

Questionnaire relating to the *Convention of 25 October 1980 on International Access to Justice (Access to Justice Convention)*

Responding State:

Sweden

I. General Feedback

1. How does your State rate the general operation of the Access to Justice Convention?
 - (b) Good.
2. How does your State rate the operation of the Model Forms?
 - (b) Requires improvement.
"The Model Forms could be more user friendly"
3. In your State's opinion, should the PB develop further guidance or explanatory material on the operation of the Access to Justice Convention?
 - (b) No.

II. Operation of the Convention

4. Has your State, as a requesting or as a requested State, experienced any difficulties in the application of any of the chapters of the Access to Justice Convention?
 - (a) Yes.
 - (i) Legal aid (Arts 1-13).
"The most applications are rejected due to lack of information. National Legal Aid Authority sends out requests for more information but rarely receives any additions."
5. Has the concept of habitual residence, as used in the Access to Justice Convention, led to any difficulties of interpretation or application in your State?
 - (b) No.
6. Has your State granted legal aid to legal persons (as opposed to "natural" persons) under Chapter I of the Convention (noting comments in the Explanatory Report by Gustaf Möller, which excludes legal persons from Chapter 1).
 - (b) No.

7. If your State has made a reservation under Article 28(1), please indicate whether your State has exercised the power granted by that Reservation.

(Art. 28(1) allows a Contracting Party to exclude the obligation of Article 1 of the Convention:

(1) in the case of persons who are not nationals of a Contracting Party, but who have their habitual residence in a Contracting Party other than the reserving State, and / or

(2) in the case of persons who formerly had their habitual residence in the reserving State, if, in either of these cases, there is no reciprocity of treatment between the reserving State and the State of nationality of the applicant.)

(b) No.

8. In your State, is legal aid made available only in civil and commercial matters, or also in administrative, social or fiscal matters? (Art. 1(3))

(b) Administrative, social or fiscal.

“Legal aid can be granted both in cases in general courts and in administrative courts. However there must always be a need for legal assistance. Over all legal aid is most used in civil cases, such as family disputes, for example cases concerning custody of a child. Legal aid can be granted in cases in administrative courts if there is a need for legal assistance. The administrative courts substance process management and investigation responsibilities mean that the need for council in these courts is not as great as in cases before the general courts.”

9. In judicial proceedings before the courts of your State, does the law or practice of your State impose any security, bond or deposit upon certain categories of persons such as foreign nationals or persons who are not resident or domiciled in your State?

(b) No.

10. Is your State able to provide the PB with an example or case of the Convention operating effectively in practice?

(b) No.

III. Use of Information Technology

The questions below seek information from Contracting Parties on the use of technology and in light of the COVID-19 pandemic.

11. Has your State taken any steps (including through legislation) to enable or increase the use of technology or electronic means to facilitate the transmission or processing of applications for legal aid under the Convention, including in response to the COVID-19 pandemic?

(a) Yes.

“The European Commission has adopted a proposal for a Regulation on the digitalisation of judicial cooperation and the access to justice in cross-border civil, commercial and criminal matters and amending certain acts in the field of judicial cooperation such as the Legal Aid Directive. The main objective of the proposal for a Regulation is to make the digital communication channel between competent authorities mandatory. Negotiations between the Council and the Parliament is pending.”

12. In the past five years, has your State **received** any applications using electronic means?

(b) No.

12.1. If no, please provide further information about why this is not yet possible.

“It is not possible to accept electronic applications due to requirements that an application must be signed by hand.”

13. In the past five years, has your State **sent** any applications using electronic means?

- (a) Yes.
 - (i) E-mail (regular).

13.1. If no, please provide further information about why this is not yet possible.

N/A

14. What challenges, if any, has your State faced regarding the use of information technology under the Access to Justice Convention?

- (b) Internal law limitations.

15. In addition to the Access to Justice Convention, is your State a party to any bilateral, regional, or multilateral agreements that provide rules for access to justice in a cross-border context?

- (a) Yes.
 - “- Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes - European Agreement on the transmission of applications for legal aid, Strasbourg 1977”*

For Parties that answered yes to Q15 above:

15.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or process applications for access to justice?

- (a) Yes.
 - “Please see response of the EU.”*

IV. 2024 Meeting of the Special Commission & Monitoring

16. What are the three key topics or practical issues related to the Access to Justice Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *“Make Model Forms more user friendly.”*
2. -
3. -

16.1 Please indicate whether the information provided in Q16 above may be published.

(a) Yes.

17. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Access to Justice Convention?

(b) No.

17.1. If the answer to Q17 above is “yes”, please indicate whether the information provided may be published.

N/A

DATA & STATISTICS FOR CONTRACTING PARTIES

I. General Application

1. Please indicate, by numbering from 1 to 4, the Access to Justice Convention chapters which have been most frequently applied in your State (1 representing the highest, 4 the lowest)

[1] Legal aid, including legal advice (Arts 1-13)

II. Application for Legal Aid

A. Chapter 1 – Legal Aid

1. Incoming Requests

2. How many **incoming applications** for legal aid has your State received and granted?

Year	Number of requests received	Number of requests granted
2017	4	-
2018	2	-
2019	4	-
2020	3	-
2021	2	-
2022	4	-
Unknown – <i>please explain.</i> “Data regarding number of requests are not available in our case management system”		

3. Which three States made the most requests?

Requesting State	Number
Netherlands	3
Spain	3
France	3

4. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018					
2019	-	-	-	-	-

2020					X
2021		X			
2022 (if data available)				X	
Unknown – please explain. “Data for 2017-2019 is not available in our case management system.”					

5. Please select the categories of persons that have been granted legal aid in your State (as a requested State) in the past five years under the Convention.

Please also indicate the total number of persons in each category.

Category	Number granted	Total Number
Nationals of a Contracting Party (Art. 1(1))	-	-
Persons habitually resident in a Contracting Party (Art. 1(1))	-	-
Persons who formerly had habitual residence in your State	-	-
Persons seeking the recognition and enforcement of a decision in circumstances of Article 13.2	-	-
Unknown – please explain. “Data not available in our case management system.”		

2. Outgoing Requests

6. How many **outgoing applications** for legal aid has your State sent?

Year	Number of requests sent
2017	0
2018	3
2019	2
2020	2
2021	0
2022	1
Unknown – <i>please explain.</i>	
-	

7. To which three States did your State send the most requests?

Requested State	Number
Spain	-
Greece, Denmark, Germany, United Kingdom, Belgium and France	1
-	-

8. If possible, please provide a breakdown of how long (in months) it took to have outgoing requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i>					
"Data not available in our case management system."					

9. Please indicate the categories of persons in your State (as the requesting State) that have been granted legal aid abroad in the past five years and indicate the number in each category.

Year	Nationals of your State	Habitual residents of your State	Seeking recognition or enforcement of a decision (Art. 13(2))
2017	-	-	-
2018	-	-	-
2019	-	-	-
2020	-	-	-
2021	-	-	-
2022	-	-	-
Unknown – <i>please explain.</i> “Data not available in our case management system.”			

B. Chapter II - Security for Costs and Enforceability of Orders for Costs

1. Incoming Applications

This question applies if your State has not excluded the application of Chapter II.

10. Please indicate how many applications for the enforcement of orders for costs and expenses (“Article 15 Applications”) have been **received** annually by the Central Authority(ies) of your State, in the past five years?

Year	Number of applications
2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> “Data not available in our case management system.”	

11. Which three States made the most requests?

N/A

12. If possible, please provide a breakdown of how long (in months) it took to have incoming requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – please explain. “Data not available in our case management system.”					

2. Outgoing Applications

This question applies if your State has not excluded the application of Chapter II.

13. Please indicate how many applications for the enforcement of orders for costs and expenses (“Article 15 Applications”), have been **sent** annually by the authorities of your State to the Central Authorities of other Contracting Parties in the past five years?

Year	Number of requests
2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – please explain. “Data not available in our case management system.”	

14. To which three States has your State sent most requests?

N/A

15. If possible, please provide a breakdown of how long (in months) it took to have outgoing requests executed.

Year	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – please explain. “Data not available in our case management system.”					

CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Access to Justice Convention since 2014 and provide a link to or upload the decisions (in PDF format only).

"Please see response of the EU."

II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

"Please see response of the EU."

PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.