

# The Swedish National Courts Administration

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## 1 Brief History: a Court System Dating Back to the 14th Century

The history of the Swedish legal system goes back a long way and as early as the 14th century our modern court system began to take shape.

At that time Sweden was divided up into a number of smaller realms, which were in turn divided up into *härad*s ('hundreds'). Each *härad* had a district court. The district court was the court of first instance in the legal chain, whilst the county court was the highest authority and court in each county. The county court was both a political institution and a court and in time the judicial part acquired the name *lagmansrätt*.

The King also had judicial power – the King was often the person people turned to if they wished to appeal against a decision reached by the 'popular' law courts. In rural areas in particular, the King's judicial power was exercised by a *storman* holding a *räfsteting*, which pronounced judgment in disputes.

In the towns, however, the courts were linked to the town council – the mayor and the councillors who controlled the town often acted as judges, a system which had strong similarities to the German court system.

### 1.1 A modern court system takes shape

The establishment of the first Court of Appeal in Stockholm in 1614, following efforts lasting more than 100 years, marked the starting point for what was to be the present-day court system.

The task of the Court of Appeal was to pass judgment on behalf of the King, although the King very quickly reserved the right to personally re-examine certain cases. Even so, the inception of the Stockholm Court of Appeal meant that a permanent system was introduced for the hearing of disputes and cases in different courts. Civil cases could be appealed from the *häradsrätt* and *rådhusrätt* to the *lagmansrätt* and then to the Court of Appeal. Criminal cases, however, were appealed directly from the *häradsrätt* and *rådhusrätt* to the Court of Appeal.

Alongside the *häradsrätt*, *rådhusrätt*, *lagmansrätt* and the court of appeal – which pronounced judgment in civil cases and criminal cases – the need arose in the 17th century for courts within different special areas. *Kommerskollegiet* was such a court, charged with responsibility for passing judgment in disputes of an administrative and financial nature. *Kommerskollegiet* was the forerunner of the present-day administrative court of appeal.

### 1.2 The 1971 Court Reform

In 1798, a long-standing idea of having a supreme court could finally be realised and at the same time it was deemed appropriate to separate cases into legal and administrative. Ideas regarding how the general courts could be reorganised into the system we have today came about during the latter half of the 19th century and the early part of the 20th century. Minor changes and simplifications were also made although it was not until 1971 that the *häradsrätt* and *rådhusrätt* systems were actually merged into district courts. Since 1971, 'district court' has

been the standard designation for the court of first instance in the general court system.

Alongside this there was also a reform of the work involving administrative cases and disputes. This commenced at the end of the 19th century and in 1909 the Supreme Administrative Court was established. Prior to this it was the government that was responsible for resolving disputes of an administrative nature. This was now the responsibility of the Supreme Administrative Court although the government retained responsibility for examining suitability. Gradually, a system of lower administrative courts was also established and in 1979 the administrative courts acquired their present form. Alongside this, a number of new specialist courts were established during the 1900s.

Even if the present-day court system has a history dating back 1,000 years we can see that its present form is no more than 30 years old.

## **2 Definition**

"The courts exist for the people. They act with respect for the individual and with powers to impose punishments and resolve disputes. The courts are a stable element in the service of democracy in a multicultural and multifaceted society. The court is the obvious forum for the resolution of disputes."

The above is an extract from the Swedish Judiciary's vision for the future. It is with this vision in mind that the National Courts Administration and the courts are working to build an even more efficient judiciary, which with due process firmly in focus can discharge its task – the resolution of different legal issues.

### **2.1 Swedish Judiciary**

Sveriges Domstolar is the collective name for the Swedish Judiciary. The Swedish Judiciary comprises the general courts, the general administrative courts, the regional rent and tenancy tribunals, the National Legal Aid Authority and the Swedish National Courts Administration.

#### **2.1.1 What factors govern the work of the courts?**

The work of the courts is governed by Parliament by means of legislation.

Responsibility for preparing matters for the Swedish Judiciary rests with the Ministry of Justice, which is also the ministry with primary responsibility for constitutional laws and other legislation within:

- constitutional law and administrative law,
- procedural law and civil law, and
- criminal law.

The police service, the prison and probation service, the prosecution service and the National Council for Crime Prevention also come under the Ministry of Justice. The Ministry is also responsible for matters relating to, among other things, democracy and integration.

Each year, the government issues Terms of Reference, which include overall rules and guidelines for how the National Courts Administration, the courts and the tribunals should work.

### **2.1.2 The primary objective is due process for the individual**

The whole of the judicial system has one common objective: to ensure the individual's legal security and due process.

Due process involves society having the potential and the resources to prosecute crime in the approved manner and providing victims of crime and witnesses with the support they need.

## **2.2 *The Swedish National Courts Administration***

The National Courts Administration is a central administrative authority for authorities within the Swedish Judiciary: the general courts, the general administrative courts, the regional rent and tenancy tribunals and the National Legal Aid Authority. The National Courts Administration create the conditions necessary for cases and other matters to be dealt with efficiently and according to due process, among other things through the efficient and appropriate allocation of resources. The starting points for the work of the National Courts Administration are the instructions of the National Courts Administration and the Terms of Reference issued by Parliament.

## **3 Current Status**

There are three types of court in Sweden: the general courts, which comprise district courts, courts of appeal and the Supreme Court, the general administrative courts, i.e. the county administrative courts, the administrative courts of appeal and the Supreme Administrative Court, as well as the special courts, which resolve disputes within special areas, e.g. the Labour Court and the Market Court.

The regional rent and tenancy tribunals resolve disputes between, for example, tenants and landlords. The National Legal Aid Authority deals with matters that arise under the Legal Aid Act and which are not resolved in a court of law.

Under the Swedish constitution the courts have an independent position. Neither Parliament nor any other authority can decide how the courts pronounce judgment in individual cases.

### **3.1 *District court***

The district court is the first court that you come into contact with in criminal cases, in civil law disputes and in bankruptcies. The district court also resolves disputes between private persons, family cases for example, as well as various other matters, such as adoptions.

#### **3.1.1 Typical cases in the district court**

Cases in the district court are divided into three categories: contentious cases, criminal cases and other matters.

### *Contentious cases*

Many disputes relate to matters concerning various kinds of economic relations and could, for example, deal with demands for money, the interpretation of a contract or some other financial undertaking. Another large group of contentious cases comprises family law disputes, such as divorce cases or cases concerning children's custody, residence, access and maintenance.

### *Criminal cases*

The district courts also deal with and adjudicate in criminal cases. A criminal case arises when a crime has been committed, i.e. when a penalty can be imposed under the Penal Code or other penal provisions. This could, for example, involve crimes of violence and theft, narcotics offences, tax offences and traffic offences. If it is suspected that a crime has been committed, the police are under a duty to look into the suspicion by conducting a preliminary investigation. The prosecutor is responsible for the preliminary investigation, and will also decide whether the case should be brought to court. The prosecutor is not part of the Swedish Judiciary and is instead part of a separate authority.

### *Other matters*

Besides contentious cases and criminal cases, the district court also decides on matters such as adoption, division of marital property, administrators and special representatives.

### *Registration matters*

The registration authority, which falls under the district court, is the authority responsible for registration of title in the land register. The registration authorities are currently<sup>1</sup> located at seven district courts in Sweden: Hässleholm, Eksjö, Uddevalla, Norrtälje, Mora, Härnösand and Skellefteå.

## **3.2 Court of appeal**

Judgments made by the district court can in the majority of cases be appealed to the court of appeal. The court of appeal is the court of second instance in matters relating to criminal cases, contentious cases and other judicial issues that have already been dealt with by a district court. However, in certain cases leave to appeal is required for the court of appeal to consider an appeal.

## **3.3 Supreme Court**

A final judgment of either the district court or the court of appeal can be examined by the Supreme Court, which is the final instance. However, it is not possible to appeal to the Supreme Court in all cases.

Leave to appeal is required for a case to be considered. This is granted by the Supreme Court itself, although by and large only in those cases where it is important to establish a judgment that could provide guidance for the Swedish district courts and courts of appeal. Such judgments are called 'precedents'. Even

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<sup>1</sup> According to a decision by the government reached on May 18, 2006, the National Land Survey, together with the National Courts Administration, shall prepare for the transfer of operations at the registration authorities to the National Land Survey and shall work on the premise that this will be completed by January 1, 2008.

if you feel that the court of appeal has adjudicated incorrectly in a matter, it is still not sufficient for leave to appeal to be granted. This means that the court of appeal is in effect the final instance in most cases.

### **3.4 County administrative court**

The county administrative courts are general administrative courts and deal with cases relating, among other things, to disputes between private individuals and the authorities.

This could, for example, relate to a tax case, aliens and nationality cases or disputes with the Swedish Social Insurance Agency, the municipality or the social welfare committee. The county administrative court also makes decisions regarding applications to take young people or substance abusers into care.

#### **3.4.1 Typical cases in the county administrative court**

More than 500 different kinds of cases are dealt with by the county administrative courts, including:

- Tax cases – appeals against a decision regarding, for instance, income, wealth or property tax, a VAT decision or other decision made by the Swedish Tax Agency.
- Cases under the Social Services Act – these could, for example, relate to decisions concerning social welfare allowance and other decisions reached by a municipal social welfare committee.
- Social insurance cases – disputes with the Swedish Social Insurance Agency in matters relating to occupational injury compensation, parents' allowance or, for example, a car allowance for disabled persons.
- Cases under the Care of Young Persons (Special Provisions) Act ('LVU cases') – often relate to the county administrative court deciding whether a minor needs to be taken into compulsory care outside his/her own home.
- Cases under the Care of Abusers (Special Provisions) Act ('LVM cases') – relate to whether the county administrative court should decide on compulsory care for substance abusers.
- Psychiatric cases – matters related to compulsory mental care and forensic mental care.
- Review of legality under the Local Government Act – relates to having a decision reached by a municipality or county council reviewed, a right which is enjoyed by the inhabitants of all the municipalities in Sweden.
- Aliens and nationality cases – if you wish to appeal against a decision made by the Swedish Migration Board regarding, for example, deportation, refusal of entry or a rejection of an application for Swedish nationality. Only the county administrative courts in Stockholm, Skåne and Gothenburg are Migration Courts and which deal with these cases.
- Other cases – could relate to driving licence measures, licences to serve alcohol or matters relating to the Animal Welfare Protection Act. Cases with EC law implications, such as cases concerning public procurement or agricultural subsidies, are also dealt with by the county administrative courts.

LVU, LVM and mental care cases are almost always so-called application cases. This means that it is an authority that applies for a decision by the county administrative court regarding some form of compulsory measure directed at a

private individual and not a private individual appealing against a decision already reached by an authority.

### ***3.5 Administrative court of appeal***

A judgment in the county administrative court can normally be appealed in the administrative court of appeal. The vast majority of cases in the administrative courts of appeal have first been considered and decided by a county administrative court.

For a case to be reconsidered by an administrative court of appeal, leave to appeal must be granted. Leave to appeal is granted if there is reason to change the county administrative court's decision or if the decision of the court could act as guidance in similar cases (a so-called precedent). However, in tax cases and cases concerning care of young people, substance abusers and people who are mentally ill, leave to appeal is not required.

#### ***3.5.1 Typical cases in the administrative court of appeal***

The administrative court of appeal deals with disputes appealed against between individuals and businesses and state and municipal authorities. The most common cases are tax and social insurance cases.

The administrative court of appeal also considers secrecy cases (generally related to the matter of whether someone is entitled to access to an official document) and appeals in cases regarding decisions made by Swedish authorities located outside Sweden, such as Swedish embassies.

### ***3.6 The Supreme Administrative Court***

The Supreme Administrative Court is the supreme general administrative court and considers decisions on appeal from the four administrative courts of appeal in Sweden.

The most important function of the Supreme Administrative Court is, through its decisions in concrete cases, to create precedents, which could provide guidance for the courts and other bodies that are required to apply current law.

Not all appeals are considered by the Supreme Administrative Court, only those where the Supreme Administrative Court grants leave to appeal. The main rule is that leave to appeal is only granted if the Supreme Administrative Court's decision could be of importance as a precedent, i.e. provide guidance for how other similar cases should be decided. An incorrect judgment by the administrative court of appeal is not normally sufficient for the Supreme Administrative Court to take up the case.

#### ***3.6.1 Typical cases in the Supreme Administrative Court***

The most common types of cases in the Supreme Administrative Court are cases concerning taxes and social insurance although in total the Supreme Administrative Court deals with approximately 500 types of cases.

In effect, the administrative court of appeal is the final instance in most cases. Leave to appeal is only granted in a small percentage of the cases that are referred to the Supreme Administrative Court.

In certain administrative matters, where the government or an administrative authority would otherwise be the final instance, the Supreme Administrative

Court, if the government was the decision-maker, and the administrative court of appeal in other cases, considers whether the decision in the matter is in contravention of any legal rule. This process is known as 'legal review'. A prerequisite for legal review is that the decision involves the exercise of public authority in relation to a private party and cannot be considered judicially in any other way. If the Supreme Administrative Court or administrative court of appeal considers that a decision is in contravention of law and it is not manifestly clear that the error was insignificant to the decision, the decision should be revoked and the matter referred to the authority that made the decision. In other cases, it is declared that the decision should stand.

The Supreme Administrative Court (and the Supreme Court) cannot, as in the case of the supreme courts in other countries, declare an enactment or an individual regulation invalid.

### **3.7 Regional rent and tenancy tribunals**

The regional rent tribunal mediates in disputes relating to domestic premises and business premises. The regional rent tribunal also makes decisions in certain issues, such as the right to sublet an apartment.

If a dispute arises between a tenant and a landlord or between a tenant-owner association and a tenant-owner occupier, and the parties cannot reach agreement between themselves, the regional rent tribunal may mediate in the dispute. Such a dispute could, for example, relate to terms and conditions, transfer or subletting.

Tenancy disputes that are not dealt with by the regional rent tribunal are considered by a general court.

The regional rent tribunal can also assist with information about, for example, tenancy legislation and other legislation relating to issues falling within its area of responsibility.

The task of a regional tenancy tribunal is the equivalent of the regional rent tribunal when the case involves the application of tenancy legislation.

Each year, the regional rent tribunals receive around 30,000 cases and the regional tenancy tribunals resolve approximately 1,500 tenancy disputes.

## **4 Facts**

### **4.1 District court**

The different district courts deal with more than 130,000 non-contentious and non-criminal matters per year. In addition, there are approximately 13,000 bankruptcy cases and almost one million registration matters. Each year, the district courts also deal with more than 130,000 cases of a criminal or civil nature.

#### **4.1.1 Where are the district courts located?**

There are 55 district courts spread throughout Sweden, from Ystad in the south to Gällivare in the north. These vary in size, ranging from just ten or so employees up to several hundred. The district courts have a local link – the cases that are heard by the district court come from the municipalities that fall within

the court's district (a geographical area that is included in the district court's catchment area, usually a number of municipalities).

#### **4.1.2 Who works at the district courts?**

The district courts have approximately 2,800 employees. Almost 500 of them serve as permanent judges – chief judges, senior judges and judges. Permanent judges are appointed by the government and are employed by the court. They prepare cases, make decisions and adjudicate in matters that fall within the jurisdiction of the court. The head of the district court is known as the chief judge.

At certain district courts there are also court clerks, assistant judges and associate judges. These are young, non-permanent judges, who serve at the district court as part of their training. The court clerks often work with the preparation of cases and keeping records, but they could also make decisions in matters and adjudicate in certain simple cases, such as cases involving fines. Assistant judges and associate judges have the same functions as the permanent judges. There are also administrative staff at the district court who work, for example, with finance and human resources.

In addition, there are more than 5,000 lay judges, who are also linked to the district courts. The lay judges are laymen, which means that they are not legally qualified and they have other professions. They are elected politically, they represent the people and they are appointed by the municipal council. Their function is to participate in the work of adjudicating in various matters and they are appointed for four years on each occasion.

## **4.2 Court of appeal**

The courts of appeal receive between 20,000 and 25,000 cases per year.

### **4.2.1 Where are the courts of appeal located?**

There are six courts of appeal in Sweden: Svea Court of Appeal in Stockholm, Göta Court of Appeal in Jönköping, the Scania and Blekinge Court of Appeal in Malmö, the Court of Appeal for Western Sweden in Gothenburg, the Court of Appeal for Southern Norrland in Sundsvall and the Court of Appeal for Northern Norrland in Umeå.

Each of the six courts of appeal has a geographical catchment area – a court district – which can vary from around ten district courts to over twenty for Svea Court of Appeal, which is the largest.

### **4.2.2 Who works at the courts of appeal?**

Almost 650 people work at the courts of appeal. Around 180 of them serve as permanent judges – heads of division and judges of appeal. The courts of appeal also have associate judges of appeal, reporting clerks, court of appeal clerks and court secretaries. A court of appeal is headed by a President.

Each court of appeal is divided into a number of departments, two or more, each one headed by a Head of Division or a President.

Judges of appeal and associate judges of appeal work as judges, while reporting clerks present cases, conduct legal investigations and keep records of proceedings. The chancery staff deal, among other things, with the dispatch of

notices to attend hearings and the dispatch of judgments and decisions. In certain cases, both reporting clerks and chancery staff prepare cases for a decision.

There are approximately 600 lay judges linked to the courts of appeal. They are appointed by the county councils and their function is to participate in the work of adjudicating in various issues. Lay judges are appointed for periods of four years.

### **4.3 *Supreme Court***

The Supreme Court hears approximately 5,000 cases each year.

#### **4.3.1 Where is the Supreme Court located?**

The Supreme Court is located in Bondeska Palace on Riddarhustorget in Stockholm and considers cases on appeal from the six courts of appeal in Sweden.

#### **4.3.2 Who works at the Supreme Court?**

There are almost 90 people working at the Supreme Court, as Justices of the Supreme Court, judge referees, court secretaries and chancery staff.

The Justices of the Supreme Court are the Supreme Court judges. They are appointed by the government. The Supreme Court has sixteen Justices of the Supreme Court and one of the Justices of the Supreme Court is the President and administrative head of the court.

Besides the Justices of the Supreme Court, the Supreme Court has approximately 30 lawyers who present matters. They have the title of Judge Referees and are responsible, among other things, for preparing cases.

The Supreme Court also has a Head of Chancery, who is the manager responsible for all staff, except the Justices of the Supreme Court. The Chancery also has some 40 court secretaries, human resource and finance administrators, IT officers, librarians and a registrar, together with assistant registrars and archive officers.

### **4.4 *County administrative court***

Each year, the county administrative courts hear over 100,000 different cases.

#### **4.4.1 Where are the county administrative courts located?**

There are 23 county administrative courts throughout Sweden and they have, with a few exceptions, the county as their geographical catchment area. The county administrative courts vary in size from 10 to 450 employees.

#### **4.4.2 Who works at the county administrative courts?**

There are over 1,200 employees at the county administrative courts. Around 200 of them serve as permanent judges – chief judges, senior judges and judges. Permanent judges are appointed by the government and are employed by the court. They prepare cases, reach decisions and adjudicate in different cases and matters that fall within the jurisdiction of the court. The chief judge is the head of the county administrative court.

Clerks, officers responsible for presenting matters and administrative personnel also work at the county administrative courts.

The composition of the county administrative court may vary slightly depending on the kind of case that is being heard. In most cases, there is one legally qualified judge and three lay judges, who determine the final outcome together. If the case involves a dispute where the legality of a municipal decision is to be reviewed or a dispute concerning real property tax assessment, the court comprises one legally qualified judge and two special members. In tax assessment cases two lay judges and a valuation expert also participate.

There are over 2,000 lay judges linked to the county administrative court. They take part in the judicial proceedings and are appointed by the county council in the county in question.

#### **4.5 Administrative court of appeal**

Each year the four administrative courts of appeal hear between 20,000 and 25,000 appeals from the county administrative courts.

##### **4.5.1 Where are the administrative courts of appeal located?**

There are four administrative courts of appeal in Sweden – Gothenburg, Jönköping, Stockholm and Sundsvall – and each administrative court of appeal receives matters from between five and six county administrative courts within its catchment area. Aliens and nationality cases can only be reconsidered in full at the Administrative Court of Appeal in Stockholm, the Migration Court of Appeal. The county administrative courts that consider decisions reached by the Swedish Migration Board are the county administrative courts in Stockholm, Skåne and Gothenburg.

##### **4.5.2 Who works at the administrative court of appeal?**

In total, there are approximately 500 employees at the four administrative courts of appeal. Around 130 of them serve as permanent judges – heads of division and judges. The administrative courts of appeal also have associate judges, reporting clerks, lawyers presenting matters and administrative staff. The head of an administrative court of appeal is known as the President of the Administrative Court of Appeal.

The composition of the administrative court of appeal varies slightly depending on the case. Issues concerning leave to appeal are determined by two members. When the case itself is to be decided, it is sufficient in most cases that there are three members for the court of appeal to reach a decision, but if the case is a particularly sensitive or highly publicised case, the president of the administrative court of appeal can take part in the final adjudication.

In certain cases, such as cases concerning social welfare insurance and the care of children, two lay judges also form part of the court. Around 350 lay judges are linked to administrative courts of appeal. The lay judges are appointed by the county council assembly in the county in question.

#### **4.6 The Supreme Administrative Court**

The Supreme Administrative Court receives between 7,000 and 8,000 cases each year.

#### **4.6.1 Where is the Supreme Administrative Court located?**

The Supreme Administrative Court is located in Stockholm and has, since 1972, resided in the Stenbockska Palace at Riddarholmen.

#### **4.6.2 Who works at the Supreme Administrative Court?**

Members of the Supreme Administrative Court hold the title Justices of the Supreme Administrative Court. The Supreme Administrative Court shall, according to law, comprise fourteen Justices of the Supreme Administrative Court or a higher number as required. Currently, there are eighteen Justices of the Supreme Administrative Court. One of the Justices of the Supreme Administrative Court is also the President and head of the court.

The Justices of the Supreme Administrative Court are assisted by Judge Referees, who prepare and present cases and present proposals for judgments and decisions. The Judge Referees are lawyers with court training. They are employed for a fixed term and their service as a Judge Referee is a step in their judicial career.

There are also administrative personnel at the Supreme Administrative Court. In total, there are approximately 100 employees at the Supreme Administrative Court.

## **5 Establishment of Practice**

### **5.1 The legal information system**

In the Legal Information Ordinance (1999:175) the government stipulated that there should be a public legal information system. The legal information system should be run with the aid of information technology and should be available through a public network. For this purpose, the government created *Lagrummet*, [www.lagrummet.se](http://www.lagrummet.se), which is the public administration's common website for Swedish legal information. *Lagrummet* is a website that contains links to legal information held by the government, Parliament, the higher courts and state authorities.

The Legal Information Ordinance is based on the proposal in the ministerial memo *Ett offentligt rättinformationssystem* (A public legal information system) (Ds 1998:10) and on the government document *Ett nytt offentligt rättinformationssystem* (A new public legal information system) (skr. 1998/99:17). The Swedish Administrative Development Agency is the coordinating body for the legal information system.

#### **5.1.1 The legal information system contains the following legal sources:**

- Preparatory work leading up to legislation
- Committee directives
- Register of government committees (Committee Report)
- Working party reports (SOU)
- Ministerial memos (Ds)
- Government bills and documents
- Government committee reports
- Private members' bills
- Parliamentary records

## Laws

- Laws and ordinances in the Swedish Code of Statutes and a register of these laws and ordinances
- Directives issued by the public authorities

## Swedish legal practice

- Information about judgments that act as precedents passed by the Supreme Court, the Supreme Administrative Court, the courts of appeal, the administrative courts of appeal, the Migration Court of Appeal, the Labour Court, the Market Court, the Environmental Court of Appeal and the Court of Patent Appeals.
- Details of decisions reached by government authorities which act as precedents.

## International material

- Sweden's international agreements (SÖ)
- a) publication now and in future
- b) regarding the courts and public authorities

The National Courts Administration is the authority responsible for information for the part of the public legal information system, *Lagrummet*, which presents legal practice.

At [www.domstol.se/avgoranden](http://www.domstol.se/avgoranden) there is a search engine for decisions that act as precedents reported by the Supreme Court, the courts of appeal, the Environmental Court of Appeal, the Supreme Administrative Court, the administrative courts of appeal, the National Courts Administration, the Legal Aid Board, the Labour Court, the Market Court and the Court of Patent Appeals.

The database contains court decisions which the court in question has regarded as being a precedent pursuant to Sections 6 and 7 of the Legal Information Ordinance (1999:175).

The database contains legal case abstracts or decisions in full text from the Supreme Court, the Supreme Administrative Court of Appeal, the courts of appeal, the Environmental Court of Appeal, the Market Court and the Labour Court. This material is the same as the material received through one of the printed legal case publications *Nytt Juridiskt Arkiv (NJA)* (New Legal Archives) with legal cases from the Supreme Court, *Regeringsrättens Årsbok (RÅ)* (Yearbook of the Supreme Administrative Court), *Arbetsdomstolens domar* (Judgments of the Labour Court), *Marknadsdomstolens avgöranden* (Decisions of the Market Court) and *Rättsfall från hovrätterna* (Legal cases from the courts of appeal).

The database also contains information about decisions used as precedents from the administrative courts of appeal, the Legal Aid Board and the Court of Patent Appeals.

## 6 Plans

The National Courts Administration plays an active role in the development of the Swedish Judiciary. In co-operation with the courts and other authorities within the legal system, conditions should be created where the courts can achieve the operating objectives that have been laid down. The work of the

National Courts Administration is multifaceted and embodies the ongoing provision of support and service to the courts as well as change-oriented development, often in project form. In many administrative matters the National Courts Administration plays a guiding role.

The development work at the National Courts Administration is conducted in the first instance within six prioritised areas: Court organisation, Leadership and control, Working forms, Operational support, Provision of know-how and expertise and Information. For each area there is an overall objective as well as strategies and activities to achieve this objective.

Below is a presentation of a number of the working areas for the National Courts Administration and the courts.

## **6.1 Court organisation**

### **6.1.1 Overall objective**

The court organisation should be sustainable in the long-term, based on size and accessibility.

### **6.1.2 Strategy**

The National Courts Administration shall

- investigate and propose changes in the organisation of the courts and, in co-operation with the courts concerned, implement the changes that have been decided
- work to ensure that courts are of such a size that a normal level of absenteeism does not disrupt day-to-day operations
- create conditions for a more effective case preparation organisation and greater specialisation
- work to bring about geographical co-ordination of the authorities within the legal system
- work to utilise the potential for improving efficiency
- work to ensure that technical equipment is used to a greater extent
- work to ensure that particular attention is devoted to personnel who are affected by organisational changes

### **6.1.3 Activities**

An extensive reform of the Swedish Judiciary has been in progress for many years. The overall purpose of the reform is to ensure that cases and other matters are resolved in compliance with the strict demands for due process and efficiency. The changes in the external organisation of the courts are directed primarily at the geographical location of the courts and other authorities but also at interaction between courts and between courts and other authorities. Since 1999, the majority of district courts have been affected by organisational changes. At the turn of the year 2006/2007 there were 55 district courts. The changes that have been implemented have been evaluated and the results have been good.

For several years there has been co-operation on the administrative level between smaller district courts and county administrative courts in a number of towns. The government has in a budget bill for 2006 indicated that there is now reason to evaluate the co-operation between the courts and on a more long-term

basis consider the organisation of the county administrative courts. The government intends to set up a commission to evaluate administrative interaction and highlight alternative organisational solutions for the county administrative court system.

Within land and environmental legislation there is at present an extensive inquiry and change process taking place. As a result of changes in environmental legislation and planning and construction legislation, as well as an examination of the optimal procedure for adjudication in property cases, it could be necessary to consider the number of environmental courts at the district courts. As regards the organisation of the courts of appeal, both decided and future changes in procedural legislation could necessitate a review of the number of courts of appeal.

## **6.2 *Management and control***

### **6.2.1 Overall objective**

The courts shall be led and controlled with clarity, commitment and a high degree of administrative expertise.

### **6.2.2 Strategy**

The National Courts Administration shall

- support the heads of the courts so that the management structure, role of employer and leadership are well developed on all levels within the organisation
- formulate agreements as well as terms and conditions that support the development of operations
- apply a clear and just system for the allocation of resources
- conduct a well-developed operational dialogue with each court
- support the development and application of an efficient operational planning process
- work to bring about an administrative function with a high degree of expertise, a strong identity as an employer and employer co-operation
- develop and implement tools and methods for use by managers and supervisors
- develop and offer the means to develop know-how and expertise and other forms of support adapted to the needs of individual managers or courts.

### **6.2.3 Activities**

The ongoing and extensive reform and change process within the Swedish Judiciary makes demands on the management and control of operations. This requires a high degree of expertise within the administration function and a well-developed level of management and leadership. Management and control should be characterised by clarity, commitment and professionalism. 'Professionalism' means that operations need to be controlled according to a set system for planning, follow-up, forecasts, co-operation, information, setting of salaries, appraisal discussions, recruitment etc.

The National Courts Administration will continue to provide support to those courts that are reviewing their administrative function. At the end of 2007, all courts will have completed such a review. During 2005, a training programme was commenced for senior administrators and other members of the administration function. The aim is to increase the degree of expertise and to

present tools and models that can be used at the individual courts. It is important in this context to produce a model for operational planning which the courts can use. During the second half of 2006 an evaluation will be made of the administration project as a whole being run by the National Courts Administration

The aim of the National Courts Administration during 2006-2008 is to also, to a greater extent than at present, implement and present comparative analyses of the operating results of the courts. Through continuous access to comparative material and key figures the individual courts will have a better basis for evaluating their own results and controlling their operations.

Another important tool for operational follow-up is the statistics system SIV.

At the National Courts Administration work is in progress to create a new resource allocation model for the courts. With the new model it will be possible, in a better way than previously, to take into account the complexity of each individual court's cases and matters.

### **6.3 Working forms**

#### **6.3.1 Overall objective**

The courts shall have efficient working forms that promote due process, quality and a good working environment.

#### **6.3.2 Strategy**

The National Courts Administration shall

- initiate changes in working forms in constructive co-operation with the courts
- work to ensure that the need for a change in working forms is highlighted by the courts in conjunction with changes in the external organisation and in other contexts, e.g. in conjunction with the introduction of new support systems and in conjunction with personnel changes.
- mediate experience between the courts
- support the courts in their change process by providing development methods and expertise
- support the courts in their follow-up and evaluation of operations
- work to refine professional roles and to bring about greater specialisation, delegation and an efficient case preparation organisation

#### **6.3.3 Activities**

In recent years extensive development work has been conducted at a large number of courts. The development work has mainly entailed changes in the courts' internal organisation and working forms. Responsibility for the development of the internal organisation and working forms rests with the individual head of the court. The National Courts Administration has a supporting role in this work and shall also, according to the operational objectives laid down by the government, initiate changes within these areas. To utilise the collective resources of the National Courts Administration optimally, the National Courts Administration will co-ordinate more extensive support for the courts.

Even if there have been relatively major changes in the internal organisation and working forms at many courts there still remains a great deal to be done

which, among other things, can be seen from the questionnaires that were recently completed by district courts and county administrative courts. Questions regarding amended working forms will therefore also continue to be a particular focus of attention. To increase efficiency it is important to continue to work on the potential for further refinement of professional roles and bring about greater specialisation, delegation and reinforcement of the courts' case preparation organisations.

The National Courts Administration supports and pursues modernisation of the courts in many ways, among other things through operational dialogue and support for the courts in development projects dealing with internal organisation and working forms. The National Courts Administration participates in seminars and start-up meetings at courts that have been merged and arranges seminars and educational visits to facilitate an exchange of experience and to follow up and evaluate changes that have been implemented.

## **6.4 Operational support**

### **6.4.1 Overall objective**

The courts shall have efficient operational support that facilitates effective forms of working and contributes to a high level of quality.

### **6.4.2 Strategy**

The National Courts Administration shall

- provide user-friendly technical support for the working processes in judicial and administrative operations
- manage and develop technical support so that it can be used optimally, both internally and externally
- work to ensure that the courts make use of technical support and in doing optimise operating benefit
- work to bring about greater electronic exchange of information between the courts
- work to bring about greater electronic exchange of information between the courts and other authorities
- work to ensure that security within and surrounding the technical systems is sufficient so that information is protected and operations are assured.

### **6.4.3 Activities**

It is of vital importance to the development and improvement in the efficiency of the Swedish Judiciary that the courts have access to effective IT support that is adaptable to changes within and outside the Swedish Judiciary. In recent years the National Courts Administration has conducted an extensive development process to provide courts with modern technology for both its judicial and administrative operations. This development will continue and the courts will in the next few years receive further IT support so that operations can be conducted in such a way that maximum attention is given to due process and efficiency.

### **6.4.4 IT operations**

IT is used in the Swedish Judiciary to support and develop operations and to improve efficiency. The Swedish Judiciary as a whole, other authorities within

the legal system and ultimately the citizens of Sweden, are reliant on the information that is processed in the Swedish Judiciary's common IT systems.

An IT strategy has been drawn up for the period 2005 – 2007. The direction chosen for IT operations requires uniformity with regard to, for example, hardware, networks, IT security solutions, purchased software and systems developed in-house, which are part of the common environment of the Swedish Judiciary and which are linked to the communications network Domnät. The National Courts Administration is responsible for procurement, purchasing and installation of everything that is included in this common environment.

The network is subject to strict demands and these will be even stricter in the future as a result of increased centralisation, transfer of sound and images and increased communication, both within the Swedish Judiciary and between the courts and other authorities. The networks will be expanded to take into account these new requirements.

The National Courts Administration is responsible for the operation, maintenance and development of the common court systems that have been purchased or developed by the National Courts Administration. The work on the systems follows a set methodology. It has also been decided which technical platform will be used. Deviations may only be made following careful examination. Over the next few years there will be further development of both the operational support and administrative systems.

## **6.5 *Provision of know-how and expertise***

### **6.5.1 Overall objective**

The courts shall have the operational know-how and expertise required to take full account of due process, efficiency and development needs.

### **6.5.2 Strategy**

The National Courts Administration shall

- support the heads of the courts in dealing with strategic human resource issues
- work to ensure that competence issues are integrated into the courts' operational planning
- work to ensure that the courts implement systematic and recurring competence analyses
- work to ensure that each manager holds an appraisal discussion each year with his/her co-workers and prepares development plans for each co-worker
- work to bring about greater personnel mobility, a more even gender division and greater diversity among co-workers and at the same time ensure that adjustment issues are implemented in a structured manner and are part of the general human resource activities.

### **6.5.3 Activities**

Staff at the courts must have the requisite know-how and expertise if the work of the courts is to be characterised by due process and efficiency. Working with matters related to the strategic provision of expertise is of crucial significance if the Swedish Judiciary is to satisfy the operating needs. To support the courts in the task of identifying competence requirements in the long-term, competence analyses must be carried out on the organisational, group and individual level. In

addition, a number of seminars for heads of courts and heads of administration will be run with the purpose of teaching how a competence analysis should be conducted. The tools which can be used to conduct a competence analysis must be developed and updated in line with advances. The Swedish Judiciary will during the period 2006-2008 be faced with a major generation change. It is therefore vital to make use of this opportunity for a shift in expertise. The competence analyses will indicate which types of expertise are required and which types of expertise are lacking.

The National Courts Administration, on behalf of the Swedish Judiciary, will develop common methods for appraisal discussions, salary discussions and following up the co-worker questionnaire. The National Courts Administration will also continue to support the courts in their recruitment work.

## **6.6 Information**

### **6.6.1 Overall objective**

The role of the courts in society shall be well known and the level of confidence in the courts shall be high.

### **6.6.2 Strategy**

The National Courts Administration shall

- work to bring about greater clarity in the role of the courts
- support the work of the courts in their endeavour to become more accessible
- ensure that the courts are perceived as attractive employers
- ensure that the various parties in the courts have access to the information they require
- on a strategic level support the work at the courts related to communication issues

### **6.6.3 Activities**

If the information process is to contribute to generating more confidence in the courts, greater clarity is required regarding the courts' role in the legal process. This can be achieved through the adoption of a common view of the courts' identity and profile. Through the development and introduction of a common graphic platform for the Swedish Judiciary, professionally designed tools for daily use can be developed efficiently and will benefit the courts. Examples include electronic templates, ordering of advertisements and business cards via the web and common promotional products.

#### *Common graphic platform*

The National Courts Administration is running a project aimed at implementing a common graphic platform for the Swedish Judiciary.

The term 'graphic platform' refers to tools for daily use and promotional products for the courts and court employees. A policy and manual for the use of the tools and promotional products are also included in the platform.

Examples of tools for daily use include an intranet for each court, the court's own external website, Office templates and an advertisement booking system. Examples of profile products include mugs, notepaper/Post-it labels, envelopes and writing pads.

The overall aim is for the role of the courts in society to become well known and for confidence in the courts to be high. A common graphic platform is the basis of and a prerequisite for the future task of building up a strong brand.

The aim of a carefully considered graphic profile is to reinforce an organisation's visual identity. The platform will help to reinforce the courts' identity and bring greater clarity to the court's role in the legal process. The consistent, long-term use of a graphic profile will contribute to consolidating in people's minds the role of the organisation in society.

#### *New web platform*

In autumn 2005, a new web platform was launched for the Swedish Judiciary. Initially, ten or so pilot courts took part in the project. The guiding element throughout the project has been accessibility. To bring about increased accessibility, the National Courts Administration will continue the link-up to the common web platform.

The National Courts Administration intends to develop information material for school students. Previously, the focus in this area was mainly on students at high school and in higher education. The aim now is to produce focused, adapted information for several age groups in school and in doing so increase awareness of the role of the courts and generate an interest in the court as a future workplace.

In autumn 2005, in conjunction with a range of training exercises, the National Courts Administration placed a greater focus in the programme on information issues.

#### *Improved communication with the media*

To improve communication between the courts and the media and in doing so information to the general public, a group of judges have undertaken to be available for contact with the media. When journalists require explanations or statements in conjunction with individual cases or in matters concerning the courts it will be possible for anyone who so wishes to refer the journalist to one or several persons in the group. The judges in the media group express their personal opinions in their capacity as judges and not as representatives of the Swedish Judiciary or individual courts.

### **6.7 *International development work***

The many years of development work between the National Courts Administration and the Baltic States has now passed almost completely into regular collaboration between neighbouring countries. The focus over the next few years will be on other countries in the former Soviet Union and countries that have applied to become members of the EU.

The National Courts Administration will continue along the preset path of moving from bilaterally financed co-operation to EU-financed multilateral development. One way of reinforcing the effects of work done previously in the Baltic States could be to run new, EU-financed projects together with one of the countries. An alternative way, which to date has only been tested on a small-scale but which appears suited to the purpose, is for experts from the Baltic States to be involved in co-operation with Russia.

It can also be assumed in the case of other international assignments, such as civil crisis management and service in the various EU bodies, that the demand for Swedish court personnel will continue to increase. Such efforts require ongoing development of know-how, such as the continued Swedish involvement in international seminars, activities to facilitate immersion in EC law, and improved linguistic skills, primarily English but also Russian. Greater insight is also required into the problems of human trafficking.

An increase in the number of educational visits to Swedish courts can be expected, particularly in the light of the fact that China is showing greater interest in Western democracies.

The international development co-operation committee within the Swedish Judiciary will acquire an increasingly important role, particularly in matters concerning prioritisation and recruitment.