



Sweden

## Mediation in Member States - Sweden



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If you are engaged in a civil law dispute, why not try to solve it through mediation, rather than going to court? Mediation is an alternative dispute resolution (ADR) measure, whereby a mediator helps those involved in a dispute to reach an agreement. The government and justice practitioners in Sweden are aware of the advantages of mediation. Mediation can also be used in criminal cases, but is not a sanction for the offence and can never replace a criminal trial. The purpose of mediation in criminal cases is to give the offender a better insight into the consequences of the crime and to allow the victim the opportunity to work through his or her experiences.

### Mediation in civil cases

#### Who to contact?

There is no central body responsible for regulating the profession of mediator. However, the National Courts Administration ([Domstolsverket](#)) can be contacted for information on mediation. A list of persons who have expressed a willingness to mediate in the courts has also been drawn up by the National Courts Administration and can be consulted at <http://www.domstol.se/>.

In commercial matters the Stockholm Chamber of Commerce ([Stockholms handelskammare](#)) and the West Sweden Chamber of Commerce and Industry ([Västsvenska industri- och handelskammaren](#)) do work in the area of mediation.

#### In which area is recourse to mediation admissible and/or the most common?

Mediation is admissible in multiple areas, but most common in civil law matters.

There is a possibility of recourse to a mediator within the court proceeding.

#### Are there specific rules to follow?

Recourse to mediation is entirely voluntary. There are no specific regulations, such as codes of conduct for mediators.

#### Information and training

There is no specific information on mediation training, and no national training body for mediators.

#### What is the cost of mediation?

Mediation is not free of charge; payment is subject to an agreement between the private mediator and the parties. The cost of mediation is shared equally by the parties.

### Mediation in criminal cases

#### Who to contact?

Since 1 January 2008 all Swedish local authorities have been required to offer mediation if the offence was committed by someone under the age of 21. Either the police or the local authority can take the initiative of asking an offender whether he or she is interested in taking part in mediation.

#### In which area is recourse to mediation admissible and/or the most common?

Mediation can be used for offenders of any age and at any stage of the judicial process. The Mediation Act sets no upper age limit, but since 1 January 2008 all Swedish local authorities have been required to offer mediation if the offence was committed by someone under the age of 21.

#### **Are there specific rules to follow?**

Mediation is not part of the punishment. The following conditions apply:

- It must be voluntary for both parties.
- The offence must have been reported to the police and the offender must have admitted guilt.
- Mediation must be seen as appropriate in the light of the circumstances.

#### **Information and training**

The Act requires those designated as mediators to be competent and honest. They must also be impartial.

Further information about mediation can be obtained from the local authorities or the National Council for Crime Prevention (Brottsförebyggande rådet).

#### **What is the cost of mediation?**

Mediation is free of charge for both victim and offender.

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