation. Their enquiries are prompted both by complaints filed by the public or initiated by the ombudsmen themselves. Regularly inspections are made of various public authorities and courts in the country.

The Chancellor of Justice (JK) is, according to the Constitution, a government agency. The Chancellor is Government chief Mediator, in the same way as Ombudsman is Parliament chief Mediator. JK must uphold the integrity and freedom of expression and the rule of law in the public sector. JK is also of high quality and effectiveness of safeguarding the law and its effective enforcement. Its main tasks are: supervising the authorities and courts; representing the State in litigation in court; settling claims against the State; being a prosecutor in the press and freedom of expression; being the government's legal advisers. It also oversees the legal aid system and the Bar Association's disciplinary activities.

**141. Who is 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 (please specify): .....
- Other (please specify): .....
- This is not possible

Comments

**142. Which authority has disciplinary power over judges? (multiple options possible)**

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): .....

Comments The National Disciplinary Offence Board has disciplinary power over judges. It considers matters relating to disciplinary liability, prosecution, dismissal, suspension, and physical coercion with regard to State employees in higher positions, e.g., chief executives, judges, prosecutors and professors associated with this circuit. The purpose of a trial outside the agency where the employee works and has a higher position is that there should be suspected that colleagues take unauthorized view at trial. The Board's decision, like other decisions of employers, can be subject to a labor dispute.

The National Disciplinary Offence Board has disciplinary power over prosecutors.

**143. Which authority has disciplinary power over 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 (please specify): .....
- Other (please specify): .....

Comments

**5.4.2. Number of disciplinary procedures and sanctions**

**144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

**145. Number of sanctions pronounced during the reference year against judges and public prosecutors:**

	Judges	Prosecutors
<b>Total number (total 1 to 9)</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>1. Reprimand</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>4. Fine</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>5. Temporary reduction of salary</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>6. Position downgrade</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>7. Transfer to another geographical (court) location</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>8. Resignation</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>9. Other</b>	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. One judge has been notified to the Prosecution.

### E3. Please indicate the sources for answering questions 144 and 145:

Sources: The Annual report of the Disciplinary Body.

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1.Status of the profession of lawyers

#### 146. Total number of lawyers practising in your country:

[ 5767 ]

[ ] NA

[ ] NAP

Comments

#### 147. Does this figure include "legal advisors" who cannot represent their clients in court (for

example, some solicitors or in-house counsellors)?

Yes ( )

No ( )

Comments NAP Anyone can represent a client in Court, not just lawyers.

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

[ ]

[ ] NA

[ ] NAP

Comments

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

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil cases</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Dismissal cases</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Criminal cases - Defendant</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Criminal cases - Victim</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Administrative cases</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>There is no monopoly</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly: There is no monopoly of legal services in Sweden. Any person may thus practice law, offering his services to the public, appear in court in the most cases without the need for an authorization, under condition that the person does not claim to be a Swedish lawyer "advokat". A public defence counsel must in principle be a lawyer.

**149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:**

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil society organisation</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

<b>Family member</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Self-representation</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Trade union</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
<b>Other</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): There is no monopoly of legal services in Sweden. Any person may thus practice law, offering his services to the public, appear in court in the most cases without the need for an authorization, under condition that the person does not claim to be a Swedish lawyer "advokat". A public defence counsel must in principle be a lawyer.

**149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?**

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify): .....

Comments

**149-2. What are the statuses for exercising the legal profession in court?**

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments There are only members of the Swedish Bar Association that can work under the title advokat. A Swedish advokat can not work as an employee for anyone else than another advokat without the Boards permission.

**150. Is the lawyer profession organised through:**

- a national bar association
- a regional bar association
- a local bar association

Comments

**151. Is there a specific initial training and/or exam to enter the profession of lawyer?**

- Yes
- No



Comments - 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

Comments

**153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?**

Yes

No

Comments - If yes, please specify:

**F1. Please indicate the sources for answering questions 146 and 148:**

Sources: Source for answering question 146: The Registry of the Swedish Bar Association.

**6.1.2. Practicing the profession**

**154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?**

Yes

No

Comments

**155. Are lawyers' fees freely negotiated?**

Yes

No

Comments

**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

Comments Comment: 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.

Section 4.1 of the Code of Conduct includes a general rule that the fees charged must always be reasonable. What is considered at

reasonable fee is determined on a case by case basis by the Disciplinary Committee of the Swedish Bar Association. Facts to be reviewed are complexity of the case, length of proceeding, the preliminary investigation, number of physical evidence in the case etc.

### 6.1.3. Quality standards and disciplinary procedures



#### 157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used?

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

the bar association

the Parliament

other (please specify): .....

Comments

#### 159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify: All members of the Swedish Bar Association must follow the professional and ethical standards of the legal profession. If a person are dissatisfied with a member of the Bar Association, they can make a complaint to the Bar Association's Disciplinary Committee. The Consumer Disputes Committee adjudicates disputes on the amount of fees between a consumer and a member of the Swedish Bar Association or a law firm.

#### 160. Which authority is responsible for disciplinary procedures?

the judge

the Ministry of Justice

a professional authority

other (please specify): The Bar Association.

Comments The Bar Association.

#### 161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	502 [ ] NA [ ] NAP
<b>1. Breach of professional ethics</b>	[ X ] NA [ ] NAP
<b>2. Professional inadequacy</b>	[ X ] NA [ ] NAP

3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: Comment: The Disciplinary Committee only tries cases regarding breach of professional ethics.

## 162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	119 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	70 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Other	43 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. Total number of sanctions pronounced against lawyers 2016: 119 The number indicates sanctions pronounced in 2016 exclusively in cases on breach of professional ethics. Finalized cases where no sanction was given indicates that the Disciplinary Committee decided that no breach of professional ethics had been committed. The sanctions that the Disciplinary Committee of the Swedish Bar Association have available when a lawyer has failed to comply with the rules of professional conduct are the following sorted by level of gravity: reprimand, warning, warning combined with a fine and disbarment. The Disciplinary Committee may also issue a statement. A statement is not formally considered a sanction. Fine is not used as a separate sanction. In 2016 the number of actions taken were proportioned as follows:

Reprimands: 70

Warnings: 24

Warnings + Fines: 19 Disbarments: 6

## 7. Alternative dispute resolutions

### 7.1. Mediation

#### 7.1.1. Details on mediation procedures and other ADR

163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

( ) Yes

( ) No

Comments

**163-1. In some fields, does the judicial system provide for mandatory mediation procedures?**

[ ] Before going to court

[ ] Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: In civil cases amenable to out of court settlement, ADR forms part of the judge’s direction of proceedings. One of the main purposes of the preparatory hearing is to examine the possibilities to reach a friendly settlement. It is a mandatory task for the judge unless it is inappropriate due to the nature of the case.

**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
<b>Civil and commercial cases</b>	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No
<b>Family law cases (ex. divorce)</b>	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No
<b>Administrative cases</b>	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No
<b>Employment dismissals</b>	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No
<b>Criminal cases</b>	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No

Comments

**165. Is there a possibility to receive legal aid for judicial mediation procedures?**

( ) Yes

( ) No

Comments - If yes, please specify: If a party is entitled to legal aid, the remuneration of the mediator is covered by the legal aid.

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

[ ]

[ ] NA

[ ] NAP

Comments

**167. Number of judicial mediation procedures.**

	Number of judicial mediation procedures
<b>Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)</b>	( ) NA ( ) NAP

<b>1. Civil and commercial cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Family cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Employment dismissal cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Criminal cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate the source: Judicial mediation can a part of the court procedure but judicial mediation is not a registered as a specific kind of case.

**168. Does the legal system provide for the following alternative dispute resolutions (ADR):**

- mediation other than judicial mediation
- arbitration
- conciliation
- other ADR (please specify): .....

Comments In civil cases amenable to out-of-court settlements, the court is obliged to work for a settlement, unless it is inappropriate in the specific case. Most often this is done through negotiations between the parties led by the judge. The latter can however decide, if the parties agree with that, the involvement of a private mediator. This procedure is called special mediation. If the parties do not need to pay for the time the judge spends on the settlement negotiations, they normally have to pay for the work of the private mediator. The State has to bear the cost of such a private mediator only if one of the parties has been granted legal aid. Moreover, a mediator can be appointed in cases concerning children (custody of, residence and visitation) in which hypothesis the State bears the costs. Before a mediator is appointed, the judge would normally lead a conversation with the parties aimed at reaching an agreement. The State and the municipalities can also arrange mediation between an offender and a victim in order to reduce the negative consequences of the committed crime. The offender and the victim do not pay anything for the mediation.

**G1. Please indicate the source for answering question 166:**

Source: NAP means this does not exist i Sweden and therefore no data can be provided.

**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

Comments

## 170. Number of enforcement agents

[ 975 ]

[ ] NA

[ ] NAP

Comments In the evaluation survey (2014) Sweden reported that the number of enforcement agents was 2127. This number was in reference to the total number of staff employed by the Swedish Enforcement Authority, hence it included managers, administrative staff and staff working with other tasks than enforcement. This explains the steep decline in reported numbers.

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

[ ] judges

[ ] bailiffs practising as private professionals under the authority (control) of public authorities

[ X ] bailiffs working in a public institution

[ ] other

Comments - Please specify their status and powers: Bailiffs/enforcement agents are civil servants employed by the Swedish Enforcement Authority. Bailiffs/enforcement agents have the power to investigate the debtor and his or her financial situation and assets and subsequently seize/sequester property belonging to the debtor and finally sell the property and distribute funds to the creditor.

## 171-1. Do enforcement agents have the monopoly in exercising their profession?

( X ) Yes

( ) No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: The Swedish Enforcement Authority and its enforcement agents is the only institution/body with the right to carry out enforcement actions in accordance with the Swedish Enforcement Code.

## 171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
Seizure of immovable properties	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
Seizure from a third party of the debtor claims regarding a sum of money	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
Seizure of remunerations	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP

<b>Seizure of motorised vehicles</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Eviction measures</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Enforced sale by public tender of seized properties</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP
<b>Other</b>	( X ) Yes with monopole ( ) Yes without monopole ( ) No [ ] NAP

Comments

**171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?**

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments The enforcement agents have the right to serve documents such as injunctions and different enforcement decisions. However the enforcement agents only serve documents derived from the Swedish Enforcement Authority, not court documents and such. The Swedish Enforcement Authority is responsible for assessing, approving or reject applications for debt recovery. However this procedure is the responsibility of the debt recovery process and the staff performing these tasks are not enforcement agents.

**172. Is there a specific initial training or exam to become an enforcement agent?**

- Yes
- No

Comments

**172-1. Is there a system of mandatory general continuous training for enforcement agents?**

Yes

No

Comments

**173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):**

a national body

a regional body

a local body

NAP

Comments Since all enforcement agents are employed by the Swedish Enforcement Authority there is no specific body organising the profession except for the authority itself.

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

Yes

No

Comments Enforcement fees are regulated in primary and secondary legislation.

**175. Are enforcement fees freely negotiated?**

Yes

No

Comments Enforcement fees are regulated in primary and secondary legislation.

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

Yes

No

Comments Enforcement fees are regulated in primary and secondary legislation.

**H0. Please indicate the sources for answering question 170**

Source: IT-system for information on staff and organisation.

### 8.1.2. Efficiency of enforcement services

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

Yes

No

Comments

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



- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- other (please specify):Parliamentary Ombudsmen

Comments The Parliamentary Ombudsmen form one pillar of parliamentary control in Sweden. The task of the Ombudsmen is to review the implementation of laws and other regulations in the public sector on behalf of the Swedish parliament and independent of the executive power. This review includes courts of law and other public authorities as well as their employees, e.g. the Swedish Enforcement Authority and its enforcement agents. A person who has a complaint concerning the conduct of an enforcement agent or relating to how laws and regulations are applied can adress the ombudsmen who will review the case/situation.

**179. Have quality standards been determined for enforcement agents?**

- Yes
- No

Comments - If yes, what are the quality criteria used? There is no quality standard which is determined by any third party, for example external certification or similar. All enforcement agents are trained and approved according to a given educational model. Beyond that, the Enforcement Authority on a regular basis monitor and control the quality of the enforcement process according to a specific model to ensure that the quality of the enforcement process meet the aims and targets of the control.

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

- a professional body
- the judge
- the Ministry of Justice
- other (please specify): .....

Comments Inhouse quality control according to a model established by the Swedish Enforcement Authority.

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

- Yes
- No

Comments - If yes, please specify:

**182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

- Yes
- No

Comments - If yes, please specify: The Swedish Enforcement Authority has business controllers who on a regular basis monitor and evaluate the activities of the enforcement agents 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 (please specify): .....

Comments Over the last few years the IT-system for accounting has been dysfunctional leading to negative consequences for both debtors and creditors due to delayed or incorrect payment of funds etc. This has been a major source for complaints.

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

- Yes
- No

Comments - If yes, please specify: Enforcement of court decisions against public authorities is basically a non existing problem in Sweden.

**185. Is there a system measuring the length of enforcement procedures:**

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):**

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

Comments

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

Number of disciplinary proceedings initiated
--

<b>Total number of initiated disciplinary proceedings (1+2+3+4)</b>	0 [ ] NA [ ] NAP
<b>1. For breach of professional ethics</b>	0 [ ] NA [ ] NAP
<b>2. For professional inadequacy</b>	0 [ ] NA [ ] NAP
<b>3. For criminal offence</b>	0 [ ] NA [ ] NAP
<b>4. Other</b>	0 [ ] NA [ ] NAP

Comments - If "other", please specify:

### 188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
<b>Total number of sanctions (1+2+3+4+5)</b>	0 [ ] NA [ ] NAP
<b>1. Reprimand</b>	0 [ ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP
<b>4. Fine</b>	0 [ ] NA [ ] NAP
<b>5. Other</b>	0 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

### H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Inhouse staff disciplinary board

## 8.2. Execution of decisions in criminal matters

### 8.2.1. Functioning of execution 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): .....

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). The Swedish police are responsible for the recovery of fines. If the police are not successful in recovering a fine, the claim is forwarded to the Swedish Enforcement Authority.

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

- Yes
- No

Comments

**191. If yes, what is the recovery rate?**

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question: The recovery rate is calculated from data provided by The Swedish police and the Swedish Enforcement Authority.

**9. Notaries**

**9.1. Profession of notary**

**9.1.1. Number and status of notaries**



**192. Number and type of notaries in your country. If you do not have notaries skip to question 197.**

	Number of notaries
<b>TOTAL</b>	183 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Private professionals (without control from public authorities)</b>	183 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Private professionals under the authority (control) of public authorities</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Public agents</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Other

NA  
 NAP

Comments - If "other", please specify the status: The number 183 includes 52 assisting notaries that can perform the notary's duty when a notary is on holiday etc.

**192-1. What are the access conditions to the profession of notary:**

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments

**192-2. (Modified question) What is the duration of appointment of a notary?**

- Limited duration, please indicate it in years: .....
- Unlimited duration

Comments

**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
- in the field of mediation
- other (please specify): .....

Comments

**194-1. Do notaries have the monopoly when exercising their profession:**

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with:

**194-2. As well as these activities, what are the other ones that can be carried out by notaries?**

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations

Signatures

Other

Comments

**195. Is there an authority entrusted with supervising and monitoring the notaries' work?**

Yes

No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries?**

a professional body

the judge

the Ministry of Justice

the public prosecutor

the Ministry of Interior

other (please specify): .....

Comments

**196-1. Is there a system of general continuous training mandatory for all notaries?**

Yes

No

Comments

**II. Please indicate the sources for answering question 192:**

Sources: Section 14 Förordning (1982:327) om notarius publicus

**10. Court interpreters**

**10.1. Details on profession of court interpreter**

**10.1.1. Status of court interpreters**

**197. Is the title of court interpreters protected?**

Yes

No

Comments There is a certain authorization test for legal interpreters that is held by Kammarkollegiet ("The Legal, Financial and Administrative Services Agency"). When the interpreter has passed that test, the interpreter will be available at the website of The Legal, Financial and Administrative Services Agency as an authorized legal interpreter.

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

Yes

No

Comments The function of an interpreter used by the court is regulated only in the way that the law states that the court may use an interpreter if necessary, except in criminal cases where the court must use an interpreter if the defendant or the injured party does not understand/speak Swedish. The law also states that the court may not use interpreters which are regarded as challengeable due to their relationship with the parties. According to the law, the interpreter shall take an interpreter oath.

**199. Number of accredited or registered court interpreters:**

222 ]

NA

NAP

Comments According to the website of The Legal, Financial and Administrative Services Agency there is 222 an authorized legal interpreters in Sweden.

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

Yes

No

Comments - If yes, please specify: Until 2013, there were no binding provisions regarding the quality of court interpretation within judicial proceedings. New rules about interpretation in criminal cases entered into force on the first of October 2013 (based on an EU-directive). Accordingly, the courts, if possible, shall use authorized interpreters.

**201. Are the courts responsible for selecting 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, please specify which authority selects court interpreters .....

Comments 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 from which the judge can choose the interpreter for a given proceeding) or on a case by case basis, according to the specific needs in a particular case.

**J1. Please indicate the sources for answering question 199**

Sources: <https://www.kammarkollegiet.se/nationellt-tolkregister>

**11.Judicial experts**

**11.1.Profession of judicial expert**

**11.1.1.Status of 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,
- "legal 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).
- Other (please specify): .....

Comments The category "other" refers to medical experts (e.g. in social security cases).

**202-1. Are there lists or databases of technical experts registered?**

- Yes
- No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?) The government has appointed the Judges Proposals Board to, for a three year period, appoint those who shall serve as financial experts under Chapter 1, Section 8, and Chapter 2, Section 4,a and Chapter 4, Section 10,a of the Swedish Code of Judicial Procedure. The Board evaluates their skills.

**203. Is the title of judicial experts protected?**

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

**203-1. Does the expert have an obligation of training?**

	Obligation of training
<b>Initial training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Continuous training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**203-2. If yes, does this training concern:**

- the proceeding
- the profession of expert
- other

Comments

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

- Yes
- No

Comments Chapter 1, Section 8, and Chapter 2, Section 4,a of the Swedish Code of Judicial Procedure states that experts can judge



together with professional judges. This is the only article where the work of judicial experts is regulated by law.

**204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?**

Yes

No

Comments

**205. Number of accredited or registered judicial / technical experts:**

[            ]

NA

NAP

Comments

**205-1. Who sets the expert remuneration?**

- The Government sets the experts' remuneration.

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

Yes

No

Comments - 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?**

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, please specify which authority selects judicial experts .....

Comments 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 4,a of the Swedish Code of Judicial Procedure.

**207-1. Does the judge control the progress of investigations?**

Yes

No

Comments

**K1. Please indicate the sources for answering question 205**

Sources: No source exists.

---

## 12.Reforms in judiciary

### 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 at this stage. Have innovative projects been implemented? If possible, please observe the following categories:**

1. (Comprehensive) reform plans The new Patent and Market Courts were established on 1 of September 2016. The courts handle most cases relating to intellectual property law, competition law and market law. The Patent and Market Court is part of the District Court of Stockholm and the Appellate Patent and Market Court is part of the Svea Court of Appeal. The Patent and Market Court and the Appellate Patent and Market Court are composed of legally trained judges and patent judges. Jurisdiction is also exercised by technical and economic experts.

On 12 May 2016 the Government appointed an Inquiry instructed to analyse if a legal framework assuring law enforcement agencies the right to use equipment interference (legal possibilities to break into automated information systems) should be proposed. The Inquiry will present its final report in November 2017.

On 23 July 2015 the Government appointed an Inquiry to submit proposals aimed at reducing the use of pre-trial detention and restrictions. The Inquiry report was delivered in August 2016 and is now being prepared within the Government Offices. The Inquiry report proposes for example alternatives to detention such as house arrest and area arrest, limitation of detention periods and expanded examination of restrictions by the courts. It also proposes a statutory right to human contact for at least two hours every day. Finally it proposes special regulations for children such as detainees who are under 18 years of age must be held in special youth homes and that children must be entitled to spend time with another person for at least four hours every day.

On 7 April 2016 the Government appointed another Inquiry instructed to analyse how processing of major criminal cases with extensive evidence could be modernised and made more effective while upholding legal security requirements. The Inquiry will identify possible main objectives in a forthcoming work to modernize and streamline the handling of major criminal cases and to assess what actions in the framework of these main objectives as may be necessary to investigate further. The work of the Inquiry also includes analysing whether it is appropriate to introduce increased opportunities to use documented interrogation as evidence in courts and in that case submit the proposals deemed necessary. An interim report was presented in February 2017 and The Inquiry will present its final report in December 2017.

In March 2016 the Government appointed an inquiry to investigate certain issues related to seizure and search of premises. The rules on seizure and search of premises entered into force in the 1940s. The legislation focuses on physical objects and written documents. The task includes analysing how the legislation can be adapted to modern technology. The inquiry will report in November 2017.

2. Budget NAP

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) NAP

3.1. Access to justice and legal aid NAP

4. High Judicial Council NAP

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

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

7. Enforcement of court decisions NAP

8. Mediation and other ADR NAP

9. Fight against crime Crime prevention work continues to be a priority matter for the Government. As a follow-up to the assignment given in 2015 to the National Council for Crime Prevention to investigate how crime prevention could be further developed, the Government has been working on creating better conditions for structured crime prevention work throughout the country at local, regional and national level. As a result, the Government is advancing a national initiative for crime prevention and has introduced (in March 2017) a long-term national crime prevention program – Combating crime together (Govt Comm. 2016/17:126). On 15 august 2016 a new legislation came into force regarding an obligation for authorities to provide information in governmental cooperation against organized crime. The law facilitates the exchange of information between authorities that cooperate to prevent, avoid or discover serious organized crime.

### 9.1. Prison system NAP

### 9.2 Child friendly justice NAP

9.3. Violence against partners Stopping men's violence against women is a priority issue for Sweden's feminist government. In November 2016, the Government presented a national strategy to prevent and combat men's violence against women. The strategy contains measures that strengthen protection for and support to women subjected to violence, measures to combat violence in same-sex relationships as well as measures that counteract destructive masculinity and notions of honour. The strategy also emphasises the participation and responsibility of men in stopping the violence.

With a long-term strategy and a targeted action plan, the Government is laying the foundation for increasingly goal-oriented and coordinated action on men's violence against women. Developing violence prevention measures is particularly important. The national strategy is included in the Government's gender equality policy communication to the Parliament (riksdagen), 2016/17:10. The strategy spans a ten-year period and came into force on 1 January 2017.

10. New information and communication technologies The Crime Victim Compensation and Support Authority has investigated how digitisation and e-services can be used more frequently to help and support crime victims.

### 11. Other NAP