

Second Study Commission
Civil Law and Procedure
65th Annual Reunion of the IAJ – Tel Aviv, Israel
Questionnaire 2022
VIRTUAL TRIALS IN CIVIL PROCEEDINGS

Response in relation to Sweden:

1. Did your jurisdiction offer complete or partial virtual civil trials or hearings before the Pandemic? If yes, please describe what was offered and how often the offer was exercised.

All civil trials and hearings were conducted in person within the court buildings prior to the Pandemic. However, there was the possibility for parties as well as witnesses to appear before the court through the means of video conference or, albeit to a lesser extent, telephone. In both cases, an application needed to be granted by the court prior to the proceedings. This provision is commonly used with regards to taking evidence from witnesses, although in this regard, an application to appear through telephone is more likely to be rejected. An application to appear through the means of video-conference, which is done by the party or witness generally appearing from a different court within Sweden, is rarely rejected.

2. Did your jurisdiction offer civil virtual trials or hearings during the Pandemic? If yes, was there a change in how, what and when it was offered? Were protocols published? Also, if yes, when were the virtual trials/hearings offered and what was the uptake?

Sweden did not offer virtual trials or hearings to a greater extent than the above mentioned during the Pandemic and does not do so now either. However, during the Pandemic, an additional means of appearing before the court was implemented, granting parties and witnesses, after a successful application to the court, to appear through video conference by the means of webcam or cell-phone camera. This is done by joining a video conference that is hosted by the court by use of the court's IT-infrastructure. This new way of appearing would thus mean that the witness or party would not have to physically be at a different court for their testimony or trial. This new way of appearing before the court is still commonly used and is generally granted. If a person has appeared before the court in a different way than in person, this is recorded in the minutes from the trial or hearing.

3. Presuming that civil virtual trials were offered, was there any improvements made in the technology/software that the government provided? How were documents and exhibits managed?

Please see answer to question 2 regarding improvements. Documents and exhibits were provided to the people not appearing in person by displaying the documents or exhibits digitally on the screens in the courtroom, which also shows what is being displayed on the screens to the parties and witnesses appearing via the video conference.

4. What does the future hold in your jurisdiction with respect to the continuation of virtual trials? What are the issues and or benefits that have arisen?

It will continue to be used as before. The benefits are of course that the party or witness participating does not have to appear in person. One issue that has arisen by having parties and/or witnesses appear via camera on their phone or computer is the occurrence of background interference as they are most commonly appearing from their own home. However, this has rarely been a problem.

5. Has or is research being done in your jurisdiction to help ameliorate some of the concerns that have arisen with virtual trials?

Not specifically as of yet regarding the concerns. The Swedish National Court Administration are however constantly monitoring the use of video conferences and publishes statistics on how often they are used.

6. How did the digitally excluded people in your jurisdictions have access to justice and specifically to virtual trials during the Pandemic?

As all trials and hearings in Sweden are, with some exceptions, public, people were admitted into the court rooms as before, although with implemented social distance restrictions on the number of people admitted.