

*Submission Template*

**The right to interpretation and translation and the right to  
information in criminal proceedings in the EU**

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## Contents

Section A: The right to interpretation and translation in criminal proceedings	3
1. Right to interpretation	3
2. Right to translation of documents	24
3. Rights concerning both interpretation and translation	39
Section B: Right to information in criminal proceedings	56
1. Provision of information on the procedural rights	56
2. Letter of Rights	65
3. Right to information about the accusation	70
4. Right of Access to Case Materials	73
5. Cross-cutting issues: Languages, complaint mechanisms, recording & special measures	77

# QUESTIONS

As envisaged in the section on Research Methodology, please note that some questions require consultation with organisations and/or practitioners working in relevant fields covered by the research to cross-check findings from the desk research with respect to the way in which the examined rights are applied in practice (such as judges, lawyers, interpreters and translators or civil society organisations active in the field of legal assistance in criminal proceedings).

## SECTION A: The right to interpretation and translation in criminal proceedings

1.	RIGHT TO INTERPRETATION <sup>1</sup>	Brief Description
1.1		<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) Who has the responsibility for determining the need of interpretation at each stage of the proceedings?</p> <p>b) How it works in practice for the various stages of the proceedings to ascertain whether suspected or accused persons speak and understand the language of the proceedings?</p> <p>c) Who bears the cost of interpretation at each stage?</p> <p>d) What is the timeframe (deadline) for providing interpretation at each stage of the proceedings?</p> <p><b>.Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>
	<ul style="list-style-type: none"> <li>• police questioning;</li> </ul>	<p>a) Who has the responsibility for determining the need of interpretation?</p>

<sup>1</sup> See in particular Articles 2 and 4 and related recitals of Directive 2010/64/EU.

<p>1.1.1</p>	<p>The investigation officer, which is the person in charge of the investigation, is responsible for determining the need of interpretation. Depending on the matter's nature the Investigation Officer can be a Police Officer or a Prosecutor<sup>2</sup>.</p> <p>Chapter 5, paragraph 6 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>) stipulates that if a party, witness or other person is to be heard before the court and does not speak Swedish, an interpreter shall be assigned to assist the court. If a suspect in a criminal case does not speak Swedish, an interpreter should be assigned for meetings before the court<sup>3</sup>. Paragraph 8 deals with the remuneration of the interpreters and will be further described below.</p> <p>Chapter 23, paragraph 16 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>4</sup> dealing with the pre-trial investigation stipulates that Chapter 5, paragraphs 6 and 8 shall be applied also when it comes to interpretation during the pre-trial investigation.</p> <p>This stipulation refers to all activities carried out as a part of the pre-trial investigation, including police questioning. Police questioning, which takes place before the pre-trial investigation is initiated, is dealt with in the chapter concerning the pre-trial investigation (chapter 23, paragraph 3 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)) and is governed by the same rules<sup>5</sup>.</p>
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<sup>2</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2015, Chapter 23, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) According to Chapter 23, paragraph 3, the prosecutor shall assume responsibility for conducting the investigation as soon as someone is reasonably suspected of the offence, unless the matter is not of a simple nature. The prosecutor shall also take over the conduct of the investigation if special reasons so require. A prosecutor conducting a pre-trial investigation may enlist the assistance of a police authority. He may also direct a police officer to take particular measures in aid of the pre-trial investigation when appropriate having regard to the nature of the measure. Before the pre-trial investigation has been initiated, a police officer may question persons or take other investigatory measures relevant to the inquiry.

<sup>3</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, chapter 5, paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) All hyperlinks were accessed 23 July 2015.

<sup>4</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, chapter 23, paragraph 16, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>5</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2015, chapter 23, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

		<p>According to the experience of legal counsel Karl Harling, access to interpretation during pre-trial proceedings (including police questioning) is not a problem<sup>6</sup>.</p> <p>b) How is it in practice ascertained whether suspected or accused persons speak and understand the language of the proceedings?</p> <p>A person's first contact with the authorities in a criminal procedure is usually with the police. In general, police officers have experience of assessing if individuals are in need of an interpreter and can therefore decide whether a person needs an interpreter or not. In practice this assessment and decision is often done very quickly as a result of the first communication – or attempted communication – with the individual in question. In general, individuals says that they do not speak Swedish, or it is obvious to the police officer that it is not possible to communicate with them in Swedish. In other cases – such as when persons speak and understand a little bit Swedish the need of an interpreter may not show itself until the first questioning. It may then become clear that it is not possible to fully understand what persons say, or questions may be given “strange” or inadequate responses<sup>7</sup>. This is confirmed by Ms. Wallström of the Swedish Police (<i>Polisen</i>) that says that the police ascertains whether the suspected or accused understands Swedish or not simply by “talking to the person in question” and by “posing questions if the person understands”<sup>8</sup>.</p> <p>When it is clear that individuals do not speak sufficient Swedish it is the authority's responsibility to try to determine what language the person speaks, and to use interpreters in that language<sup>9</sup>. According to the Swedish Police (<i>Polisen</i>) the interpretation is assured either through the use of interpreters or through the use of staff from the police that speak the language required, when such staff exists<sup>10</sup>.</p>
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<sup>6</sup> Sweden, legal counsel at a Swedish law firm.

<sup>7</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) “Interpretation and translation in criminal proceedings”, Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>8</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>9</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) “Interpretation and translation in criminal proceedings”, Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>10</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

If the police have questioned a person with the help of an interpreter this shall be recorded in the documentation. As a consequence, the information about the need for interpretation is accompanying the preliminary investigation when it is reported to the prosecutor. If the prosecutor will bring charges it will be indicated in the lawsuit if there is a need for an interpreter. This means that the court already is informed about the defendant's need of an interpreter and in which language when the case arrives<sup>11</sup>. This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration (*Domstolsverket*)<sup>12</sup>.

c) Who bears the cost of interpretation?

According to chapter 5, paragraph 8 of the Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), the compensation for all costs for the interpreter (work, loss of time and expenses) shall be paid by public funds<sup>13</sup>.

The courts remunerate interpreters in accordance with a tariff which is set in advance in accordance with the Ordinance for interpreter tariffs (*Förordning (1979:291) för tolktaxa*)<sup>14</sup>. The Ordinance applies to the interpretation made in the criminal courts, but also to interpretation made in the administrative courts (*Förvaltningsrätten*), the labour court (*Arbetsdomstolen*), the market court (*Marknadsdomstolen*), the Swedish Police (*Polisen*), the Swedish Prosecution Authority (*Åklagarmyndigheten*) and others. The Ordinance and the tariffs only apply to interpreter assignments and not to written translations by translators<sup>15</sup>.

<sup>11</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>12</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>13</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1985, chapter 5, paragraph 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>14</sup> Sweden, Ordinance for interpreter tariffs (*Förordning (1979:291) för tolktaxa*), 1 January 2015, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1979-291/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1979-291/)

<sup>15</sup> Sweden, Ordinance for interpreter tariffs (*Förordning (1979:291) för tolktaxa*), 1 January 2015, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1979-291/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1979-291/)

The Swedish Police (*Polisen*) bears the costs of interpretation during police questioning<sup>16</sup>, which is covered by the overall state budget allocation to the Swedish Police.

d) What is the timeframe (deadline) for providing interpretation?

There is no special stipulation made of a particulate timeframe for providing interpretation in the Code of Judicial Procedure (*Rättegångsbalk (1942:740)*). However, the timeframe follows from other processual rules e.g. that a questioning/interrogation must be held within a certain timeframe<sup>17</sup>. According to chapter 23, paragraph 9 of the Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), persons, who are arrested or detained are not obliged to remain for questioning longer than six hours. If it is particularly important that persons, who are suspected of a crime are available for further questioning, they are obliged to remain for another six hours<sup>18</sup>. As a consequence, interpretation must be provided in time to meet this deadline. According to the same chapter and paragraph, persons, who are under fifteen years are not obliged to remain for questioning for more than three hours. If it is of extreme importance for the investigation, persons under fifteen years are obliged to remain for another three hours. As a consequence, interpretation must be provided in time to meet this deadline.

According to the Government inquiry tasked with investigating how the EU Directive 2010/64/EU is to be transposed into Swedish law, negotiations in court or police interrogations are sometimes postponed if there is a need for an interpreter that cannot be satisfied at the moment because of a total lack of interpreters or a lack of interpreters with sufficiently high quality<sup>19</sup>.

<sup>16</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>17</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>18</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 April 1998, chapter 23, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>19</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<p>1.1.2</p>	<ul style="list-style-type: none"> <li>• court hearings;</li> </ul>	<p>a) Who has the responsibility for determining the need of interpretation?</p> <p>It is the decision of the court. According to Chapter 5, paragraph 6 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), an interpreter must be assigned to assist the court if a party, witness or other person is to be heard before the court and does not speak Swedish. If a suspect in a criminal case does not speak Swedish, an interpreter should be assigned for all meetings before the court<sup>20</sup>.</p> <p>If the police have questioned a person with the help of an interpreter this fact must be recorded in the case documentation. As a consequence, the information about the need for interpretation is commonly accompanying the preliminary investigation when it is reported to the prosecutor. If the prosecutor brings charges the need for an interpreter will be indicated in the lawsuit if. As a consequence, the court will be informed about the accused person's need of an interpreter well before the case starts<sup>21, 22</sup>. If an interpreter is not engaged although it is needed or if the interpretation is of very poor quality it may constitute a procedural error<sup>23</sup>.</p> <p>b) How is it in practice ascertained whether suspected or accused persons speak and understand the language of the proceedings?</p> <p>This responsibility falls on the court if a person's need for an interpreter, for some reason, has not been noticed/registered during the pre-trial investigation. In practice, this assessment and decision is often done very quickly as a result of the first communication – or attempted communication – with the individuals in question. In general, individuals say that they do not speak Swedish, or it becomes obvious to the court that it is not possible to communicate properly with the accused persons in Swedish. In other cases, such as when persons speak and understand some Swedish, the need of an interpreter may show itself during the hearings. It may</p>
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<sup>20</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, chapter 5, paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>21</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>22</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>23</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).



not be fully possible to understand what the person says, or questions may be given “strange” or inadequate response<sup>24, 25</sup>

Furthermore, it is the defence counsel’s task to make sure that their clients understand what is happening in the court, in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (*Rättegångsbalk (1942:740)*). These paragraphs stipulate that the defence counsel must safeguard the suspected person’s rights with zeal and care (*nit och omsorg*) and make any requests and take any actions necessary in this regard<sup>26</sup>.

According to the Government inquiry tasked with investigating how the EU Directive 2010/64/EU is to be transposed into Swedish law, it is a procedural error to deny persons an interpreter if they are in need of one. In turn, this may lead to that the questioning and/or the trial must be repeated<sup>27, 28</sup>.

The interpretation that is offered should be done in the person’s native language, but the inquiry points out that if the person’s mother tongue is very unusual in the Swedish context, it may not be possible to find an interpreter in the language in question. In such cases it has occurred that an interpreter has been engaged to interpret between Swedish and another language that the person in question masters<sup>29</sup>. However, the Government inquiry tasked with investigating how the EU Directive 2010/64/EU is to be transposed into Swedish law, emphasises that this kind of procedure must be avoided to the utmost possible extent, since misunderstanding or inaccuracies

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<sup>24</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) “Interpretation and translation in criminal proceedings”, Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>25</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>26</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>27</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) “Interpretation and translation in criminal proceedings”, Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), p.65, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>28</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>29</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) “Interpretation and translation in criminal proceedings”, Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), p.65, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

of importance for the trial can be a result of not being able to speak in one's mother tongue<sup>30</sup>. In turn, this may lead to that the questioning and/or the trial must be repeated<sup>31</sup>.

c) Who bears the cost of interpretation?

According to chapter 5, paragraph 8 of the Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), the compensation for all costs for the interpreter (work, loss of time and expenses) is paid by public funds<sup>32</sup>.

The costs for interpreters are carried centrally by the Swedish National Courts Administration (*Domstolsverket*) together with the costs of public defence, plaintiff's counsel, legal aid, public counsel, costs of evidence and interpreters under a separate budget allocation "Legal assistants" (*Rättsliga biträden*). All courts send current accounts of expenditure for the interpretation to the Swedish National Courts Administration (*Domstolsverket*)<sup>33</sup>.

Even if an accused is convicted for a crime and as a consequence has to reimburse the state for the costs for their defence, the reimbursement requirement does include the costs for interpretation during the case<sup>34</sup>.

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<sup>30</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), p.65, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>31</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), p.65, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>32</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1985, chapter 5, paragraph 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>33</sup> Sweden, Swedish Agency for Public Management (*Statskontoret*), "Seven proposals for a more efficient use of interpreters in the courts" (*Sju förslag för effektivare användning av tolkar i domstolar*), available at: [www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/](http://www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/)

<sup>34</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, chapter 31, paragraph 1, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

		<p>d) What is the timeframe (deadline) for providing interpretation?</p> <p>There are no specific timeframes stipulated for the different steps of the criminal proceedings. However, all steps should be carried out “as soon as possible” (så snart det kan ske)<sup>35</sup>. According to the Swedish National Courts Administration (<i>Domstolsverket</i>), the practice is that interpretation shall be assured ‘well before’ the start of the court hearing<sup>36</sup>. The Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>) informs that the interpretation shall be assured ‘before’ the start of the court hearing<sup>37</sup>. According to legal counsel, Karl Harling, it is not a problem to handle these deadlines, especially if one uses interpretation via telephone<sup>38</sup>.</p>
<p>1.1.3</p>	<ul style="list-style-type: none"> <li>• any necessary interim hearings;</li> </ul>	<p>a) Who has the responsibility for determining the need of interpretation?</p> <p>According to Chapter 5, paragraph 6 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), an interpreter should be assigned for meetings before the court if a party, witness or other person is to be heard before the court and does not speak Swedish. If a suspect in a criminal case does not speak Swedish an interpreter should be assigned for meetings before the court<sup>39</sup>. The latter sentence clarifies that a suspect has the right to an interpreter in all meetings before the court.</p> <p>b) How is it in practice ascertained whether suspected or accused persons speak and understand the language of the proceedings?</p> <p>This responsibility falls on the court, if a person’s need for an interpreter, for some reason, has not been noticed/registered during the pre-trial investigation. In practice this assessment and decision is often done very quickly as a result of the first communication – or attempted communication –</p>

<sup>35</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>36</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>37</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>38</sup> Sweden, legal counsel at a Swedish law firm.

<sup>39</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, chapter 5, paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

with the individual in question. In general individuals directly inform that they do not speak Swedish, or it is obvious to the court that it is not possible to communicate in Swedish. In other cases, such as when persons speak and understand some Swedish, the need of an interpreter may show itself during the first questioning. It may not be fully possible to understand what the person says, or questions may be given “strange” or inadequate responses<sup>40</sup>.

It is also the legal counsel’s task to make sure that their clients understand what is happening in the court, in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (*Rättegångsbalk (1942:740)*). These paragraphs stipulate that the legal counsel must safeguard the suspect person’s rights with zeal and care (*nit och omsorg*) and make any requests and take any actions necessary in this regard<sup>41</sup>.

c) Who bears the cost of interpretation?

According to chapter 5, paragraph 8 of the Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), the compensation for all costs for the interpreter (work, loss of time and expenses) is paid by public funds<sup>42</sup>.

The costs for interpreters are carried centrally by the Swedish National Courts Administration (*Domstolsverket*) together with the costs of public defence, plaintiff’s counsel, legal aid, public counsel, costs of evidence and interpreters under a separate budget allocation “Legal assistants” (*Rättsliga biträden*). All courts send current accounts of expenditure for the interpretation to the Swedish National Courts Administration (*Domstolsverket*)<sup>43</sup>.

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<sup>40</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) “Interpretation and translation in criminal proceedings”, Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>41</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>42</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1985, chapter 5, paragraph 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>43</sup> Sweden, Swedish Agency for Public Management (Statskontoret), “Seven proposals for a more efficient use of interpreters in the courts” (*Sju förslag för effektivare användning av tolkar i domstolar*), available at: [www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/](http://www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/)

		<p>Even if accused persons are convicted for a crime and as a consequence has to reimburse the state for the costs for their defence, the reimbursement requirement does include the costs for interpretation during the case<sup>44</sup>.</p>
		<p>d) What is the timeframe (deadline) for providing interpretation?</p> <p>There are no specific timeframes stipulated for the different steps of the criminal proceedings. However, all steps should be carried out “as soon as possible” (<i>så snart det kan ske</i>)<sup>45</sup>. According to the Swedish National Courts Administration (<i>Domstolsverket</i>), the practice is that interpretation shall be assured well before the start of the hearing<sup>46</sup>. The Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>) informs that the interpretation shall be assured before the start of the hearing<sup>47</sup>.</p> <p>According to legal counsel, Karl Harling, it is not a problem to handle the deadlines, especially if one uses interpretation via telephone<sup>48</sup>.</p>
<p>1.1.4</p>	<ul style="list-style-type: none"> <li>any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or</li> </ul>	<p>a) Who has the responsibility for determining the need of interpretation?</p> <p>It is the court that determines the need of interpretation of the communication between the suspects/accused persons and their legal counsel, in direct connection with any hearing during the proceedings<sup>49</sup>.</p> <p>When it comes to interpretation of the communication in direct connection with questioning during the pre-trial investigation, the decision is made by the investigation officer, who is either a</p>

<sup>44</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, chapter 31, paragraph 1, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>45</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>46</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>47</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>48</sup> Sweden, legal counsel at a Swedish law firm.

<sup>49</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, Chapter 5, paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

	<p>hearing during the proceedings?</p>	<p>prosecutor or a police<sup>50</sup>. According to legal counsel, Karl Harling, it is common that the investigation officer/the court hires one interpreter “for the whole time period”. This means the interpreter will interpret a preparatory meeting between the legal counsel and the suspect/accused and then go on to serve as an interpreter for the questioning/hearing. After the questioning/hearing, the interpreter will also interpret any concluding meeting between the legal counsel and the suspect/accused<sup>51</sup>.</p> <p>The right to interpretation during the communication between suspects and accused persons and their legal counsel is not explicitly expressed by law. However, the Government inquiry tasked with investigating how the EU Directive 2010/64/EU is to be transposed into Swedish law points out that such interpretation is considered a matter of course and is analogical applicable through other provisions in the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>52</sup>. For example, the mission of a legal counsel is stipulated in Chapter 21, paragraphs 7, 9 and 10 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>53</sup>. According to Chapter 21, paragraph 7 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), the legal counsel shall prepare the defence through consultation with the suspected person. During the preliminary investigation and the court proceedings, the legal counsel may make any request and take any measure required to</p>
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<sup>50</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, Chapter 23, paragraph 16, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>51</sup> Telephone interview with Mr. Karl Harling, legal counsel at the Swedish law firm *Bratt, Feinsilber, Harling*, web page: [www.bfhlaw.se](http://www.bfhlaw.se) 2 June 2015.

<sup>52</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) “Interpretation and translation in criminal proceedings”, Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), p.63, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269) Before submitting a proposal for new legislation to the Parliament, the Government may need to examine various alternatives. This task is carried out by a Government-appointed committee or commission of inquiry. When the Government appoints a commission of inquiry it also provides a set of guidelines for the commission's work. These are known as terms of reference and they set out what issue the commission is to examine, what problems there are that need to be solved and by what date the inquiry should be completed. The commission of inquiry takes existing legislation and legal praxis (*gällande rätt*) as a point of departure for its proposals that it presents to the Government in a report. The report is published in a series known as the Swedish Government Official Reports (SOU). If a government ministry has conducted the inquiry, it will be published in a series known as the Ministry Publications Series (Ds). These inquiries form part of a law's legislative history used to interpret the law, when there is a lack of case law to guide the court. They may also be used to get a summary of existing law and legal praxis at the time.

<sup>53</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, 18 July 1942, Chapter 21, paragraphs 7 and 9, and 1 January 2010, Chapter 21, paragraph 10, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)



	<p>protect the rights of the suspect<sup>54</sup>. Furthermore, a legal counsel shall not be refused to meet with his/her client and has the right to communicate with him or her in private, as stipulated in Chapter 21, paragraph 9 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>55</sup>. As a consequence, the inquiry's position is that legal counsels cannot fulfil their mission without an interpreter if a client does not understand Swedish<sup>56</sup>.</p> <p>In addition, the government inquiry points out that legal counsels are entitled to compensation from public funds for any expenses they have for interpretation, as stipulated in chapter 21, article 10 in the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>57</sup>.</p>
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<sup>54</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, 18 July 1942, Chapter 21, paragraph 7, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningsamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningsamling/sfs_sfs-1942-740/)

<sup>55</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, 18 July 1942, Chapter 21, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningsamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningsamling/sfs_sfs-1942-740/)

<sup>56</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)), p.63, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

Before submitting a proposal for new legislation to the Parliament, the Government may need to examine various alternatives. This task is carried out by a Government-appointed committee or commission of inquiry. When the Government appoints a commission of inquiry it also provides a set of guidelines for the commission's work. These are known as terms of reference and they set out what issue the commission is to examine, what problems there are that need to be solved and by what date the inquiry should be completed. The commission of inquiry presents its proposals to the Government in a report. The report is published in a series known as the Swedish Government Official Reports (SOU). If a government ministry has conducted the inquiry, it will be published in a series known as the Ministry Publications Series (Ds). These inquiries form part of a law's legislative history used to interpret the law, when there is a lack of case law to guide the court.

<sup>57</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)), p.63, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269) Before submitting a proposal for new legislation to the Parliament, the Government may need to examine various alternatives. This task is carried out by a Government-appointed committee or commission of inquiry. When the Government appoints a commission of inquiry it also provides a set of guidelines for the commission's work. These are known as terms of reference and they set out what issue the commission is to examine, what problems there are that need to be solved and by what date the inquiry should be completed. The commission of inquiry takes existing legislation and legal praxis (*gällande rätt*) as a point of departure for its proposals that it presents to the Government in a report. The report is published in a series known as the Swedish Government Official Reports (SOU). If a government ministry has conducted the inquiry, it will be published in a series known as the Ministry Publications Series (Ds). These inquiries form part of a law's legislative history used to interpret the law, when there is a lack of case law to guide the court. They may also be used to get a summary of existing law and legal praxis at the time.

b) How is it in practice ascertained whether suspected or accused persons speak and understand the language of the proceedings?

According to legal counsel, Karl Harling, the procedures work as intended by the law, when it comes to interpretation in direct connection to questioning/hearing, other communication with the client and the remuneration process<sup>58</sup>. The information is confirmed by the Swedish National Courts Administration (*Domstolsverket*)<sup>59</sup>.

c) Who bears the cost of interpretation?

The interpretation of communication between the legal counsel and his/her client in direct connection to questioning/hearing is directly funded by public funds. It is considered as part of the costs for the interpretation of the questioning/hearing. Other communication between the legal counsel and his/her client e.g. during the preparation of the defence is initially carried by the legal counsel and is remunerated by public funds as part of his/her expenses.

The compensation for all costs for the interpreter (work, loss of time and expenses) is paid by public funds, in accordance with chapter 5, paragraph 8 of the Code of Judicial Procedure (*Rättegångsbalk (1942:740)*)<sup>60</sup>.

The costs for interpreters are carried centrally by the Swedish National Courts Administration (*Domstolsverket*) together with the costs of public defence, plaintiff's counsel, legal aid, public counsel, costs of evidence and interpreters under a separate budget allocation "Legal assistants" (Rättsliga biträden). All courts send current accounts of expenditure for the interpretation to the Swedish National Courts Administration (*Domstolsverket*)<sup>61</sup>.

d) What is the timeframe (deadline) for providing interpretation?

<sup>58</sup> Sweden, legal counsel at a Swedish law firm.

<sup>59</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>60</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1985, chapter 5, paragraph 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>61</sup> Sweden, Swedish Agency for Public Management (Statskontoret), "Seven proposals for a more efficient use of interpreters in the courts" (*Sju förslag för effektivare användning av tolkar i domstolar*), available at: [www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/](http://www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/)



		<p>There are no specific timeframes stipulated for the different steps of the criminal proceedings. However, all steps should be carried out “as soon as possible” (så snart det kan ske)<sup>62</sup>. This information is confirmed by the Swedish National Courts Administration (<i>Domstolsverket</i>) and the Prosecution Authority (<i>Åklagarmyndigheten</i>)<sup>63</sup>.</p>
<p><b>1.2</b></p>	<p>How do authorities ensure interpretation into rare/lesser known languages where no certified interpreters exist? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>	<p>According to Chapter 5, paragraph 6 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), the court shall appoint an authorised interpreter for the case, if this is possible<sup>64</sup>. However, the law does not demand that the interpreter in question shall be specialised in legal matters. Otherwise another relevant person shall be appointed. If the court already has an interpreter of the language in question in its employment (<i>allmän tolk</i>), this interpreter shall be appointed to the case.<sup>65</sup></p> <p>According to Ms. Wallström of the Swedish Police (<i>Polisen</i>), the different Interpreter agencies are assisting the police to find a suitable person<sup>66</sup>. (In Sweden, the interpreters are associated with different agencies, which in their turn have framework agreements with e.g. the Swedish National Courts Administration (<i>Domstolsverket</i>) or the Swedish Police (<i>Polisen</i>). The agencies are then competing for contracts from their presumptive customers, based on i.e. the availability of interpreters in the required language.)</p> <p>The profession of the interpreter is not legally protected, which means that practically anyone can call themselves interpreters. However, there are three different levels of interpreters with training – interpreters with basic training (<i>grundutbildade tolkar</i>), authorised interpreters (<i>auktoriserade tolkar</i>) and specialised interpreters (<i>specialtolkar</i>)<sup>67</sup>.</p> <p><i>Interpreters with basic training (grundutbildade tolkar)</i></p>

<sup>62</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>63</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*); prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>64</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, chapter 5 paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>65</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, chapter 5 paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>66</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>67</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), information available at: [www.tolkregistret.se](http://www.tolkregistret.se)

		<ul style="list-style-type: none"> <li>• have passed a special cohesive basic training for interpreters taught by so-called Folk High Schools (<i>Folkhögskolor</i>) or adult education associations (<i>studieförbund</i>);</li> <li>• have not been evaluated/tested by Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>);</li> <li>• do not work under the supervision of the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>) or any other authority.</li> </ul> <p><i>Authorised interpreters (auktoriserade tolkar)</i></p> <ul style="list-style-type: none"> <li>• have passed a specially designed proficiency examination held by the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>);</li> <li>• work under the supervision of the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>);</li> <li>• may have special qualifications for court/medical interpretation.</li> </ul> <p><i>Specialised interpreters (specialtolkar)</i></p> <ul style="list-style-type: none"> <li>• are always authorised interpreters;</li> <li>• have passed a specially designed proficiency examination for court/medical interpretation held by the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>);</li> <li>• works under the supervision of the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>)</li> </ul> <p>The Legal, Financial and Public Procurement Agency (<i>Kammarkollegiet</i>) provides authorisation for interpreters in 40 languages<sup>68</sup>. According to the Agency the number of languages for which authorisation procedures are available is based on the demands on the interpretation market as well as and access to assessors. The Legal, Financial and Public Procurement Agency (<i>Kammarkollegiet</i>) provides authorisation for general interpretation (<i>auktoriserad talk</i>), and for</p>
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<sup>68</sup> The languages are: Albanian, Arabic, Bosnian, Croatian, Serbian, Bulgarian, Danish, Dari, English, Estonian, Finnish, French, Greek, Hindi, Italian, Japanese, Cantonese, Latvian, Lithuanian, Macedonian, Meänkieli, Dutch, North Kurdish, Persian (Farsi), Polish, Portuguese, Mandarin Chinese, Romanian, Russian, Sami (Northern Sami), Somali, Spanish, South Kurdish, Swahili, Sign Language, Thai, Tigrinya, Czech, Turkish, German, Hungarian, Vietnamese, web information available at: [www.kammarkollegiet.se/dokument/spr-kplan-auktorisationsprov-f-r-tolkar](http://www.kammarkollegiet.se/dokument/spr-kplan-auktorisationsprov-f-r-tolkar)

		<p>authorised interpreter with specialisations as legal interpreter or medical interpreter. Since interpretation is done in almost 170 languages there are approximately 130 languages where there is no proficiency test available.</p> <p>A survey included in a 2015 report on the use of interpreters in the courts carried out by the Agency of Public Management (<i>Statskontoret</i>) shows that the courts do not always require that the interpreter should be a legal interpreter or even an authorised interpreter<sup>69</sup>. The survey responses shows that the courts have different reasons for not enforcing such requirements.</p> <ul style="list-style-type: none"> <li>- There is simply no legal interpreter in Sweden for the language in question.</li> <li>- There are only a few interpreters available in a specific county/region.</li> <li>- The court has not introduced such a routine.</li> <li>- It is assumed that interpretation agency always attempts to send a legal interpreter.</li> <li>- It is assumed that the court is always assigned a legal interpreter since all interpretation agencies are part of public framework agreement and the booking comes from an authority<sup>70</sup>.</li> </ul> <p>If no authorised interpreters or legal interpreters are available an interpreter with basic training has to be engaged instead – either through contact with an interpretation agency or a web search via <a href="http://www.tolkregistret.se">www.tolkregistret.se</a> – a database run by The Legal, Financial and Public Procurement Agency (<i>Kammarkollegiet</i>) on commission from the government<sup>71</sup>.</p>
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<sup>69</sup> Sweden, Swedish Agency for Public Management (*Statskontoret*) (2015) “Seven proposals for a more efficient use of interpreters in the courts”, (*Sju förslag för effektivare användning av tolkar i domstolar*), p.62, available at: [www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/](http://www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/)

<sup>70</sup> Sweden, Swedish Agency for Public Management (*Statskontoret*), “Seven proposals for a more efficient use of interpreters in the courts”, (*Sju förslag för effektivare användning av tolkar i domstolar*), p.62, available at: [www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/](http://www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/)

<sup>71</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<p><b>1.3</b></p>	<p>Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no interpretation is needed? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>	<p>There are no specific legal provisions for the right to challenge a decision that interpretation is not needed in a case. Complaints can be addressed to the investigation officer during the pre-trial investigation and to the court during the trial. It is expected that the investigation officer and/or the judge should act on any procedural mistakes<sup>72</sup>. If an interpreter has not engaged when it has been needed or if the interpretation has been of poor quality it may constitute a procedural error that can be addressed in the context of an appeal against a judgment or decision.<sup>73</sup></p> <p>According to Ms. Wallström of the Swedish Police (<i>Polisen</i>), a suspect or accused person can challenge the failure or refusal to appoint an interpreter by addressing the court in question<sup>74</sup>. During the pre-trial investigation a failure or refusal to appoint an interpreter can be challenged to a higher ranking prosecutor in accordance with chapter 7, paragraphs 2 and 5 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>75</sup>. This information is confirmed by Ms. Anna Palmqvist of the Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>)<sup>76</sup>. During the trial a failure or refusal to appoint an interpreter is regulated by chapter 49, paragraph 3 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>77</sup>. This paragraph stipulates that the final decision of any district court may be appealed against, unless otherwise provided. However, if the parties are entitled to apply for reinstatement of a case determined by a final decision, they may not appeal against the decision. Other decisions may be appealed against only in conjunction with an appeal against judgment or final decision, unless otherwise stated<sup>78</sup>. This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>79</sup>.</p>
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<sup>72</sup> According a representative of the Swedish Police (*Polisen*), the investigation officer monitors the issue during the pre-trial investigation.

<sup>73</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>74</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>75</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2004, chapter 7, paragraphs 2 and 5, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>76</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>77</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), chapter 49, paragraph 3, 1 October 1994, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>78</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>79</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

1.4	With regard to remote interpretation via communication technologies :	
	a) Can communication technologies for the purpose of remote interpretation be used? If so, at what stage(s) of the proceedings?	According to Chapter 5, paragraph 10 of the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ), the main rule is that the parties and others that will participate must appear in person in the courtroom <sup>80</sup> . However, if there are plausible reasons, e.g. the lack of interpreters, the court may decide that an interpreter may participate by audio transmission or audio and image transmission, which mainly means telephone or video conference <sup>81</sup> .
	b) Which technologies are used, if any (videoconference, telephone, internet, etc.)	<p>According to a report from the Agency of Public Management (<i>Statskontoret</i>) published in 2015 shows that technological improvements has been made since 2010, but there are still problems. The lack of effective technologies and equipment are still mentioned by the courts as a reason for not using video interpretation, while others mentioned the difficulties to book a video room as an additional stage which makes it more difficult to order an interpreter<sup>82</sup>.</p> <p>The Agency of Public Management (<i>Statskontoret</i>) points out that interpretation via videoconference would be most useful for the courts located far from the metropolitan regions, where the majority of the authorised interpreters are located. However, there is no clear connection between the court's geographical location and the extent to which it uses video in its interpretations, which implies that the technology is not used to balance the geographically skewed supply of interpreters<sup>83</sup>.</p>

<sup>80</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 15 September 2005, chapter 5, paragraph 10, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>81</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 15 September 2005, chapter 5, paragraph 10, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>82</sup> Sweden, Swedish Agency for Public Management (*Statskontoret*), "Seven proposals for a more efficient use of interpreters in the courts" (*Sju förslag för effektivare användning av tolkar i domstolar*), p.49 available at: [www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/](http://www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/) The report includes the results of a survey sent out to all courts in Sweden following up a similar survey made in 2010 by the Swedish National Courts Administration (*Domstolsverket*) and presented in its report "Kvaliteten på tolkning i domstolar" DV 2010:4, available at: [http://domstol.se/Publikationer/Rapporter/dv-rapport\\_2010-4\\_tolkuppdraget\\_webb.pdf](http://domstol.se/Publikationer/Rapporter/dv-rapport_2010-4_tolkuppdraget_webb.pdf)

<sup>83</sup> Sweden, Swedish Agency for Public Management (*Statskontoret*), "Seven proposals for a more efficient use of interpreters in the courts" (*Sju förslag för effektivare användning av tolkar i domstolar*), p.49 available at: [www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/](http://www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/)

	<p>According to Ms. Wallström of the Swedish Police (<i>Polisen</i>), when an interpreter cannot be present telephone interpretation is the main technology choice<sup>84</sup>. Interpretation by telephone are mainly used as a solution to geographical distances or lack of skilled interpreters, but she states that it can also be used if it is assessed as being quicker and/or less expensive. However, the use of telephone interpretation is not likely in the phase of charge notification<sup>85</sup>. According to Ms. Wallström, this phase is seen as particularly important and it is therefore important that an interpreter is called to come in person<sup>86</sup>.</p> <p>Mr. Karl Harling, legal counsel of the law firm Bratt, Feinsilber, Harling, supports this statement. It is used as a pragmatic way to solve problems with geographical distances and deadlines<sup>87</sup>.</p>
<p>c) Do competent authorities rely on the tools developed in the context of European e-Justice (e.g. information on courts with videoconferencing equipment provided on the European E-justice Portal)? <b>Please cross-check findings from the desk research by consulting relevant</b></p>	<p>It is not mentioned in the report from the Agency of Public Management (<i>Statskontoret</i>), but the information on courts with videoconferencing equipment in Swedish courts has been recently updated (3 March 2015)<sup>88</sup> and is available at:<a href="https://e-justice.europa.eu/content_information_on_national_facilities-319-se-sv.do?member=1">https://e-justice.europa.eu/content_information_on_national_facilities-319-se-sv.do?member=1</a> The Prosecution Authority (<i>Åklagarmyndigheten</i>) informs that they do not use the system.<sup>89</sup> The Swedish National Courts Administration (<i>Domstolsverket</i>) has not been able to respond to the question<sup>90</sup>.</p> <p>Mr. Karl Harling, legal counsel of the law firm <i>Bratt, Feinsilber, Harling</i>, was not aware of the existence of the European E-justice portal and assumed that it was not in general use<sup>91</sup>.</p>

<sup>84</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>85</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>86</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>87</sup> Sweden, legal counsel at a Swedish law firm.

<sup>88</sup> See [https://e-justice.europa.eu/content\\_information\\_on\\_national\\_facilities-319-se-sv.do?member=1](https://e-justice.europa.eu/content_information_on_national_facilities-319-se-sv.do?member=1)

<sup>89</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>90</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>91</sup> Sweden, legal counsel at a Swedish law firm.

	<b>organisations and/or practitioners.</b>			
	<b>TRAINING<sup>92</sup></b>	<b>Yes</b>	<b>No</b>	<b>Brief Description</b>
<b>1.5</b>	Are providers of judicial training requested to pay special attention to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication? If yes, briefly provide details.		No	<p>Knowledge about how to communicate via an interpreter is not mentioned as one of the criteria in the diploma description for the law degree (<i>juristexamen</i>) in the Higher Education Ordinance (<i>Högskoleförordning (1993:100)</i>)<sup>93</sup>, which in turn means that it is not in focus in the programme teaching.</p> <p>In 2015, a two days course focusing on interpretation “To talk through an interpreter” is offered to new judges as a part of the available further education. The courses are given at the Court Academy (<i>Domstolsakademin</i>), arranged by the Swedish National Courts Administration (<i>Domstolsverket</i>). New judges are expected to take some courses to supplement their prior experiences and to keep up to date. However, the courses are voluntary<sup>94</sup>.</p> <p>The Swedish National Police Academy (<i>Polishögskolan</i>) offers a voluntary course on interview and interrogation methodology as a further education for police employees with investigation experience. The prerequisites to participate in this course is a basic</p>

<sup>92</sup> See in particular Article 6 and relevant recitals of Directive 2010/64/EU

<sup>93</sup> Sweden, Ordinance on Higher Education (*Högskoleförordning (1993:100)*), 1 November 1998, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Hogskoleforordning-1993100\\_sfs-1993-100/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Hogskoleforordning-1993100_sfs-1993-100/)

<sup>94</sup> Sweden, Swedish National Courts Administration (*Domstolsverket*) *Utbildningar 2015* (Education 2015) p. 16, available at: <http://np.netpublicator.com/netpublication/n28112274> For more information about the Court Academy, see: [www.domstol.se/Om-Sveriges-Domstolar/Arbeta-i-Sveriges-Domstolar/Kompetensutveckling/Domstolsakademin/](http://www.domstol.se/Om-Sveriges-Domstolar/Arbeta-i-Sveriges-Domstolar/Kompetensutveckling/Domstolsakademin/)



			<p>course in the same subject. The course's aim is to enable the participants to acquire in-depth knowledge of interrogation methods and is includes interrogation of persons with disabilities and interrogation with the use of an interpreter. The course includes 12 days of full-time studies<sup>95</sup>.</p> <p>The Swedish Bar Association (<i>Advokatsamfundet</i>) has a number of courses as further education – one dealing with interview and interrogation methodology in criminal proceedings. However, the issue of interpreters is not mentioned as a fundamental part of the course<sup>96</sup>.</p>
<b>2.</b>	<b>RIGHT TO TRANSLATION OF DOCUMENTS<sup>97</sup></b>	<b>TO OF</b>	<b>Brief Description</b>
<b>2.1</b>	<p><b>Please provide answers to the following for each stage of proceedings as indicated below:</b></p> <p>a) Which documents (according to national law or established practice) are considered essential to translate in order to safeguard the fairness of the proceedings?</p> <p>b) Who bears the cost of translation at each stage?</p> <p>c) What is the timeframe (deadline) for the translation of documents at each stage of the proceedings?</p> <p><b>Please cross-check findings from the desk-research by consulting relevant organisations and/or practitioners.</b></p>		
	<ul style="list-style-type: none"> <li>• police questioning;</li> </ul>	<p>a) Which documents (according to national law or established practice) are considered essential to translate in order to safeguard the fairness of the proceedings?</p>	

<sup>95</sup> Sweden, Swedish National Police Academy (*Polishögskolan*), courses available at:

[www.polishogskolan.se/PageFiles/42385/1/Polish%C3%B6gskolans%20kurskatalog.pdf](http://www.polishogskolan.se/PageFiles/42385/1/Polish%C3%B6gskolans%20kurskatalog.pdf)

<sup>96</sup> Sweden, Swedish Bar Association (*Advokatsamfundet*), course in interview and interrogation methodology in criminal proceedings, available at:

[www.advokatsamfundet.se/Utbildning/Information-om-kurs/?courseid=77401](http://www.advokatsamfundet.se/Utbildning/Information-om-kurs/?courseid=77401)

<sup>97</sup> See in particular Articles 3 and 4 and relevant recitals of Directive 2010/64/EU.



<p>2.1.1</p>	<p>Chapter 23, paragraph 16 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>) stipulates that Chapter 33, paragraph 9, concerning translation of documents, should be applied when it comes to translation during the preliminary investigation<sup>98</sup>. According to the same chapter and paragraph the investigation officer<sup>99</sup> shall decide about interpretation and translation at this stage<sup>100</sup>.</p> <p>According to Chapter 33, paragraph 9 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>) the investigation officer<sup>101</sup> in charge of the pre-trial investigation is required to translate documents related to criminal cases or the main parts of them, if a translation is essential for the possibility of the accused persons to protect their rights. There is no legal specification made of what constitute “essential documents”. Our understanding is that it is unusual that documents are translated in writing. The rule is that documents are translated orally. According to chapter 33, paragraph 9, all documents may be translated orally, if the character of the document or the case or any other circumstance do not make an oral translation unsuitable (olämplig)<sup>102</sup>. According to the Government Inquiry tasked with investigating how the EU Directive 2010/64/EU should be transposed into Swedish law, the majority of documents should be possible to translate orally rather than in writing<sup>103</sup>. Examples of documents that may be considered unsuitable for oral translation (according to the Government Inquiry) are:</p>
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<sup>98</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, chapter 23, paragraph 16, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>99</sup> Depending on the matter’s nature the investigation officer can be a police officer or a prosecutor.

<sup>100</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January, 2014, chapter 33, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>101</sup> Depending on the matter’s nature the investigation officer can be a police officer or a prosecutor.

<sup>102</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 33, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) It is not defined what “any other circumstance” may be.

<sup>103</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) “Interpretation and translation in criminal proceedings”, Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)) p. 37, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269) The remit has included analysing how Swedish law relates to the Directive and assessing the need for legislative amendments and other measures. The inquiry was also instructed to propose the legislative amendments and other measures necessary to transpose the Directive.

- documents that may be difficult to assimilate if they are not translated in writing, e.g. documents with economically or technically complex facts,
- documents in cases where the suspicion is of such a serious or specific nature that an oral translation of a specific document could be deemed unsuitable<sup>104</sup>.

These examples from the inquiry are not reflected in the law as such, but is part of legal praxis.

This means that if a suspected or accused persons request it, the police, prosecutor or court must provide written translations of the documents, or parts thereof, which are essential for the suspect or accused to defend themselves<sup>105</sup>. The ability to defend oneself should be seen in a broad sense, such as being able to understand and respond to all allegations, claims, actions or claims that may be made or taken in the criminal proceedings. Therefore, the rule is that suspected or accused persons or legal counsels may submit a reasoned request for a translation and of what they want to have translated. Normally, there are certain situations where a request is not needed and where it is natural that the judicial authorities (including the police and prosecutor) provide a written or oral translation instead<sup>106</sup>.

<sup>104</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), p.37, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

Before submitting a proposal for new legislation to the Parliament, the Government may need to examine various alternatives. This task is carried out by a Government-appointed committee or commission of inquiry. When the Government appoints a commission of inquiry it also provides a set of guidelines for the commission's work. These are known as terms of reference and they set out what issue the commission is to examine, what problems there are that need to be solved and by what date the inquiry should be completed. The commission of inquiry takes existing legislation and legal praxis (*gällande rätt*) as a point of departure for its proposals that it presents to the Government in a report. The report is published in a series known as the Swedish Government Official Reports (SOU). If a government ministry has conducted the inquiry, it will be published in a series known as the Ministry Publications Series (Ds). These inquiries form part of a law's legislative history used to interpret the law, when there is a lack of case law to guide the court. They may also be used to get a summary of existing law and legal praxis at the time.

<sup>105</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), p. 13, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>106</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), p. 13, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

b) Who bears the cost of translation?

The compensation for all costs for the interpreter (work, loss of time and expenses) are paid by public funds in accordance with chapter 5, paragraph 8 of the Code of Judicial Procedure (*Rättegångsbalk (1942:740)*)<sup>107</sup>. Translators should be compensated for their work, in accordance with Chapter 33, paragraph 9 of the Code of Judicial Procedure (*Rättegångsbalk (1942:740)*)<sup>108</sup>. The difference between the two provisions concerns what kind of costs that may be compensated. While interpreters are “entitled to reasonable compensation for the work, loss of time, and expenses that the mission has required” (*rätt till skälig ersättning för arbete, tidsspillan och utlägg som uppdraget krävt*)<sup>109</sup> translators are only entitled to “reasonable compensation” (*rätt till skälig ersättning*)<sup>110</sup>. The presumption is that translators do not have to travel and/or wait in court the same way that interpreters do.

The Swedish Police (*Polisen*) bears the costs of translation during police questioning, which will be covered by the overall state budget allocation to the Swedish Police<sup>111</sup>.

c) What is the timeframe (deadline) for the translation of documents?

The translation must be ready before the pre-trial investigation ends and the suspected persons are notified of their charges<sup>112</sup>. According to Chapter 33, paragraph 6 of the Code of Judicial Procedure (*Rättsbalk (1942:740)*) the notification can be given by either a police or a prosecutor<sup>113</sup>.

<sup>107</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1985, chapter 5, paragraph 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>108</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 33, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>109</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1985, chapter 5, paragraph 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>110</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 33, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>111</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>112</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>113</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 2 January 2015, chapter 33, paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<p>2.1.2</p>	<ul style="list-style-type: none"> <li>• court hearings;</li> </ul>	<p>a) Which documents (according to national law or established practice) are considered essential to translate in order to safeguard the fairness of the proceedings</p> <p>According to Chapter 33, paragraph 9 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>) the investigation officer<sup>114</sup> in charge of the pre-trial investigation is required to translate documents related to criminal cases or the main parts of them, if a translation is essential for the possibility of accused persons to protect their rights. There is no legal specification made of what constitute “essential documents”. Our understanding is that translation of documents into writing rarely is done. The rule is that documents are translated orally. According to chapter 33, paragraph 9, all documents may be translated orally, if the character of the document or the case or any other circumstance do not make an oral translation unsuitable (<i>olämplig</i>)<sup>115</sup>.</p> <p>This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>116</sup>. However, Ms. Anna Palmqvist of the Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>) informs us that it is only the preliminary investigation report (<i>förundersökning</i>) and the indictment (<i>stämningsansökan</i>) that are translated in writing<sup>117</sup>.</p> <p>According to the Government Inquiry tasked with investigating how the EU Directive 2010/64/EU should be transposed into Swedish law, the majority of documents should be possible to translate orally rather than in writing<sup>118</sup>. Examples of documents that may be considered unsuitable for oral translation (according to the Government Inquiry) are:</p>
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<sup>114</sup> Depending on the matter’s nature the investigation officer can be a police officer or a prosecutor.

<sup>115</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 33, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) It is not defined what “any other circumstance” may be.

<sup>116</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>117</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>118</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) “Interpretation and translation in criminal proceedings”, Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), p. 37 available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269) The remit has included analysing how Swedish law relates to the Directive and assessing the need for legislative amendments and other measures. The inquiry was also instructed to propose the legislative amendments and other measures necessary to transpose the Directive.

- documents that may be difficult to assimilate if they are not translated in writing, e.g. documents with economically or technically complex facts,
- documents in cases where the suspicion is of such a serious or specific nature that an oral translation of a specific document could be deemed unsuitable<sup>119</sup>.

These examples from the inquiry are not reflected in the law as such, but is part of the legislative history that may be used to develop legal praxis.

According to Chapter 33, paragraph 9 of the Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), the court is also required to translate a document relating to criminal cases or the most important parts of it, if it should be sent to anyone who is residing in another state and there is reason to believe that the person in question does not understand the language in the documents. The documents should be translated into the language of the other state in question, or if the authority knows that the person does not understand that language to another language the person do understand<sup>120</sup>.

The legislative history indicates that this provision should be applied strictly to keep down costs. The court may investigate if the person in question may be able to get the document translated in

<sup>119</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)), p.37, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

Before submitting a proposal for new legislation to the Parliament, the Government may need to examine various alternatives. This task is carried out by a Government-appointed committee or commission of inquiry. When the Government appoints a commission of inquiry it also provides a set of guidelines for the commission's work. These are known as terms of reference and they set out what issue the commission is to examine, what problems there are that need to be solved and by what date the inquiry should be completed. The commission of inquiry takes existing legislation and legal praxis (*gällande rätt*) as a point of departure for its proposals that it presents to the Government in a report. The report is published in a series known as the Swedish Government Official Reports (SOU). If a government ministry has conducted the inquiry, it will be published in a series known as the Ministry Publications Series (Ds). These inquiries form part of a law's legislative history used to interpret the law, when there is a lack of case law to guide the court. They may also be used to get a summary of existing law and legal praxis at the time.

<sup>120</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 33, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) Swedish text: "Rätten är också skyldig att översätta en handling i ett brottmål eller de viktigaste delarna av den [...]", English (inofficial) translation: "The court is also required to translate a document in a criminal case or the main parts of it [...]"

		<p>any other way before determining whether there is a need for a translation<sup>121</sup>. However, the Government inquiry tasked with investigating how the EU Directive 2010/64/EU is to be transposed into Swedish law points out that court practice is to translate any document a court must send to a person abroad, if there is reason to believe that the recipient does not speak Swedish<sup>122</sup>.</p>
		<p>b) Who bears the cost of translation at each stage?</p> <p>The costs for translators are carried centrally by the Swedish National Courts Administration (<i>Domstolsverket</i>) together with the costs of public defence, plaintiff's counsel, legal aid, public counsel, costs of evidence and interpreters under a separate budget allocation "Legal assistants" (<i>Rättsliga biträden</i>). All courts send current accounts of expenditure for the interpretation to the Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>123</sup>. This information is confirmed by the Prosecution Authority (<i>Åklagarmyndigheten</i>) and the Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>124</sup>.</p>

<sup>121</sup> Sweden, Ministry of Justice (Justitiedepartementet) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), p. 37 available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269) The remit has included analysing how Swedish law relates to the Directive and assessing the need for legislative amendments and other measures. The inquiry was also instructed to propose the legislative amendments and other measures necessary to transpose the Directive.

<sup>122</sup> Sweden, Ministry of Justice (Justitiedepartementet), "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), p. 37, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269) The remit has included analysing how Swedish law relates to the Directive and assessing the need for legislative amendments and other measures. The inquiry was also instructed to propose the legislative amendments and other measures necessary to transpose the Directive.

<sup>123</sup> Sweden, Swedish Agency for Public Management (*Statskontoret*), "Seven proposals for a more efficient use of interpreters in the courts", *Sju förslag för effektivare användning av tolkar i domstolar*, available at: [www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/](http://www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/)

<sup>124</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*); prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

		<p>c) What is the timeframe (deadline) for the translation of documents?</p> <p>There are no specific timeframes stipulated for the different steps of the criminal proceedings. However, all steps should be carried out “as soon as possible” (så snart det kan ske)<sup>125</sup>. According to the both the Prosecution Authority (<i>Åklagarmyndigheten</i>) and the Swedish National Courts Administration (<i>Domstolsverket</i>) this means that the translation shall take place in a way that suspected persons and their legal counsels have reasonable time to prepare before court hearings. This is necessary in order to uphold suspected persons’ right to a fair proceeding<sup>126</sup>.</p>
2.1.3	<ul style="list-style-type: none"> <li>• any necessary interim hearings;</li> </ul>	<p>a) Which documents (according to national law or established practice) are considered essential to translate in order to safeguard the fairness of the proceedings?</p> <p>According the Chapter 33, paragraph 9 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), the court is required to translate documents related to criminal cases or the main parts of them, if a translation is essential for the possibility of the accused to protect his/her rights. The translation may be made orally if it is not unsuitable with regard to the character of the document or the case or any other circumstance<sup>127</sup>.</p> <p>There is no legal specification made of what constitute “essential documents”. Our understanding is that it is unusual to translation of documents into writing is done. The rule is that documents are translated orally. According to chapter 33, paragraph 9, all documents may be translated orally, if the character of the document or the case or any other circumstance do not make an oral translation unsuitable (olämplig)<sup>128</sup>.</p>

<sup>125</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>126</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*); prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>127</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 33, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>128</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 33, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) It is not defined what “any other circumstance” may be.



		<p>This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>129</sup>. However, Ms. Anna Palmqvist of the Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>) informs us that it is only the preliminary investigation report (<i>förundersökning</i>) and the indictment (<i>stämningsansökan</i>) that are translated in writing<sup>130</sup>.</p> <p>According to the Government Inquiry tasked with investigating how the EU Directive 2010/64/EU should be transposed into Swedish law, the majority of documents should be possible to translate orally rather than in writing<sup>131</sup>. However, the Government Inquiry points out the oral translations cannot always replace written ones. Some documents in an investigation may be difficult to assimilate if they are not translated in writing, e.g. documents with economically or technically complex facts. Furthermore, the suspicion or objective may be of such a serious or specific nature that an oral translation of a specific document could be deemed unsuitable.</p> <p>b) Who bears the cost of translation?</p> <p>The costs for translators are carried centrally by the National Courts Administration (<i>Domstolsverket</i>) together with the costs of public defence, plaintiff’s counsel, legal aid, public counsel, costs of evidence and interpreters under a separate budget allocation “Legal assistants” (<i>Rättsliga biträden</i>). All courts send current accounts of expenditure for the interpretation to the Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>132</sup>.</p>
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<sup>129</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>130</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>131</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) “Interpretation and translation in criminal proceedings”, Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)) p. 37, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269) The remit has included analysing how Swedish law relates to the Directive and assessing the need for legislative amendments and other measures. The inquiry was also instructed to propose the legislative amendments and other measures necessary to transpose the Directive.

<sup>161</sup> Sweden, Swedish Agency for Public Management (*Statskontoret*), “Seven proposals for a more efficient use of interpreters in the courts” (*Sju förslag för effektivare användning av tolkar i domstolar*), available at: [www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/](http://www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/)



		<p>This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>133</sup>. However, Ms. Anna Palmqvist of the Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>) informs us that it is only the statement to the court (<i>framställan till domstolen</i>) and any memorandum (<i>promemoria</i>) that are translated in writing<sup>134</sup>.</p>
		<p>c) What is the timeframe (deadline) for the translation of documents?</p> <p>There are no specific timeframes stipulated for the different steps of the criminal proceedings. However, all steps should be carried out “as soon as possible” (<i>så snart det kan ske</i>)<sup>135</sup>. According to the both the Prosecution Authority (<i>Åklagarmyndigheten</i>) and the Swedish National Courts Administration (<i>Domstolsverket</i>) this means that the translation shall take place in a way that the accused persons and their legal counsels have reasonable time to prepare before court hearings. This is necessary in order to uphold suspected persons’ right to a fair proceeding<sup>136</sup>.</p>
<p><b>2.1.4</b></p>	<ul style="list-style-type: none"> <li>• any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or</li> </ul>	<p>a) Which documents (according to national law or established practice) are considered essential to translate in order to safeguard the fairness of the proceedings?</p> <p>According to Chapter 33, paragraph 9 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), the translation of the documents that are deemed essential may be made orally if it is not unsuitable with regard to the character of the document or the case or any other circumstance<sup>137</sup>. There is no legal specification made of what constitute “essential documents”. Our understanding is that translation of documents into writing rarely is done. The rule is that documents are translated orally.</p>

<sup>133</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>134</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>135</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>136</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*); prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>137</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 33, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

hearing during the proceedings?	<p>If the legal counsels and/or the accused persons want written translations of any documents they may then make a reasoned request for translations from the court<sup>138</sup>. If there is a need to communicate in writing between the suspected/accused persons and their legal counsels, the latter will hire a translator and will be remunerated for the expenses.</p>
	<p>b) Who bears the cost of translation at each stage?</p> <p>The costs for interpreters are carried centrally by the Swedish National Courts Administration (<i>Domstolsverket</i>) together with the costs of public defence, plaintiff's counsel, legal aid, public counsel, costs of evidence and interpreters under a separate budget allocation "Legal assistants" (<i>Rättsliga biträden</i>). All courts send current accounts of expenditure for the interpretation to the National Courts Administration (<i>Domstolsverket</i>)<sup>139</sup>. This information is confirmed by the Prosecution Authority (<i>Åklagarmyndigheten</i>) and the Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>140</sup>.</p>
	<p>c) What is the timeframe (deadline) for the translation of documents?</p> <p>There are no specific timeframes stipulated for the different steps of the criminal proceedings. However, all steps should be carried out "as soon as possible" (<i>så snart det kan ske</i>)<sup>141</sup>. According to both the Prosecution Authority (<i>Åklagarmyndigheten</i>) and the Swedish National Courts Administration (<i>Domstolsverket</i>), this means that the translation shall take place in a way that the</p>

<sup>138</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)) p. 79 – 80, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>139</sup> Sweden, Swedish Agency for Public Management (*Statskontoret*), "Seven proposals for a more efficient use of interpreters in the courts" (*Sju förslag för effektivare användning av tolkar i domstolar*), available at: [www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/](http://www.statskontoret.se/publikationer/2015/sju-forslag-for-effektivare-anvandning-av-tolkar-i-domstol/)

<sup>140</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*); prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>141</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

		accused persons and their legal counsels have reasonable time to prepare. This is necessary in order to uphold suspected persons' right to a fair process <sup>142</sup> .
2.2	How do the competent authorities ascertain whether oral translation or oral summary of essential documents may be provided instead of a written translation? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b>	<p>According to Chapter 33, paragraph 9 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), the translation of the documents that are deemed essential may be made orally if it is not unsuitable with regard to the character of the document or the case or any other circumstance<sup>143</sup>. Our understanding is that translation of documents into writing rarely is done. The rule is that documents are translated orally.</p> <p>This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>144</sup>. However, Ms. Anna Palmqvist of the Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>) informs us that it is only the preliminary investigation report (<i>förundersökning</i>) and the indictment (<i>stämningansökan</i>) that are translated in writing<sup>145</sup>.</p> <p>The views of the Government inquiry from 2012 tasked with investigating how the EU Directive 2010/64/EU is to be transposed into Swedish law are presented below. The views of Government inquiries are not legally binding but may be used to interpret the intention of the law<sup>146</sup>.</p>

<sup>142</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*); prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>143</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 33, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>144</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>145</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>146</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)), p.63, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

Before submitting a proposal for new legislation to the Parliament, the Government may need to examine various alternatives. This task is carried out by a Government-appointed committee or commission of inquiry. When the Government appoints a commission of inquiry it also provides a set of guidelines for the commission's work. These are known as terms of reference and they set out what issue the commission is to examine, what problems there are that need to be solved and by what date the inquiry should be completed. The commission of inquiry takes existing legislation and legal praxis (*gällande rätt*) as a point of departure for its proposals that it presents to the Government in a report. The report is published in a series known as the Swedish Government Official Reports (SOU). If a government ministry has conducted the inquiry, it will be

		<p>According to legal praxis, the decision to apprehend and/or arrest a person are minuted by the police and prosecutors, but the decision is only notified verbally to the person that is suspected of a crime. The view of the Government inquiry is that these kind of decisions should be orally translated with the help of an interpreter. According to the inquiry, the same procedure should also be used for the service of criminal charges, since this is always delivered in connection to an interrogation. However, more complex criminal charges, e.g. in economic crime, may sometimes be a reason for a written translation. The position of the Government inquiry was that an oral translation of other documents of the preliminary investigation in connection of the final service of the criminal charges is sufficient in most cases<sup>147</sup>.</p> <p>In more extensive investigations concerning complex legal, economic or technical matters there may be stronger reasons to translate documents or parts of documents in writing than in investigations of a more everyday crimes. There are sometimes reasons for written translations of the notes from key interrogations/interviews. This is especially true if the accusation against the suspected person stands or falls with them, or if the case concern serious criminal charges<sup>148</sup>.</p> <p>Normally, indictments (åtal), i.e. the application for a summons lodged with the court, are translated orally when the accused persons meets with their legal counsels before the trial. The assignment of legal counsels include explaining the indictment and the charges for persons accused of a crime. In order to do so, an interpreter and/or translator may be needed<sup>149</sup>.</p>
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published in a series known as the Ministry Publications Series (Ds). These inquiries form part of a law's legislative history used to interpret the law, when there is a lack of case law to guide the court. They may also be used to get a summary of existing law and legal praxis at the time.

<sup>147</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)) p. 79 – 80, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>148</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)) p. 79 – 80, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>149</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)) p. 79 – 80, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

		<p>In cases where there is no defence counsel appointed, the accused person has the opportunity to request a written translation of the indictment from the court. The court must then decide whether a translation is needed and in what form (oral or in writing). The assessment of the Government inquiry tasked with investigating how the EU Directive 2010/64/EU is to be transposed into Swedish law was that it will normally be enough with an oral translation of the charges, since such cases usually concern crimes or investigations of simpler nature<sup>150</sup>.</p> <p>The legal counsels and/or the accused persons may make reasoned requests for written translations from the court<sup>151</sup>. Ms. Wallström of the Swedish Police (<i>Polisen</i>) states that all information given to suspected persons whether orally or in writing is in Swedish. According to her, the suspected person's legal counsel is responsible to arrange interpretation and translation if necessary<sup>152</sup>.</p> <p>This information is confirmed by Mr. Karl Harling, legal counsel of the law firm <i>Bratt, Feinsilber, Harling</i>, supports this statement<sup>153</sup>.</p>
<p><b>2.3</b></p>	<p>Please describe procedures in place, if any, to ensure that suspects or accused persons have the right to challenge the decision that no translation is needed? <b>Please cross-check findings from the</b></p>	

<sup>150</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)) p. 79 – 80, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>151</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)) p. 79 – 80, available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>152</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>153</sup> Sweden, legal counsel at a Swedish law firm.

desk research by consulting relevant organisations and/or practitioners.				
		Yes	No	Brief Description
2.4	Do all documents that the suspected or accused person has to sign during the proceedings have to be translated?		No	As described above, the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ) does not specify which documents that should be translated in writing. According to Chapter 33, paragraph 9 of the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ), the translation of the documents that are deemed essential may be made orally if it is not unsuitable with regard to the character of the document or the case or any other circumstance. According to Ms. Wallström of the Swedish Police ( <i>Polisen</i> ), documents that the suspected or accused persons have to sign during the proceedings must be translated to a language they understand. However, they do not have to be translated in writing. This is seconded by Mr. Harling, legal counsel at the legal firm <i>Bratt, Feinsilber, Harling</i> <sup>154</sup> . Nevertheless, there are standardised written translations of the most common documents in the most common languages <sup>155</sup> . There is no legal provision stipulating what should be considered “essential documents”. According to both Ms. Wallström at the Swedish Police ( <i>Polisen</i> ) and Mr. Harling, legal counsel this is rather decided by legal praxis <sup>156</sup> . According to Ms. Wallström at the Swedish Police ( <i>Polisen</i> ) there are several standard documents translated into relevant languages. The documents have been translated over time based on the needs of different cases. The Swedish Police ( <i>Polisen</i> ) is not able to provide a list of these documents that are already translated but Ms. Wallström informs us that such documents are commonly related to cases involving tourists, for example traffic offences. <sup>157</sup>

<sup>154</sup> Sweden, legal counsel at a Swedish law firm.

<sup>155</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>156</sup> Sweden, legal counsel at a Swedish law firm; desk officer at the Swedish Police’s section for EU coordination.

<sup>157</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

2.5	Is it possible to waive the right to translation of documents and if so, what form can it have and under which conditions can it be accepted?		No	<p>Translation is only warranted if accused persons or their legal counsels ask for translations<sup>158</sup>. Therefore there are no necessity to have the right to waive the right to translation.</p> <p>Our understanding is that translation of documents into writing rarely is done. The rule is that documents are translated orally.</p> <p>This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration (Domstolsverket)<sup>159</sup>. However, Ms. Anna Palmqvist of the Swedish Prosecution Authority (Åklagarmyndigheten) informs us the preliminary investigation report (förundersökning) and the indictment (stämningsansökan) are translated in writing<sup>160</sup>.</p>
3.	<b>RIGHTS CONCERNING BOTH INTERPRETATION AND TRANSLATION<sup>161</sup></b>			
3.1	<b>With regard to use of registers of interpreters and translators in EU Member States:</b>	Yes	No	<b>Brief Description</b>
	a) Do national databases or registers exist for legal	Yes		The Legal, Financial and Administrative Services Agency ( <i>Kammarkollegiet</i> ) – a Swedish national authority – is tasked with the authorisation of interpreters and translators <sup>162</sup> . This means that the Agency has a register of all authorised

<sup>158</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 33, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>159</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>160</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>161</sup> See in particular Article 5 and relevant recitals of Directive 2010/64/EU.

<sup>162</sup> Kammarkollegiet seldom uses an official translation of its name. The most used translation is the Legal, Financial and Administrative Services Agency. The authority's tasks mainly involve activities that require qualified legal and economic expertise. The public authority exercised by the Legal, Financial and Administrative Services Agency (*Kammarkollegiet*) applies e.g. to travel guarantees, exemptions from the testamentary provisions governing foundations, the appointment of those entitled to solemnise marriages within religious denominations, registration of religious



	translators and interpreters?		<p>interpreters and translators and any specialities they may have (like legal interpreter). The Legal, Financial and Administrative Service Agency (<i>Kammarkollegiet</i>) also keeps register of non-authorized interpreters who have completed certain types of interpreter education or training<sup>163</sup>. The Agency also publishes an on-line directory of authorized interpreters<sup>164</sup>, with a search function in Swedish and English as well as an on-line directory of authorized translators<sup>165</sup>. The directory of authorized interpreters is searchable both by language and by two specialities (legal interpreters and health care interpreters). The searchable directory on the Legal, Financial and Administrative Services Agency's (<i>Kammarkollegiet</i>) webpage only includes authorized interpreters that have given their permission to have their contact details published<sup>166</sup>. Other ways to find authorized interpreters are through the interpretation agencies that are usually listed on the webpage. In some cases specific interpreters may be so well-known and sought after by police, prosecutors, legal counsels and/or the courts so they do not have to be listed on the webpage. The Agency also hosts a searchable online directory of the non-authorized interpreters who have completed certain types of interpreter education or training<sup>167</sup>.</p>
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denominations and also looking after the Swedish Inheritance Fund's interest and other areas of public interest, including the authorisation of interpreters and translators, web information available at: [www.kammarkollegiet.se/kammarkollegiet](http://www.kammarkollegiet.se/kammarkollegiet)

<sup>163</sup> The register "Tolkregistret.se" includes liaison interpreters (*kontakttolkar*), who have successfully completed basic training for interpreters conducted with funding from the National Agency for Higher Vocational Education (*Myndigheten för yrkeshögskolan*) from July 2012 and the Institute for Interpretation and Translation (*Tolk- och översättarinstitutet*) at Stockholm University (*Stockholms universitet*) from 2006 to June 2012. Tolkregistret.se is being operated by the Legal, Financial and Administrative Services Agency (*Kammarkollegiet*) by order from Government.

<sup>164</sup> The on-line directory of authorized interpreters is available at: [www.kammarkollegiet.se/rattsavdelningen/tolkar-och-oversattare/sok-auktoriserad-tolk](http://www.kammarkollegiet.se/rattsavdelningen/tolkar-och-oversattare/sok-auktoriserad-tolk)

<sup>165</sup> The on-line directory of authorized translators is available at: [www.kammarkollegiet.se/rattsavdelningen/tolkar-och-oversattare/sok-auktoriserad-translator](http://www.kammarkollegiet.se/rattsavdelningen/tolkar-och-oversattare/sok-auktoriserad-translator)

<sup>166</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), Webpage, Title: *Tolkar och översättare; Sökresultat*, available at: [www.kammarkollegiet.se/interpreter/sv/search](http://www.kammarkollegiet.se/interpreter/sv/search)

<sup>167</sup> The register "Tolkregistret.se" includes liaison interpreters (*kontakttolkar*), who have successfully completed basic training for interpreters conducted with funding from the National Agency for Higher Vocational Education (*Myndigheten för yrkeshögskolan*) from July 2012 and the Institute for Interpretation and Translation (*Tolk- och översättarinstitutet*) at Stockholm University (*Stockholms universitet*) from 2006 to June 2012. Tolkregistret.se is being operated by the Legal, Financial and Administrative Services Agency (*Kammarkollegiet*) by order from Government.



	<p>b) Do translators and interpreters have to be listed in databases/registers for their services to be used? In other words, is membership/registration mandatory?</p>		<p>No</p>	<p>There is no requirement for authorised interpreters or translators to be listed on the searchable online directories. However, they have to be registered in the registers of the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>) in order for them to prove their authorisation if it is questioned. The Agency issues special ID cards to all authorised interpreters and translators. The ID card includes the person's name, photo, any speciality and the authorisation's expiration date<sup>168</sup>. A person can become an authorised interpreter by passing proficiency examinations held by the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>) as stipulated in paragraph 1 of the Ordinance (1985:613) on the Authorisation of Interpreters and Translators (<i>Förordning (1985: 613) om auktorisation för tolkar och översättare</i>)<sup>169</sup>. A person must be of legal age, of known personal integrity and suitable for working as an interpreter. The Agency supervises authorised interpreters. It can take disciplinary action, and complaints against interpreters are lodged with it. The authorisation process has developed in order to guarantee skilled and trustworthy interpreters.</p> <p>Authorisation currently exists for 40 languages, while interpreting is done in almost 170 languages. After becoming an authorised interpreter, a person can take further tests to be authorised as a court interpreter and/or a medical interpreter.</p> <p>The searchable directory on the Legal, Financial and Administrative Service Agency's (<i>Kammarkollegiet</i>) webpage only includes authorised interpreters that have given their permission to have their contact details published<sup>170</sup>.</p>
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<sup>168</sup> A prototype is available online at

[www.kammarkollegiet.se/sites/default/files/Beh%C3%B6righetskort%20f%C3%B6r%20tolkar%2C%20exempel.jpg](http://www.kammarkollegiet.se/sites/default/files/Beh%C3%B6righetskort%20f%C3%B6r%20tolkar%2C%20exempel.jpg)

<sup>169</sup> Sweden, Ordinance on the Authorisation of Interpreters and Translators (*Förordning (1985: 613) om auktorisation för tolkar och översättare*), 1 July 1985, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto\\_sfs-1985-613/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto_sfs-1985-613/)

<sup>170</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), Webpage, Title: *Tolkar och översättare; Sökresultat*, available at: [www.kammarkollegiet.se/interpreter/sv/search](http://www.kammarkollegiet.se/interpreter/sv/search)

	c) Who has access to these databases?	<p><b>Brief Description:</b> The databases are run by the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>). The searchable online directories are accessible for the public as well as the authorities.</p>
	<p>d) Which professional qualifications are needed by:</p> <ul style="list-style-type: none"> <li>• translators and</li> <li>• interpreters</li> </ul> <p>in order to be registered in the database?</p>	<p><b>Brief Description:</b></p> <p>The authorisation of an interpreter and/or translator is only valid for a maximum of five years. If interpreters/translators want to remain authorised after this period they have to re-take the test.</p> <p>The interpreter instruction<sup>171</sup> developed by the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>), with support of the paragraph 19 of the Ordinance on the Authorisation of Interpreters and Translators (<i>Förordning (1985:613) om auktorisation för tolkar och översättare</i>)<sup>172</sup>, was definite and published in 2004. This instruction includes the following requirements on professional qualifications for interpreters under paragraph 4.</p> <ul style="list-style-type: none"> <li>• The examination for authorisation of interpreters includes written exams, questioning and role play designed to assess the interpreter’s ability to interpret. To pass the examinations interpreters must have good command of Swedish and the other language and be familiar with the vocabulary, grammar and expression of both languages. They shall (<i>skall</i>) also have good reading comprehension and literacy<sup>173</sup>.</li> <li>• To become an authorised interpreter a person must be able to accomplish a technical satisfying interpretation with good information transfer (<i>god informationsöverföring</i>). Good information transfer means that the information passed between two parties is not lost in the interpretation. They must also be well acquainted with the professional code of ethics for authorised interpreters, the so-called “Good Interpreting Practice” (<i>God tolksed</i>). The standards in the code have been derived from legislation and other</li> </ul>

<sup>171</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), *KAMFS 2004:1 Kammarkollegiets tolkföreskrifter*, available at: [www.kammarkollegiet.se/sites/default/files/Kammarkollegiets%20tolkf%C3%B6reskrifter.pdf](http://www.kammarkollegiet.se/sites/default/files/Kammarkollegiets%20tolkf%C3%B6reskrifter.pdf)

<sup>172</sup> Sweden, Ordinance on the Authorisation of Interpreters and Translators (*Förordning (1985: 613) om auktorisation för tolkar och översättare*), 1 July 1985, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto\\_sfs-1985-613/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto_sfs-1985-613/)

<sup>173</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), *KAMFS 2004:1 Kammarkollegiets tolkföreskrifter*, paragraph 4.

		<p>regulations, as well as the practice among professional interpreters<sup>174</sup>. Furthermore, they have to have necessary knowledge of terminology and realia regarding social matters, health care, social insurance, labour and everyday law. They shall also be well oriented in the functioning of Swedish society<sup>175</sup>.</p> <p>The translator instruction<sup>176</sup> developed by the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>), with support of the paragraph 19 of the Ordinance on the Authorisation of Interpreters and Translators (<i>Förordning (1985:613) om auktorisation för tolkar och översättare</i>)<sup>177</sup>, was definite and published in 1994. This instruction includes the following requirements on professional qualifications for translators under paragraph 4.</p> <ul style="list-style-type: none"> <li>• The examination for authorisation of translators includes three written exams designed to assess the translator's ability to translate. Three texts shall be translated, one with the legal content, one with economic content and a third with more general content. To pass the examinations the translators must have good command of Swedish and the other language and be familiar with the vocabulary, grammar and expression of both languages. They shall (<i>skall</i>) also have good reading comprehension and literacy<sup>178</sup>.</li> <li>• In order to become authorised a translator must be able to accomplish a good quality translation without any significant content-changing errors (<i>betydelsebärande fel</i>). They must also be well acquainted with the professional code of ethics for authorised translators, the so-called "Good Translation Practice" (<i>God translatorsed</i>). The standards in the code have been derived from legislation and other regulations, as well</li> </ul>
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<sup>174</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), "Good interpreting practice: guidelines for authorised interpreters" (*God tolksed*), available at: [www.kammarkollegiet.se/sites/default/files/Good%20Interpreting%20Practice%20-%20english%20version.pdf](http://www.kammarkollegiet.se/sites/default/files/Good%20Interpreting%20Practice%20-%20english%20version.pdf)

<sup>175</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), *KAMFS 2004:1 Kammarkollegiets tolkföreskrifter*, paragraph 4, available at: [www.kammarkollegiet.se/sites/default/files/Kammarkollegiets%20tolkf%C3%B6reskrifter.pdf](http://www.kammarkollegiet.se/sites/default/files/Kammarkollegiets%20tolkf%C3%B6reskrifter.pdf)

<sup>176</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), *KAMFS 1994:2 Kammarkollegiets translatorsföreskrifter*, available at: [www.kammarkollegiet.se/sites/default/files/Kammarkollegiets%20translatorsf%C3%B6reskrifter.pdf](http://www.kammarkollegiet.se/sites/default/files/Kammarkollegiets%20translatorsf%C3%B6reskrifter.pdf)

<sup>177</sup> Sweden, Ordinance on the Authorisation of Interpreters and Translators (*Förordning (1985: 613) om auktorisation för tolkar och översättare*), 1 July 1985, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto\\_sfs-1985-613/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto_sfs-1985-613/)

<sup>178</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), *KAMFS 1994:2 Kammarkollegiets translatorsföreskrifter*, paragraph 4, available at: [www.kammarkollegiet.se/sites/default/files/Kammarkollegiets%20translatorsf%C3%B6reskrifter.pdf](http://www.kammarkollegiet.se/sites/default/files/Kammarkollegiets%20translatorsf%C3%B6reskrifter.pdf)

		<p>as the practice among professional translators<sup>179</sup>. Furthermore, they must have necessary knowledge of terminology and realia regarding social matters, health care, social insurance, labour and everyday law. They shall also be well oriented in the functioning of the Swedish society<sup>180</sup>.</p> <p>Interpreters with basic training, who want to be registered at <a href="http://tolkregistret.se">tolkregistret.se</a> (the searchable online directory that the Government has tasked the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>) to operate), must contact the education institution where they have studied and tell them that they want to become registered with the Agency. The Legal, Financial and Administrative Service Agency (<i>Kammarkollegiet</i>) will then receive information from the education institution verifying that the interpreters in question have passed their exams. The exam must be passed before the person can apply through his/her education institution for registration. The education institution in question must be supported by the Swedish National Agency for Higher Vocational Education (<i>Myndigheten för yrkeshögskolan, MYH</i>) since July 2012, and the Institute for Interpreting and Translation Studies (<i>Tolk- och översättningsinsitutet, TÖI</i>) at the Stockholm University (<i>Stockholms Universitet, SU</i>) from 2006 to June 2012<sup>181</sup>.</p>	
	<p>e) Are there any requirements in place to ensure the independence of interpreters and translators? If yes, provide a brief overview (for both translators and interpreters).</p>	<p>Yes</p>	<p>According to chapter 5, paragraph 6 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), a person who is in such a relation to the case or to a party of the case, that it may be considered that the reliability of him/her is reduced, may not be consulted as an interpreter<sup>182</sup>.</p> <p>The Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>) has the responsibility to supervise the over 1,000 authorised interpreters and the slightly</p>

<sup>179</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), “Good translation practice: guidelines for authorised translators” (God translatorssed), available at: [www.kammarkollegiet.se/sites/default/files/God%20translatorssed.pdf](http://www.kammarkollegiet.se/sites/default/files/God%20translatorssed.pdf)

<sup>180</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), *KAMFS 1994:2 Kammarkollegiets translatorsföreskrifter*, paragraph 4, available at: [www.kammarkollegiet.se/sites/default/files/Kammarkollegiets%20translatorsf%C3%B6reskrifter.pdf](http://www.kammarkollegiet.se/sites/default/files/Kammarkollegiets%20translatorsf%C3%B6reskrifter.pdf)

<sup>181</sup> Sweden, Tolkregistret.se, web page, title: *Om tolkregistret.se*, available at: [www.tolkregistret.se/om-tolkregistretse](http://www.tolkregistret.se/om-tolkregistretse)

<sup>182</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 5, paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

			<p>more than 400 authorised translators that are active in Sweden today<sup>183</sup>. According to paragraphs 10-13 of the Ordinance on the Authorisation of Interpreters and Translators (<i>Förordning (1985:613) om auktorisation av tolkar och översättare</i>) the Legal, Financial and Administrative Service Agency (<i>Kammarkollegiet</i>) shall practice supervision over the activity of authorised interpreters and translators<sup>184</sup>. They are responsible for giving and revoking authorisation as well as issuing warnings as is stated in paragraph 14 and 15 of the Ordinance. The Legal, Financial and Administrative Service Agency (<i>Kammarkollegiet</i>) is allowed to ask for input on these matters from other authorities or organisations.</p> <p>According to paragraph 14 of the Ordinance, the Legal, Financial and Administrative Service Agency (<i>Kammarkollegiet</i>) shall revoke the authorisation if an authorised interpreter or translator wilfully commits mistakes or otherwise acts dishonestly. If the mistake is less important the Agency may instead issue a warning<sup>185</sup>.</p>
	f) Is access to existing databases provided through the <a href="#">European e-Justice portal</a> ? <sup>186</sup> How is this register available to legal counsel and relevant authorities?	Yes	<p>The link is available at: <a href="https://e-justice.europa.eu/content_find_a_legal_translator_or_an_interpreter-116-se-sv.do?member=1">https://e-justice.europa.eu/content_find_a_legal_translator_or_an_interpreter-116-se-sv.do?member=1</a></p> <p>The databases are run by the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>). The searchable online directories are accessible for the public as well as the authorities.</p>
	g) Are criminal justice institutions required to use interpreters and translators listed in these registers?	No	<p>When it is clear that individuals do not speak sufficient Swedish it is the authority's responsibility to try to determine what language the person speaks, and to use</p>

<sup>183</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), Web page, Title: *Tolkar och översättare; Om auktorisation: tolkar och översättare för rättssäkerhet*, available at: [www.kammarkollegiet.se/tolkar-och-vers-attare/om-auktion-tolkar-och-vers-attare-f-r-r-ttss-kerhet](http://www.kammarkollegiet.se/tolkar-och-vers-attare/om-auktion-tolkar-och-vers-attare-f-r-r-ttss-kerhet)

<sup>184</sup> Sweden, Ordinance on the Authorisation of Interpreters and Translators (*Förordning (1985: 613) om auktorisation för tolkar och översättare*), 1 July 1985, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto\\_sfs-1985-613/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto_sfs-1985-613/)

<sup>185</sup> Sweden, Ordinance on the Authorisation of Interpreters and Translators (*Förordning (1985: 613) om auktorisation för tolkar och översättare*), 1 July 1985, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto\\_sfs-1985-613/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto_sfs-1985-613/)

<sup>186</sup> <https://e-justice.europa.eu/home.do?plang=en&action=home>

				interpreters in that language <sup>187</sup> . According to the Swedish Police (Polisen) the interpretation is assured either through the use of interpreters or through the use of staff from the police that speak the language required, when such staff exists <sup>188</sup> . According to Chapter 5, paragraph 6 of the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ), the court shall, if possible, appoint an authorised interpreter to assist in a case. If this for some reason is not possible another suitable person shall be appointed. However, they are not required to use only interpreters and translators listed in the registers. If the court already has an interpreter of the language in question in its employment (allmän tolk), this interpreter shall be appointed to the case. <sup>189</sup> The information is confirmed by the Swedish National Courts Administration ( <i>Domstolsverket</i> ) <sup>190</sup> .
<b>3.2</b>	<b>With regard to other mechanisms/procedures:</b>	<b>Yes</b>	<b>No</b>	<b>Brief Description</b>
	a) Are there other mechanisms or procedures in place to ensure the quality and independence of interpretation and translation during the course of the proceedings? Are there any quality checks? Who is	Yes		There are no specific mechanisms or procedures in place to ensure the quality and independence of interpretation and translation during the course of the proceedings. Overt quality problems or problems related to independence are easy to spot and should be dealt with by the court. Weaknesses in the interpretation or translation quality can also be raised in an appeal of a judgment/decision <sup>191</sup> . More subtle problems are harder to notice, and would require somebody to go through the court recordings and compare the information given with the information received. This kind of quality check is not done. However, the authorisation of an interpreter and/or translator is only valid for a maximum of five years. If interpreters/translators want to remain authorised after this period they have to re-take the test. This may in itself be a kind of quality check.

<sup>187</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv (SOU 2012:49)*), available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

<sup>188</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>189</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 5 paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>190</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>191</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).



	responsible for carrying them out?		<p>Beside its examination activities the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>) has a supervisory responsibility for the over 1, 000 authorised interpreters and the slightly more than 400 authorised translators that are active in Sweden today (updated 7 May 2015)<sup>192</sup>. According to paragraphs 10 – 13 of the Ordinance (1985:613) on the Authorisation of Interpreters and <i>Translators</i> (<i>Förordning (1985:613) om auktorisation av tolkar och översättare</i>), the Legal, Financial and Administrative Service Agency (<i>Kammarkollegiet</i>) shall practice supervision over the activity of authorised interpreters and translators<sup>193</sup>. The Agency is responsible for giving and revoking authorisation as well as issuing warnings as is stated in paragraph 14 and 15 of the Ordinance<sup>194</sup>. The Legal, Financial and Administrative Service Agency (<i>Kammarkollegiet</i>) are allowed to ask for input on these matters from other authorities or organisations.</p> <p>According to paragraph 14 of the Ordinance, the Legal, Financial and Administrative Service Agency (<i>Kammarkollegiet</i>) shall revoke the authorisation if an authorised interpreter or translator wilfully commits mistakes or otherwise acts dishonestly. If the mistake is less important the Agency may instead issue a warning<sup>195</sup>.</p> <p>The Swedish National Agency for Higher Vocational Education (<i>Myndigheten för yrkeshögskolan</i>) is responsible to carry out supervision to ensure that the basic training for interpreters given at various education institutions follows existing regulations. The supervision responsibility includes:</p> <ul style="list-style-type: none"> <li>- initial supervisions of all new educations to ensure that all necessary requirements are in place for the provision of a good education;</li> <li>- regular supervision of all educations, which means that the Swedish National Agency for Higher Vocational Education (<i>Myndigheten för yrkeshögskolan</i>) checks</li> </ul>
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<sup>192</sup> Sweden, the Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), Web page, Title: *Tolkar och översättare; Om auktorisation: tolkar och översättare för rättssäkerhet*, available at: [www.kammarkollegiet.se/tolkar-och-vers-attare/om-auktion-tolkar-och-vers-attare-f-r-rtss-kerhet](http://www.kammarkollegiet.se/tolkar-och-vers-attare/om-auktion-tolkar-och-vers-attare-f-r-rtss-kerhet)

<sup>193</sup> Sweden, Ordinance on the Authorisation of Interpreters and Translators (*Förordning (1985: 613) om auktorisation för tolkar och översättare*), 1 July 1985, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto\\_sfs-1985-613/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto_sfs-1985-613/)

<sup>194</sup> Sweden, Ordinance on the Authorisation of Interpreters and Translators (*Förordning (1985: 613) om auktorisation för tolkar och översättare*), 1 July 1985, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto\\_sfs-1985-613/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto_sfs-1985-613/)

<sup>195</sup> Sweden, Ordinance on the Authorisation of Interpreters and Translators (*Förordning (1985: 613) om auktorisation för tolkar och översättare*), 1 July 1985, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto\\_sfs-1985-613/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto_sfs-1985-613/)



			<p>that the ongoing training/education is conducted according to the rules that exist for each education form;</p> <p>- special controls if someone reports any serious shortcomings to the Agency, the authority may choose to make a special examination. This review will be designed to control the issue in focus of the report in question.</p> <p>An authorised interpreter or translator must follow the rules and regulations of:</p> <ul style="list-style-type: none"> <li>• the Ordinance on Authorisation of Interpreters and Translators (<i>Förordning (1985:613) om auktorisation av tolkar och översättare</i>)<sup>196</sup>;</li> <li>• the Legal, Financial and Administrative Services Agency's (<i>Kammarkollegiet</i>) instructions for interpreting and translation, (<i>KAMFS 2004:1 Kammarkollegiets tolk- och translatorföreskrifter</i>)<sup>197</sup>. This instruction/regulation is legally binding under the Act on Announcement of Acts and Other Ordinances (<i>Lag (1976:633) om kungörande av lagar och andra författningar</i>)<sup>198</sup>.</li> <li>• Good Interpreting Practice (<i>God tolksed</i>)<sup>199</sup> and Good Translation Practice (<i>God translatorsed</i>)<sup>200</sup>.</li> </ul> <p>The practices are not legally binding by themselves. They are clarifying legally binding regulations that are of immediate importance for interpreters and translators (e.g. the Ordinance on Authorisation of Interpreters and Translators (<i>Förordning (1985:613) om auktorisation av tolkar och översättare</i>), the Legal, Financial and Administrative Service Agency's (<i>Kammarkollegiet</i>) instructions for interpreting and</p>
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<sup>196</sup> Sweden, Ordinance on Authorisation of Interpreters and Translators (*Förordning (1985:613) om auktorisation av tolkar och översättare*), 1 July 1985, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto\\_sfs-1985-613/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto_sfs-1985-613/)

<sup>197</sup> Sweden, Legal, Financial and Administrative Services Agency (*Kammarkollegiet*), *KAMFS 2004:1 Kammarkollegiets tolkföreskrifter*, available at: [www.kammarkollegiet.se/om-kammarkollegiet/f-rfattningar-0](http://www.kammarkollegiet.se/om-kammarkollegiet/f-rfattningar-0)

<sup>198</sup> Sweden, Act on announcement of acts and other ordinances (*Lag (1976:633) om kungörande av lagar och andra författningar*), 1 January 1977, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1976633-om-arbet\\_sfs-1976-633/?bet=1976:633](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1976633-om-arbet_sfs-1976-633/?bet=1976:633)

<sup>199</sup> Sweden, Legal, Financial and Administrative Service Agency (*Kammarkollegiet*) (2004. Rev.2011) "Good interpreting practice", (*God tolksed; Vägledning för auktoriserade tolkar*), available at: [www.kammarkollegiet.se/dokument/god-tolksed](http://www.kammarkollegiet.se/dokument/god-tolksed)

<sup>200</sup> Sweden, Legal, Financial and Administrative Service Agency (*Kammarkollegiet*), (2004. Rev.2011) "Good translation practice", (*God translatorsed; Vägledning för auktoriserade översättare*), available at: [www.kammarkollegiet.se/dokument/god-translatorsed](http://www.kammarkollegiet.se/dokument/god-translatorsed)

			<p>translation, (<i>KAMFS 2004:1 Kammarkollegiets tolkföreskrifter</i>), the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), the Act on Professional Secrecy for Certain Interpreters and Translators (<i>Lagen (1975:689) om tystnadsplikt för vissa tolkar och översättare</i>), the Public Access to Information and Secrecy Act (<i>Offentlighets- och sekretesslag (2009:400)</i>), the Administrative Court Procedure Act (<i>Förvaltningsprocesslag (1971:291)</i>), the Administrative Procedure Act (<i>Förvaltningslag (1986:223)</i>), and function as instructive manuals.</p> <p>The Legal, Financial and Administrative Service Agency (<i>Kammarkollegiet</i>) practice supervision over authorised interpreters and translators and shall adjudicate cases of declaring an authorisation<sup>201</sup>.</p> <p>Interpreters and translators must also follow the regulations regarding confidentiality obligations of the Act concerning confidentiality for certain interpreters and translators (<i>Lag (1975:689) om tystnadsplikt för vissa tolkar och översättare</i>)<sup>202</sup> and the Public Access to Information and Secrecy Act (<i>Offentlighets- och sekretesslag (2009:400)</i>)<sup>203</sup>.</p> <p>As mentioned above, interpreters and translators must follow the ethical rules described in <i>God tolksed</i><sup>204</sup> and <i>God translatorsed</i><sup>205</sup> by the Legal, Financial and</p>
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<sup>201</sup> Sweden, Ordinance on the Authorisation of Interpreters and Translators (*Förordning (1985: 613) om auktorisation för tolkar och översättare*), 1 July 1985, paragraph 10, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto\\_sfs-1985-613/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto_sfs-1985-613/)

<sup>202</sup> Sweden, Act concerning confidentiality for certain interpreters and translators (*Lag (1975:689) om tystnadsplikt för vissa tolkar och översättare*), 26 June 1975, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-1975689-om-tystnadsplik\\_sfs-1975-689/?bet=1975%3A689](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-1975689-om-tystnadsplik_sfs-1975-689/?bet=1975%3A689)

<sup>203</sup> Sweden, Public Access to Information and Secrecy Act (*Offentlighets- och sekretesslag (2009:400)*), 30 June 2009, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla\\_sfs-2009-400/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla_sfs-2009-400/)

<sup>204</sup> Sweden: Legal, Financial and Administrative Service Agency (*Kammarkollegiet*) (2004. Rev.2011), “Good interpreting practice”, (*God tolksed; Vägledning för auktoriserade tolkar*), available at: [www.kammarkollegiet.se/dokument/god-tolksed](http://www.kammarkollegiet.se/dokument/god-tolksed)

<sup>205</sup> Sweden, Legal, Financial and Administrative Service Agency (*Kammarkollegiet*) (2004. Rev.2011), “Good translation practice”, (*God translatorsed; Vägledning för auktoriserade översättare*), available at: [www.kammarkollegiet.se/dokument/god-translatorsed](http://www.kammarkollegiet.se/dokument/god-translatorsed)

			Administrative Services Agency ( <i>Kammarkollegiet</i> ) <sup>206</sup> . These rules are best described as soft law developed from the obligations of the interpreter/translator stipulated in the Public Access to Information and Secrecy Act ( <i>Offentlighets- och sekretesslag (2009:400)</i> ) and the Confidentiality Obligation of Certain Interpreters and Translators Act ( <i>Lag (1975:689) om tystnadsplikt för vissa tolkar och översättare</i> ) <sup>207</sup> .
	b) Is there any procedure in place to ensure that suspects or accused persons have the possibility, when interpretation and translation has been provided, to complain about the quality and independence of the interpretation and translation?	No	<p>According to paragraph 14 of the Ordinance on Authorisation of Interpreters and Translators (<i>Förordning (1985:613) om auktorisation av tolkar och översättare</i>), the Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>) can revoke the authorisation of an authorised interpreter or translator if they wilfully err in their services<sup>208</sup>.</p> <p>During the on-going case, it is the task of the defence counsels to protect the rights of their clients in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>). These paragraphs stipulate that defence counsels must safeguard the suspect's rights with zeal and care (nit och omsorg) and make any requests and take any actions necessary in this regard<sup>209</sup>. Weaknesses in the quality of the interpretation or translation during court proceedings can also be raised in an appeal of the judgment/verdict<sup>210</sup>.</p>

<sup>206</sup> Sweden: Legal, Financial and Administrative Service Agency (*Kammarkollegiet*) (2004. Rev.2011), "Good interpreting practice", (*God tolksed; Vägledning för auktoriserade tolkar*), available at: [www.kammarkollegiet.se/dokument/god-tolksed](http://www.kammarkollegiet.se/dokument/god-tolksed)

<sup>207</sup> Sweden, Act concerning confidentiality for certain interpreters and translators (*Lag (1975:689) om tystnadsplikt för vissa tolkar och översättare*), 26 June 1975, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-1975689-om-tystnadsplik\\_sfs-1975-689/?bet=1975%3A689](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-1975689-om-tystnadsplik_sfs-1975-689/?bet=1975%3A689)

<sup>208</sup> Sweden, Ordinance on Authorisation of Interpreters and Translators (*Förordning (1985:613) om auktorisation av tolkar och översättare*), 1 July 1985, om auktorisation av tolkar och översättare), available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto\\_sfs-1985-613/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Forordning-1985613-om-aukto_sfs-1985-613/)

<sup>209</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>210</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

	<p>c) Are there any mechanisms in place that allow for the replacement of the appointed interpreter or a new translation when the quality of the interpretation or the independence of the interpreter is considered insufficient? If yes, briefly provide information.</p>		No	<p>According to Elsrud, the actual interpretation process in court – that is the exchange of information between the witness/defendant/plaintiff and their interpreters in a foreign language – does not have a bearing on the official, judicial procedure<sup>211</sup>. It is a means to reach an end, in this case the interpreter’s translation into Swedish, which is subsequently used, by the court, to form an understanding of the case in question. What is said in the non-Swedish language is not double checked or transcribed by the court, potentially adding to the regular body of evidence used to reach a verdict. As time consuming as this may be, it would strengthen the voice of the non-Swedish speaking immigrants and protect the principle of legal security. Theoretically, the principle of free assessment of evidence stipulated in Chapter 35, paragraph 1 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>) permits an appeal based on claims to faulty interpretations. In practice, however, bilingual knowledge and a lot of efforts are needed to identify, prove and problematise interpretations, in addition to preparing an appeal on these grounds<sup>212</sup>. According to the Swedish National Courts Administration (<i>Domstolsverket</i>), the court may decide to re-take parts of the case with a new interpreter, alternatively, undertake new translations of documents, if it comes to their attention that the translation or interpretation is not up to standard<sup>213</sup>. The Prosecution Authority (<i>Åklagarmyndigheten</i>) highlights the possibility of the defendant to do the same<sup>214</sup>.</p>
3.3	<p>Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable</p>			

<sup>211</sup> Elsrud, T. (2014) “Othering the “other” in court: Threats to self-presentation during interpreter assisted hearings.” *International Journal of Law, Language & Discourse*, 4(1): 27-68.

<sup>212</sup> Elsrud, T. (2014) “Othering the “other” in court: Threats to self-presentation during interpreter assisted hearings.” *International Journal of Law, Language & Discourse*, 4(1): 27-68.

<sup>213</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>214</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

	accused persons which affect their ability to communicate effectively? <sup>215</sup> If yes, briefly provide information on those mechanisms considering the following vulnerable groups:		
	a) suspect or accused persons with physical impairment or disability;	Yes	<p>According to Chapter 5, paragraph 6 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), if a party, witness or other person is to be heard before the court and has a hearing or speech impediments and as a result of this impediment is in need of an interpreter an interpreter should be assigned to assist the court<sup>216</sup>. If a suspect in a criminal case has a hearing or speech impediments and as a result of this impediment is in need of an interpreter an interpreter should be assigned for meetings before the court. If possible the Court shall appoint an interpreter, who is authorised to assist as an interpreter in the case. Otherwise, another suitable person shall be appointed<sup>217</sup>.</p> <p>According to chapter 5, paragraph 6, third section, of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), the right to interpreter is applicable for a person that have seriously impaired hearing or speaking as well. The regulation does not just apply for those who cannot hear and speak, but also for them who because of a smaller hearing or speaking impairment can make themselves heard without an interpreter<sup>218</sup>.</p>

<sup>251</sup> See in particular recital 27 of Directive 2010/64/EU.

<sup>216</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 5, paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>217</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2014, chapter 5, paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>218</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) "Interpretation and translation in criminal proceedings", Government inquiry (*Tolkning och översättning vid straffrättsliga förfaranden: genomförande av EU:s tolknings- och översättningsdirektiv* (SOU 2012:49)), available at: [www.regeringen.se/sb/d/15631/a/197269](http://www.regeringen.se/sb/d/15631/a/197269)

	b) suspect or accused persons with intellectual impairment or disability;		According to Chapter 5, paragraph 1 of the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ), questioning of a person that is under 15 years or is suffering from a psychiatric disorder may be held in camera <sup>219</sup> . A support person can be appointed during the proceedings for this category of suspected. A public defender can be also appointed to a larger extent for this category <sup>220</sup> .
	c) i) children who are suspects/defendants, and/or ii) holders of parental responsibility (please distinguish between the two).	Yes	i) children, who are suspects/defendants;  According to Chapter 23, paragraph 11 of the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ), if the person questioned is under 15 years, his/her custodian should be present during the questioning/ interrogation, if it does not harm the investigation <sup>221</sup> . The information is confirmed by the Swedish Prosecution Authority ( <i>Åklagarmyndigheten</i> ) <sup>222</sup> .  According to paragraph 15 of the Decree on Preliminary Investigations ( <i>Förundersökningskungörelse (1947:948)</i> ), questioning of children under the age of 15 years that are suspected of crime may only be held with the consent of the requestor/investigation officer. Depending on the matter's nature the Investigation Officer can be a police officer or a prosecutor <sup>223</sup> . However, questioning of the child

<sup>219</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2010, chapter 5, paragraph 1, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>220</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>221</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 1988, chapter 23, paragraph 11, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>222</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>223</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 September 2014, chapter 23, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) According to Chapter 23, paragraph 3, the prosecutor shall assume responsibility for conducting the investigation as soon as someone is reasonably suspected of the offence, unless the matter is not of a simple nature. The prosecutor shall also take over the conduct of the investigation if special reasons so require. A prosecutor conducting a pre-trial investigation may enlist the assistance of a police authority. He may also direct a police officer to take particular measures in aid of the pre-trial investigation when appropriate having regard to the nature of the measure. Before the pre-trial investigation has been initiated, a police officer may question persons or take other investigatory measures relevant to the inquiry.

			<p>that are strictly necessary in order to clarify whether the child in question has committed the crime or not may be held also without this consent<sup>224</sup>.</p> <p>According to paragraph 16 of the Decree on Preliminary Investigations (<i>Förundersökningskungörelse (1947:948)</i>), questioning of children under the age of 15 years that are suspected of crime, the social welfare committee must in due time be notified of the time and place of the questioning if it is not faced with obstacles. The same rule applies in the case of questioning of children under the age of 20 years if there is reason to suppose that the underlying event should lead to an intervention by the social welfare committee<sup>225</sup>.</p> <p>According to paragraph 17 of the Decree on Preliminary Investigations (<i>Förundersökningskungörelse (1947:948)</i>), questioning of children under the age of 18 years that are suspects of crime, victims of crime or witnesses of crime, must be planned and executed so there is no danger that they will be harmed by the questioning<sup>226</sup>.</p> <p>According to paragraph 18 of the Decree on Preliminary Investigations (<i>Förundersökningskungörelse (1947:948)</i>), the questioning of children under the age of 18 years should be held by persons with specific competence for the task at hand<sup>227</sup>.</p> <p>According to paragraph 19 of the Decree on Preliminary Investigations (<i>Förundersökningskungörelse (1947:948)</i>), a person with expertise in child psychology or interrogation psychology should assist with the questioning or comment on the value of the child's testimony, if it is found to be of importance</p>
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<sup>224</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 January 1985, paragraph 15, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>225</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 July 1990, paragraph 16, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>226</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 November 2001, paragraph 17, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>227</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 November 2001, paragraph 18, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)



			<p>considering the child's age and development and the nature of the offense and if the statement/testimony (utsaga) of a child is vital to the investigation<sup>228</sup>.</p> <p>ii) holders of parental responsibility, who are suspects/defendants;</p> <p>We have not found any special procedures when it comes to holder of parental responsibility.</p>
3.4	<p>Is there any recording procedure to note that interpretation and translation have occurred and in which form?<sup>229</sup> If yes, briefly provide information on how this procedure is organised in practice.</p>	Yes	<p>According to Chapter 6, paragraph 1 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), the courts shall keep record of all measures taken in relation to the case (de åtgärder som vidtagits med målet), including the form in which the interpretation and translation occurred<sup>230</sup>.</p> <p>According to Ms. Wallström of the Swedish Police (<i>Polisen</i>), all actions during the pre-trial investigation, including the form in which the interpretation and translation occurred, is registered in the Swedish police's computerised investigation routine (DUR – datoriserad utredningsrutin). The system takes account of all documents appearing in a criminal investigation<sup>231</sup>.</p> <p>The Legal, Financial and Administrative Services Agency (<i>Kammarkollegiet</i>), also have statistics on the number of call-offs from the State Framework provider of interpreting services<sup>232</sup>.</p>

<sup>228</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 19 December 1947, paragraph 19, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>229</sup> See in particular Article 7 and relevant recitals of Directive 2010/64/EU.

<sup>230</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2000, chapter 6, paragraph 1, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>231</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>232</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

## SECTION B: RIGHT TO INFORMATION IN CRIMINAL PROCEEDINGS

1. PROVISION OF INFORMATION ON THE PROCEDURAL RIGHTS <sup>233</sup>	Brief Description
1.1	<p>Please provide answers to the following for each stage of proceedings as indicated below:</p> <p>a) What information is provided?</p> <p>b) How is it provided (e.g. orally or in writing)?</p> <p>c) What is the timeframe (deadline) for providing information at each stage of the proceedings?</p> <p><b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>
<ul style="list-style-type: none"> <li>• police questioning;</li> </ul>	<p>a) What information is provided?</p> <p>According to paragraph 12 of the Decree on Preliminary Investigations (<i>Förundersökningskungörelse (1947:948)</i>), persons who are reasonably suspected of a criminal offence shall be informed of their rights<sup>234</sup>:</p> <ul style="list-style-type: none"> <li>- to engage the assistance of defence counsel and under certain conditions to have a public defender appointed;</li> <li>- to obtain information on any changes of suspicion and share investigation materials to the extent permitted by Chapter 23, paragraph 18 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>235</sup>;</li> </ul>

<sup>233</sup> See in particular Article 3 and relevant recitals of Directive 2012/13/EU.

<sup>234</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraph 12, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>235</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2014, chapter 23, paragraph 18, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) Chapter 23, paragraph 18 stipulates that suspected persons and their legal counsels shall be informed continuously of developments in the investigation to the extent possible without impediment to

- to be assisted by an interpreter and to get the translation of documents that are essential for them in order to take advantage of their rights, and

- to abstain from commenting on the suspicion (to remain silent).

The accused shall receive this information in a language which they understand at the same time as they are notified of the suspicion in the first place<sup>236</sup>. This is confirmed by Ms. Wallström at the Swedish Police (*Polisen*). Furthermore, she states that the practice is that all persons taken in for questioning will be given information of their rights in a language they understand before any other action is taken. The information is given orally via telephone interpretation or by staff at the Swedish Police that knows the language in question<sup>237</sup>.

The investigation officer has the responsibility for the pre-trial investigation in its entirety in accordance to the first paragraph of the Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*)<sup>238</sup>. He/she shall ensure that the investigation is conducted efficiently and that the individual's rights (*rättssäkerhetsintressen*) are safeguarded.

According to Ms. Linnea Wallström, desk officer at the Swedish Police's section for EU coordination, the only information given to a person in connection to a police questioning is in practice that he/she:

- is a suspect;
- has a right to a defence counsel;
- does not have to speak (remain silence)<sup>239</sup>

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the investigation. They shall also have the right to state what inquiries they consider desirable and otherwise consider to be necessary. A notice concerning these matters shall be delivered or sent to the suspected persons and to their legal counsels upon which they shall be afforded a reasonable time for counselling. Prosecution may not be decided before this is done.

<sup>236</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraph 12, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>237</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>238</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraph 1, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>239</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

According to the Swedish Prosecution Authority (*Åklagarmyndigheten*), a person suspected of a crime shall be informed of certain procedural rights that apply for the preliminary investigation<sup>240</sup>.

These are the rights:

- to engage a legal counsel (att anlita försvarare)
- to get information about the suspicion (att få information om misstanke)
- to acquaint oneself with the material of the inquiry so far (att ta del av utredningsmaterialet);
- to be assisted by an interpreter if needed (att vid behov biträddas av tolk);
- to get translation of documents that are central for the protection of one's rights (till översättning av handlingar som är väsentliga för att kunna ta tillvara sin rätt);
- to not make a statement on the suspicion (att inte behöva yttra sig över misstanken).

According to the Swedish Prosecution Authority (*Åklagarmyndigheten*), suspected persons that are taken in to custody shall be informed of the rights below that apply for the preliminary investigation and administration of criminal cases<sup>241</sup>. These are:

- the rights according to paragraph 12 of the Decree on Preliminary Investigations (rättigheterna enligt 12 § Förundersökningskungörelse)<sup>242</sup>;
- the right to receive information about the circumstances which form the basis of the decision for arrest or detainment. (rätten att ta del av de omständigheter som ligger till grund för beslutet om anhållande eller häktning)
- the right to notify a relative or another close person about the deprivation on liberty (rätten att få en anhörig eller annan nära person underrättad om frihetsberövandet)
- the right to receive healthcare (rätten att få hälso- och sjukvård)
- The right to get an arrest examined on a remand hearing within statutory period (rätten att få ett anhållande prövat vid häktningsförhandling inom lagstadgad tid)

<sup>240</sup> Sweden, The Swedish Prosecution Authority (*Åklagarmyndigheten*), "Suspects right to insight during freedom detention etc. – Changed regulations from 1 June 2014" (RättsPM 2014:1 *Misstänkta rätt till insyn vid frihetsberövande m.m. – ändrade bestämmelser från den 1 juni 2014*), May 2014, p. 4-5 available at: [www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/](http://www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/)

<sup>241</sup> Sweden, The Swedish Prosecution Authority (*Åklagarmyndigheten*), "Suspects right to insight during freedom detention etc. – Changed regulations from 1 June 2014" (RättsPM 2014:1 *Misstänkta rätt till insyn vid frihetsberövande m.m. – ändrade bestämmelser från den 1 juni 2014*), May 2014, p. 4-5 available at: [www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/](http://www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/)

<sup>242</sup> The rights of paragraph 12 of the Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*) are the rights presented above.

		<p>Furthermore, foreign citizens, who are taken in to custody with suspicion of a crime shall be given information about their right to contact their country's consulate<sup>243</sup>.</p>
		<p>b) How is it provided (e.g. orally or in writing)?</p> <p>According to paragraph 12 of Decree on Preliminary Investigations (Förundersökningskungörelse (1947:948)), suspected persons shall get the information in a language they understand. Paragraph 12a of the same Decree stipulates that persons that are attained or arrested must be informed of their rights in writing<sup>244</sup>. These two paragraphs have in legal practice come to mean that persons that are not deprived of their liberty will get information about their rights orally<sup>245</sup>, while persons, who are detained will get the information in writing.</p>
		<p>c) What is the timeframe (deadline) for providing information at each stage of the proceedings?</p> <p>According to paragraph 12 of Decree on Preliminary Investigations (Förundersökningskungörelse (1947:948)), persons that are suspected of a crime must be informed of their rights at the same time as they are notified of the suspicion<sup>246</sup>. This is confirmed by Ms. Wallström at the Swedish Police (Polisen)<sup>247</sup>. After a special request for clarification on the time for notification, Ms. Wallström explains that the practice is that all persons taken in for questioning will be given information of their rights in a language they understand before any other action is taken. According to Ms. Wallström, this information is given orally via telephone interpretation or by staff at the Swedish Police (Polisen) that knows the language in question<sup>248</sup>.</p>

<sup>243</sup> Sweden, The Swedish Prosecution Authority (*Åklagarmyndigheten*), "Suspects right to insight during freedom detention etc. – Changed regulations from 1 June 2014" (RättsPM 2014:1 *Misstänkta rätt till insyn vid frihetsberövande m.m. – ändrade bestämmelser från den 1 juni 2014*), May 2014, p. 4-5 available at: [www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/](http://www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/)

<sup>244</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraphs 12 – 12a, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>245</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>246</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraphs 12 – 12a, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>247</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>248</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

	<ul style="list-style-type: none"> <li>• court hearings;</li> </ul>	<p>a) What information is provided?</p> <p>During the on-going case, it is the task of the legal counsels to protect the rights of their clients in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>). These paragraphs stipulate that defence counsels must safeguard the suspect's rights with zeal and care (nit och omsorg) and make any requests and take any actions necessary in this regard<sup>249</sup>. This includes ensuring that the suspect gets the necessary information.</p> <p>It is the criminal investigation authorities' responsibility to give information to the suspect according to Swedish legal order. Information is given during the preliminary investigation<sup>250</sup>. As a consequence, the courts are less concerned with providing information about rights to the accused persons. This is confirmed by Mr. Johan Wilhelmsson at the Swedish National Courts Administration (Domstolsverket)<sup>251</sup>. This is regulated in chapter 23, paragraph 18 of the Code of Juridical Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>252</sup> and in paragraphs 12-12b in the Decree on Preliminary Investigations (<i>Förundersökningskungörelse (1947:948)</i>)<sup>253</sup>. It is stated in these regulation what information is given to the suspect, in what stage of a preliminary investigation and in what form. Guidance is given by the Swedish Prosecution Authority (Åklagarmyndigheten) in the memo "Suspects' right to transparency during detention etc. – Changed regulations from 1 June 2014"</p>
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<sup>249</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>250</sup> Sweden, Ministry of Justice (*Justitiedepartementet*), Government Bill 2013/14:157 "Suspects' right to transparency when deprived of liberty" (Prop. 2013/14:157 Misstänktes rätt till insyn vid frihetsberövande), available at: [www.regeringen.se/rattsdokument/proposition/2014/03/prop.-201314157/](http://www.regeringen.se/rattsdokument/proposition/2014/03/prop.-201314157/) This is regulated in Sweden, Code of Juridical Procedure (*Rättegångsbalk (1942:740)*), 1 July 2014, chapter 23, paragraph 18, and in Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraphs 12-12b. These regulations stipulate what information that must be given to a suspected person, in what stage of a preliminary investigation and in what form. Guidance is given by the Swedish Prosecution Authority (*Åklagarmyndigheten*) in the memo "Suspects' right to transparency during detention etc. – Changed regulations from 1 June 2014" (*Misstänkta s rätt till insyn vid frihetsberövande m.m. – ändrade bestämmelser från den 1 juni 2014*).

<sup>251</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>252</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2014, chapter 23, paragraph 18, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>253</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraph 12 – 12b, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

		<p>(Misstänkta rätt till insyn vid frihetsberövande m.m. – ändrade bestämmelser från den 1 juni 2014)<sup>254</sup>.</p> <p>Since the Swedish legal order functions as described above, there are no specific legal provisions stipulating the court's duty to inform accused persons of their rights. According to chapter 46, paragraph 4 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), the court is responsible for the orderly and systematic progress of the proceedings. The court shall also make certain that the case is investigated according to what its nature requires and that irrelevant matters are not presented<sup>255</sup>. Therefore, the information given at the main hearing is mainly concerned with the rules of the judicial procedures of hearings, the working of the court, which party that will go first, when the evidence will be presented, which person that will be questioned first, when any plaintiffs and witnesses will be heard, in what order and so on. All information is given orally by the judge that heads the trial in the beginning of every hearing. This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration (<i>Domstolsverket</i>) and Ms. Anna Palmqvist of the Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>)<sup>256</sup>.</p>
		<p>b) How is it provided (e.g. orally or in writing)?</p> <p>During an on-going case, it is the defence counsel's task to protect the rights of his/her client in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>). These paragraphs stipulate that defence counsels must safeguard the right of suspect persons with zeal and care (<i>nit och omsorg</i>) and make any requests and take any actions necessary in this regard<sup>257</sup>. This includes ensuring that the suspect gets the necessary information in the most efficient way.</p> <p>Judges have no specific legal obligation to provide accused persons with the information on their rights. However, judges have the overarching duty to ensure that the rights of accused persons are</p>

<sup>254</sup> Sweden, The Swedish Prosecution Authority (*Åklagarmyndigheten*), "Suspects right to insight during freedom detention etc. – Changed regulations from 1 June 2014" (RättsPM 2014:1 *Misstänkta rätt till insyn vid frihetsberövande m.m. – ändrade bestämmelser från den 1 juni 2014*), May 2014, available at: [www.aklagare.se/Dokument-samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/](http://www.aklagare.se/Dokument-samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/)

<sup>255</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1988, chapter 46, paragraph 4, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>256</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*); prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>257</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)



respected during the proceedings<sup>258</sup>. This responsibility is part of the duties of the office and is included in the oath all judges must swear before assuming office. The oath is part of the Code of Judicial Procedure (Rättegångsbalk (1942:740))<sup>259</sup>.

c) What is the timeframe (deadline) for providing information at each stage of the proceedings?

There are no specific timeframes stipulated for the different steps of the criminal proceedings. However, all steps should be carried out “as soon as possible” (*så snart det kan ske*)<sup>260</sup>.

Information of certain procedural rights must be given without delay (*utan dröjsmål*) when being arrested<sup>261</sup>. The written information must be given in a language that the suspect understands, and he/she has the right to keep the written information as long as he/she is under arrest<sup>262</sup>.

<sup>258</sup> Sweden the Swedish National Courts Administration (*Domstolsverket*).

<sup>259</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1976, chapter 4, paragraph 11, available at:

[www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) The oath in English is: "I (name) promise and affirm on my honour and conscience that I will and shall impartially, as to the rich as well as to the poor, administer justice in all matters to the best of my ability and conscience, and judge according to the law of the Realm of Sweden; that I will never manipulate the law or further injustice for kinship, relation by marriage, friendship, envy, ill-will, or fear, nor for bribes or gifts, or any other cause in whatever guise it may appear; nor will I declare guilty one who is innocent, or innocent one who is guilty. Neither before nor after the pronouncement of the judgment of the court shall I disclose to the litigants or to other persons the in camera deliberations of the court. All this, as a honest and righteous judge, I will and shall faithfully observe." (In Swedish: "Jag N.N. lovar och försäkrar på heder och samvete, att jag vill och skall efter mitt bästa förstånd och samvete i alla domar rätt göra, ej mindre den fattige än den rike, och döma efter Sveriges lag och laga stadgar; aldrig lag vränga eller orätt främja för släktskap, svågerskap, vänskap, avund, illvilja eller råddhåga, ej heller för mutor och gåvor eller annan orsak, under vad sken det vara må; ej den saker göra, som saklös är, eller den saklös, som saker är. Jag skall varken förr, än domen avsäges, eller sedan uppenbara dem, som till rätta gå, eller andra de rådslag rätten inom stängda dörrar håller. Detta allt vill och skall jag som en ärlig och uppriktig domare troget hålla.")

<sup>260</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>261</sup> Sweden, Ministry of Justice (*Justitiedepartementet*), Government Bill 2013/14:157 "Suspects' right to transparency when deprived of liberty" (Prop. 2013/14:157 Misstänktes rätt till insyn vid frihetsberövande), p.20, available at: [www.regeringen.se/rattsdokument/proposition/2014/03/prop.-201314157/](http://www.regeringen.se/rattsdokument/proposition/2014/03/prop.-201314157/)

<sup>262</sup> Sweden, The Swedish Prosecution Authority (*Åklagarmyndigheten*), "Suspects right to insight during freedom detention etc.- Changed regulations from 1<sup>st</sup> June 2014" (RättsPM 2014:1 *Misstänktes rätt till insyn vid frihetsberövande m.m. – ändrade bestämmelser från den 1 juni 2014*), May 2014, p. 5 available at: [www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/](http://www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/)

	<ul style="list-style-type: none"> <li>• any necessary interim hearings;</li> </ul>	<p>a) What information is provided? During an on-going case, it is the defence counsel's task to protect the rights of the client in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>). These paragraphs stipulate that defence counsels must safeguard the suspect's rights with zeal and care (<i>nit och omsorg</i>) and make any requests and take any actions necessary in this regard<sup>263</sup>. This includes ensuring that the suspect gets the necessary information.</p> <p>b) How is it provided (e.g. orally or in writing)? During the on-going case, it is the task of the defence counsel to protect the rights of his/her client in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>). These paragraphs stipulate that defence counsels must safeguard the suspect's rights with zeal and care (<i>nit och omsorg</i>) and make any requests and take any actions necessary in this regard<sup>264</sup>. This includes ensuring that the suspect gets the necessary information in the most efficient way.</p> <p>c) What is the timeframe (deadline) for providing interpretation at each stage of the proceedings? There are no specific timeframes stipulated for the different steps of the criminal proceedings. However, all steps should be carried out "as soon as possible" (<i>så snart det kan ske</i>)<sup>265</sup>.</p>
	<ul style="list-style-type: none"> <li>• any communication between suspects and accused persons and their</li> </ul>	<p>a) What information is provided? During the on-going case, it is the task of the defence counsel to protect the rights of his/her client in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>). These paragraphs stipulate that defence counsels must safeguard the suspect's rights</p>

<sup>263</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>264</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>265</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

	<p>legal counsel in direct connection with any questioning or hearing during the proceedings?</p>	<p>with zeal and care (nit och omsorg) and make any requests and take any actions necessary in this regard<sup>266</sup>. This includes ensuring that the suspect gets the necessary information.</p> <p>b) How is it provided (e.g. orally or in writing)? During the on-going case, it is the task of the legal counsel to protect the rights of his/her client in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>). These paragraphs stipulate that legal counsels must safeguard the suspect's rights with zeal and care (nit och omsorg) and make any requests and take any actions necessary in this regard<sup>267</sup>. This includes ensuring that the suspect gets the necessary information in the most efficient way.</p> <p>c) What is the timeframe (deadline) for providing interpretation at each stage of the proceedings?  There are no specific timeframes stipulated for the different steps of the criminal proceedings. However, all steps should be carried out "as soon as possible" (<i>så snart det kan ske</i>)<sup>268</sup>.</p>
<p><b>1.2</b></p>	<p>Do authorities provide information about any other procedural rights (apart from those established in Article 3 of the Directive)? If</p>	<p>No. The procedural rights of paragraphs 12 and 12a of the Decree of Preliminary Investigation (<i>Förundersökning (1947:948)</i>)<sup>269</sup> correspond to the article 3 of the Directive.</p>

<sup>266</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>267</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>268</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>269</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraph 12 – 12a, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

	yes, briefly provide information.	
<b>2.</b>	<b>LETTER OF RIGHTS<sup>270</sup></b>	<b>Brief Description</b>
<b>2.1</b>	<p>What rights does the letter of rights provide information about? What information is included in the letter of rights when children are arrested or detained?</p>	<p>Paragraph 12 of the Decree on Preliminary Investigations (Förundersökningskungörelse (1947:948)) stipulates that anyone who is arrested or detained without delay shall receive written information about their rights opening up for the introduction of a “letter of rights” 271.</p> <p>The content of the letter of rights is developed from paragraphs 12 and 12a of the Decree on Preliminary Investigations (Förundersökningskungörelse (1947:948))<sup>272</sup>. According to paragraph 12, persons who is reasonably suspected of a criminal offence shall be informed of their rights:</p> <ul style="list-style-type: none"> <li>- to engage the assistance of defence counsel and under certain conditions to have a public defender appointed;</li> <li>- to obtain information on any changes of suspicion and share investigation materials to the extent permitted by Chapter 23, paragraph 18 of the Code of Judicial Procedure (Rättegångsbalk (1942:740))<sup>273</sup>;</li> </ul>

<sup>270</sup> See in particular Article 4 and relevant recitals of Directive 2012/13/EU.

<sup>271</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraph 12, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>272</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraph 12 -12a, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>273</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2014, chapter 23, paragraph 18, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) Chapter 23, paragraph 18 stipulates that suspected persons and their legal counsels shall be informed continuously of developments in the investigation to the extent possible without impediment to the investigation. They shall also have the right to state what inquiries they consider desirable and otherwise consider to be necessary. A notice concerning these matters shall be delivered or sent to the suspected persons and to their legal counsels upon which they shall be afforded a reasonable time for counselling. Prosecution may not be decided before this is done.

		<ul style="list-style-type: none"> <li>- to be assisted by an interpreter and to get the translation of documents that are essential for them in order to take advantage of their rights;</li> <li>- to abstain from commenting on the suspicion (to remain silent);</li> <li>- to receive this information in a language which they understands<sup>274</sup>.</li> </ul> <p>According to paragraph 12a of the Decree on Preliminary Investigations (Förundersökningskungörelse (1947:948))<sup>275</sup>, persons that are arrested or detained shall be promptly informed in writing about their rights as specified in paragraph 12 (described above) as well as their right to:</p> <ul style="list-style-type: none"> <li>- to get information about the circumstances underlying the warrant or detention order in accordance to Chapter 24, paragraph 9a of the Code of Judicial Procedure (Rättsbalk (1942:740))<sup>276</sup>;</li> <li>- to get a relative or other close person informed about the detention in accordance to Chapter 24, paragraph 21a of the Code of Judicial Procedure (Rättsbalk (1942:740))<sup>277</sup>;</li> <li>- to receive healthcare in accordance with Chapter 5, paragraph 1 of the Detention Act (Häkteslag (2010: 611))<sup>278</sup>; and</li> </ul>
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<sup>274</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraph 12, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>275</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraph 12a, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)

<sup>276</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2008, chapter 24, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) Chapter 24, paragraph 9 stipulates that suspected persons that are being arrested or detained shall be informed about the circumstances underlying the warrant or detention order.

<sup>277</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2008, chapter 24, paragraph 21a, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) Chapter 24, paragraph 21a stipulates that suspected persons that are being arrested or detained shall have the right to contact a family member or other close relation to inform them about their detention or arrest.

<sup>278</sup> Sweden, Detention Act (*Häkteslag (2010: 611)*), 1 April 2011, chapter 5, paragraph 1, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-2010-611/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-2010-611/)

		<ul style="list-style-type: none"> <li>- to get an warrant tried at a detention hearing and the detention order reviewed by a court.</li> </ul> <p>The person arrested or detained shall be informed in a language he understands and shall have the right to retain the written information as long as the detention lasts.</p> <p>The word “rights” is not used in the Swedish letter of rights with the title “Information for suspects and those deprived of liberty”. The information sheet is not accessible on the web, but was sent to us from Ms. Linnea Wallström of the Swedish Police (<i>Polisen</i>) on 19 May 2015. Under the heading “Information for crime suspects” the information included the rights (“entitlements”):</p> <ul style="list-style-type: none"> <li>• to receive information about the suspicion and changes thereof;</li> <li>• to continuously receive information about the investigation if this can be done without a negative impact on the investigation;</li> <li>• to abstain from making a statement on the suspicion during interrogation by the Police or other authorities;</li> <li>• to appoint a public defence counsel;</li> <li>• to get a public defence counsel if you request this or if it is assessed that you require one (in certain cases).</li> <li>• to receive assistance by an interpreter and get important documents translated if necessary.</li> </ul> <p>The information sheet (letter of rights) also states that suspected persons are liable to stay for interrogation for a maximum of six hours and in exceptional cases for a maximum of another six hours. After this time they should be released immediately unless the prosecutor decides that the suspect should be arrested.</p> <p>Under the heading “Additional information for those who have been arrested or detained” the information sheet also includes the entitlements:</p> <ul style="list-style-type: none"> <li>• to receive information about the circumstances which form the basis of the decision for arrest or detainment;</li> <li>• to have one of your next-of-kin or another person who is particularly close to you informed about the deprivation of liberty as soon as this can be done, without it having a negative impact on the investigation;</li> </ul>
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		<ul style="list-style-type: none"> <li>• to request that the consulate of the person’s native country is informed as soon as possible about the deprivation of liberty and that messages from the person in question are forwarded there (this right only concerns persons that are not Swedish citizens);</li> <li>• to food and rest if necessary; <input type="checkbox"/></li> <li>• to health and medical care if necessary;</li> <li>• to be examined by a doctor upon the request of the arrested/detained, unless it is evident that a medical examination is unnecessary;</li> <li>• to receive the treatment advised by the doctor.</li> </ul> <p>Furthermore, the information sheet (letter of rights) includes information about what will happen if the prosecutor decides to arrest the person.</p> <p>Besides the information above, the information sheet includes two extra points of information of rights for “those below the age of 18”. These are:</p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> You are entitled to get a public defence counsel unless it is evident that this is not required. <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Even if the prosecutor decides not to arrest you, the Police may still detain you for up to three hours in order to, as soon as possible, surrender you to your parents, other guardian, an official at the social services or another suitable adult.</p>
2.2	<p>At what stage of the proceedings is the letter of rights provided? <b>Please cross-check findings from the desk research by consulting relevant</b></p>	<p>According to Ms. Wallström of the Swedish Police (<i>Polisen</i>), the information sheet (letter of rights) is provided to a person when he/she is arrested or detained<sup>279</sup>. Information can be given orally when a person is suspect of a crime. A person who is taken in to custody must (<i>ska</i>) be given the information in writing.<sup>280</sup> This procedure is developed in accordance with paragraphs 12 and 12a of the Decree of Preliminary Investigations (<i>Förundersökningskungörelse (1947:948)</i>)<sup>281</sup>.</p>

<sup>279</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>280</sup> Sweden, The Swedish Prosecution Authority (*Åklagarmyndigheten*), “Suspects right to insight during freedom detention etc.- Changed regulations from 1 June 2014” (*RättsPM 2014:1 Misstänkta rätt till insyn vid frihetsberövande m.m. – ändrade bestämmelser från den 1 juni 2014*), May 2014, p. 4-5 available at: [www.aklagare.se/Dokumentsamling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/](http://www.aklagare.se/Dokumentsamling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/)

<sup>281</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse (1947:948)*), 1 June 2014, paragraph 12a, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948/)



	<b>organisations and/or practitioners.</b>	
2.3	<p>Is the letter of rights drafted in simple and accessible language? How do competent authorities verify whether the language is simple and accessible enough for the suspects or accused persons and/or that the suspects or accused persons understand the language? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>	<p>Mr. Karl Harling, legal counsel of the law firm Bratt, Feinsilber, Harling, has not experienced any problems with the language in the “letter of rights”. On the other hand, he does not use it himself as it is part of the communication between the suspected person and the investigation officer (the police or prosecutor in charge of the pre-trial investigation)<sup>282</sup>.</p> <p>Mr. Johan Wilhelmsson of Swedish National Courts Administration (Domstolsverket) and Ms. Anna Palmqvist of the Swedish Prosecution Authority (Åklagarmyndigheten) both are of the opinion that the language in the “letter of rights” is accessible<sup>283</sup>.</p> <p>.In our opinion it is short and to the point but not written in a particularly accessible language. Some words used e.g. “frihetsberövande” (detention) is not a word used in ordinary conversation, Some sentences are also complicatedly structured. “Du har rätt att ta del av de omständigheter som ligger till grund för beslutet om anhållande eller häktning” – basically meaning that you have the right to know on what evidence the decision to arrest or detain you is made – may be heard to understand for a person not used to legal jargon. Whether the letter of rights is more accessible in its 43 translations is harder for us to tell.</p> <p>It is noteworthy that the English version does not use the words “right to” but prefers the wording “entitled to” although Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings uses the term “rights” (rättigheter) both in the English and Swedish versions.</p>

<sup>282</sup> Sweden, legal counsel at a Swedish law firm.

<sup>283</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*); prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

3.	RIGHT TO INFORMATION ABOUT THE ACCUSATION <sup>284</sup>	Brief Description
3.1	What information is provided to the suspects or accused persons regarding what they have been accused of and how is it provided (e.g. orally or in writing)	<p>According to chapter 23, paragraph 18 of the Code of Judicial Procedure (Rättegångsbalk (1942:740)), persons that are reasonably suspected of committing an offence be notified of the suspicion when they are heard. To the extent possible without impediment to the investigation, the suspect persons and their legal counsels shall be informed continuously of developments in the investigation. They shall also have the right to state what inquiries they consider desirable and otherwise consider to be necessary. A notice concerning these matters shall be delivered or sent to the suspect and to his defence counsel upon which they shall be afforded a reasonable time for counselling. Prosecution may not be decided before this is done<sup>285</sup>.</p> <p>According to the regulations of the Swedish Prosecution Authority (Åklagarmyndigheten), persons suspected of a crime shall be informed about the suspicion (att få information om misstanke) and be given opportunity to acquaint themselves with the material of the inquiry so far (att ta del av utredningsmaterialet) <sup>286</sup>.</p> <p>Information about the suspicion is given orally before a person is being questioned for the first time. Any change in the suspicion is also given orally at the next hearing. A person who is taken in to custody must (ska) be given the information in writing<sup>287</sup>.</p>

<sup>284</sup> See in particular Article 6 and relevant recitals of Directive 2012/13/EU.

<sup>285</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2014, chapter 23, paragraph 18, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>286</sup> Sweden, The Swedish Prosecution Authority (*Åklagarmyndigheten*), "Suspects right to insight during freedom detention etc.- Changed regulations from 1 June 2014" (RättsPM 2014:1 *Misstänkta rätt till insyn vid frihetsberövande m.m. – ändrade bestämmelser från den 1 juni 2014*), May 2014, p. 4-5 available at: [www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/](http://www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/)

<sup>287</sup> Sweden, The Swedish Prosecution Authority (*Åklagarmyndigheten*), "Suspects right to insight during freedom detention etc.- Changed regulations from 1 June 2014" (RättsPM 2014:1 *Misstänkta rätt till insyn vid frihetsberövande m.m. – ändrade bestämmelser från den 1 juni 2014*), May 2014, p. 4-5 available at: [www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/](http://www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/)

		<p>According to chapter 45, paragraph 4 of the Code of Judicial Procedure (Rättegångsbalk (1942:740)), the prosecutor shall identify the following in an application of a summons<sup>288</sup>:</p> <ol style="list-style-type: none"> <li>1. the defendant;</li> <li>2. the aggrieved person if there is any;</li> <li>3. the criminal act, specifying the time and place of its commission and the other circumstances required for its identification, and the applicable statutory paragraphs;</li> <li>4. the means of evidence they want to invoke and what they intend to prove by each specified means; and</li> <li>5. the circumstances giving the court competence, unless this is apparent from what is otherwise stated.</li> </ol> <p>According to chapter 45, paragraph 9 of the Code of Judicial Procedure (Rättegångsbalk (1942:740)), if the application is not dismissed by the court, the court shall issue a summons calling upon the defendant to answer the prosecution. The summons together with the summons application and the documents annexed thereto shall be served upon the defendant. Information concerning the aggrieved person's or witness's age, occupation and residential address, which has no bearing on the prosecution, shall not be indicated by the documents served<sup>289</sup>.</p>
3.2	<p>At which stage of the proceedings is the information provided?  <b>Please cross-check findings from the desk research by</b></p>	<p>According to chapter 23, paragraph 18 of the Code of Judicial Procedure (Rättegångsbalk (1942:740)), persons that are reasonably suspected of committing an offence be notified of the suspicion when they are heard. To the extent possible without impediment to the investigation, the suspect persons and their legal counsels shall be informed continuously of developments in the investigation. They shall also have the right to state what inquiries they consider desirable and</p>

<sup>288</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2013, chapter 45, paragraph 4, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>289</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 1994, chapter 45, paragraph 9, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

	<p><b>consulting relevant organisations and/or practitioners.</b></p>	<p>otherwise consider to be necessary. A notice concerning these matters shall be delivered or sent to the suspect and to his defence counsel upon which they shall be afforded a reasonable time for counselling. Prosecution may not be decided before this is done<sup>290</sup>.</p> <p>Information about the suspicion is given before a person is being questioned for the first time. Any change in the suspicion is also given at the next hearing. A person who is taken in to custody must (ska) be given the information in writing<sup>291</sup>.</p> <p>This is confirmed by Ms. Wallström at the Swedish Police (Polisen), who states that the practice is that all persons taken in for questioning will be given information of their rights in a language they understand before any other action is taken<sup>292</sup>.</p>
<p><b>3.3</b></p>	<p>How are suspects or accused persons informed when, in the course of the criminal proceedings, the details of the accusation change?</p>	<p>According to chapter 45, paragraph 5 of the Code of Judicial Procedure (<i>Rättegångsbalk</i> (1942:740)), a prosecution, once instituted, may not be amended<sup>293</sup>. However, the prosecutor may extend the prosecution against the same defendant to encompass another act if the court, considering the inquiry and other circumstances, finds it appropriate. After the institution of a prosecution, the prosecutor or the aggrieved person may initiate, without a summons, an action for a private claim based upon the offence if the court, considering the inquiry and other circumstances, finds it appropriate. The same rule shall apply when the claim has been transferred to another person. It is not deemed an amendment of the prosecution if, with respect to the same act, the prosecutor narrows his action, asserts a statutory provision other than the one stated in the summons, or alleges a new circumstance in support of the prosecution<sup>294</sup>. According to chapter 45, paragraph 6, a prosecutor that wants to extend the prosecution under paragraph 5 (above), or a prosecutor or an aggrieved person that want to institute an action for a private claim under the same</p>

<sup>290</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk* (1942:740)), 1 July 2014, chapter 23, paragraph 18, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>291</sup> Sweden, The Swedish Prosecution Authority (*Åklagarmyndigheten*), "Suspects right to insight during freedom detention etc.- Changed regulations from 1 June 2014" (*RättsPM* 2014:1 *Misstänkta rätt till insyn vid frihetsberövande m.m. – ändrade bestämmelser från den 1 juni 2014*), May 2014, p. 4-5 available at: [www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/](http://www.aklagare.se/Dokument/samling/RattsPM1/201401-Misstanktas-ratt-till-insyn-vid-frihetsberovande/)

<sup>292</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>293</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk* (1942:740)), 1 July 1969, chapter 45, paragraph 5, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>294</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk* (1942:740)), 1 July 1969, chapter 45, paragraph 5, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

		<p>paragraph, may do so either orally before the court or in writing. The defendant shall be notified of the charge or claim<sup>295</sup>. Mr. Johan Wilhelsson at the Swedish National Courts Administration (Domstolsverket) informs us that the court must give the suspected of accused persons and their legal counsels information of any such changes as soon as possible<sup>296</sup>.</p> <p>According to chapter 21, paragraph 7 of the Code of Judicial Procedure (Rättegångsbalk (1942:740)), the defence counsel shall protect the rights of the suspect with zeal and care (nit och omsorg) with this aim strive and to this end work to ensure that the matter at issue is properly elucidated<sup>297</sup>.</p>
<b>4.</b>	<b>RIGHT OF ACCESS TO CASE MATERIALS<sup>298</sup></b>	<b>Brief Description</b>
<b>4.1</b>	What material evidence can be accessed by suspected or accused persons (e.g. documents, photographs, audio, video, summaries...)?	<p>According to the Government the term “circumstances” (<i>omständigheter</i>) better describes the Swedish legal view than the term “documents” (<i>handlingar</i>) when it comes to the rights stipulated in Article 7 of the Directive<sup>299</sup>.</p> <p>As for which investigation material covered, the Government inquiry points out that the term “circumstances” (<i>omständigheter</i>) also is used in Chapter 24, paragraph 14 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>). Paragraph 14 stipulates that the prosecutor during the detention hearing shall state the circumstances the application for a detention order is based on. According to the Government inquiry, it is these circumstances that the detainee shall be entitled to be informed of already in the warrant (<i>anhållningsbeslut</i>)<sup>300</sup>. The Government chose to use the term “circumstances” rather than “documents” to make it clear that the provision of article 7 in Directive</p>

<sup>295</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 1969, chapter 45, paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>296</sup> Sweden, representative of the Swedish National Courts Administration (*Domstolsverket*).

<sup>297</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraph 7, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>298</sup> See in particular Article 7 and relevant recitals of Directive 2012/13/EU.

<sup>299</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2014) Government Bill, “Suspects' right to transparency when deprived of liberty” (Proposition 2013/14:157 Misstänkta rätt till insyn vid frihetsberövanden), available at: <http://data.riksdagen.se/fil/A3270C58-9E2F-4EE7-A395-7E8D16D20AC3>

<sup>300</sup> Sweden, Ministry of Justice (*Justitiedepartementet*) (2014) Government Bill, “Suspects' right to transparency when deprived of liberty” (Proposition 2013/14:157 Misstänkta rätt till insyn vid frihetsberövanden), p. 23. available at: <http://data.riksdagen.se/fil/A3270C58-9E2F-4EE7-A395-7E8D16D20AC3>

		<p>2012/13/EU should not be interpreted as giving the suspect a right to copies of the investigation material<sup>301</sup>. How the suspect may get access to the content of the investigation material may be determined by what is most appropriate in each individual case. This is according to the Government in compliance with the directive's requirement that the material be made available to the detainee<sup>302</sup>.</p> <p>The prosecutor shall, at the request of the suspect, provide such investigation material that has had a direct bearing on the warrant. According to Ms. Wallström of the Swedish Police (<i>Polisen</i>), the suspect or accused has access to all material evidence. However, there may be some information that falls under the rules of preliminary investigation secrecy (See below)<sup>303</sup>.</p> <p>The transparency rule of Chapter 23, paragraph 18 of the Code of Judicial Procedure (<i>Rättegångsbalk 1942:740</i>) gives suspects and their legal counsels the right "to the extent possible without impediment to the investigation, be informed continuously of developments in the investigation"<sup>304</sup>. According to Chapter 10, paragraph 3 of the Public Access to Information and Secrecy Act (<i>Offentlighets- och sekretesslagen (2009:400)</i>), secrecy shall not prevent an individual that is a party to a case in court to access the content of documents or other material in the case in question. However, such material may not be disclosed to the party if it is of extreme importance for public or private interests that the confidential information contained in the material is not disclosed. In such cases the authority shall give the party information on what the material contains to the extent necessary for them to be able to exercise their rights if it can be done without serious harm to the interest that the secrecy is protecting<sup>305</sup>. Persons, who are suspected of or charged with a crime,</p>
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<sup>301</sup> Sweden, Ministry of Justice (Justitiedepartementet) (2014) Government Bill, "Suspects' right to transparency when deprived of liberty" (Proposition 2013/14:157 Misstänkta rätt till insyn vid frihetsberövanden), p. 23. available at: <http://data.riksdagen.se/fil/A3270C58-9E2F-4EE7-A395-7E8D16D20AC3>

<sup>302</sup> Sweden, Ministry of Justice (Justitiedepartementet) (2014) Government Bill, "Suspects' right to transparency when deprived of liberty" (Proposition 2013/14:157 Misstänkta rätt till insyn vid frihetsberövanden), p. 23. available at: <http://data.riksdagen.se/fil/A3270C58-9E2F-4EE7-A395-7E8D16D20AC3>

<sup>303</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>304</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2014, chapter 23, paragraph 18, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) in Swedish: "Den misstänkte och hans eller hennes försvarare har rätt att fortlöpande, i den mån det kan ske utan men för utredningen, ta del av det som har förekommit vid undersökningen".

<sup>305</sup> Sweden, Public Access to Information and Secrecy Act (*Offentlighets- och sekretesslagen (2009:400)*), 1 June 2014, chapter 10, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla\\_sfs-2009-400/#K10](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla_sfs-2009-400/#K10)

		<p>may share classified case information with their legal counsels if this is necessary in order to be able to protect their rights<sup>306</sup>.</p> <p>According to the same chapter and paragraph of the Public Access to Information and Secrecy Act (<i>Offentlighets- och sekretesslagen (2009:400)</i>), secrecy shall never restrict a party to a case to access the judgment or decision in the case in question. Nor shall secrecy restrict a party's rights to access information about all circumstances (få del av alla omständigheter) that are presented as a basis for the judgment in a case<sup>307</sup>.</p>
4.2	<p>At what stage of the proceedings is access to case materials granted? <b>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</b></p>	<p>According to chapter 23, paragraph 18 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), chapter 23 and paragraph 18, during pre-trial access to case material is to be given continuously, if it is not considered to impede the pre-trial investigation<sup>308</sup>. When the pre-trial investigations is finished suspected persons and their legal counsels shall be given access to all material<sup>309</sup>.</p> <p>According to legal counsel, Karl Harling, it is not so common that the defence gets access to any case material during the pre-trial stage<sup>310</sup>.</p>

<sup>306</sup> Sweden, Public Access to Information and Secrecy Act (*Offentlighets- och sekretesslagen (2009:400)*), 1 June 2014, chapter 10, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla\\_sfs-2009-400/#K10](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla_sfs-2009-400/#K10)

<sup>307</sup> Sweden, Public Access to Information and Secrecy Act (*Offentlighets- och sekretesslagen (2009:400)*), 1 June 2014, chapter 10, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla\\_sfs-2009-400/#K10](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Offentlighets--och-sekretessla_sfs-2009-400/#K10)

<sup>308</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2014, chapter 23, paragraph 18, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>309</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 1957, chapter 23, paragraph 20, and 1 April 1999, chapter 23, and paragraph 21, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>310</sup> Sweden, legal counsel at a Swedish law firm.



<p>4.3</p>	<p>Under what circumstances is access to material refused? Who takes the decision of refusal?</p>	<p>According to Chapter 23, paragraph 18 of the Code of Judicial Procedure (<i>Rättegångsbalk 1942:740</i>), suspected persons can be refused to access material if it would impede the investigation if they got access to it. The decision to allow or refuse access is made by the investigation officer<sup>311</sup>. The decision can be subjected to judicial review by a higher ranking prosecutor according to chapter 7, paragraph 2 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>312</sup>. However, access to case materials cannot be refused by the court during the trial. According to chapter 24, paragraph 9a of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), all arrested or detained persons have an unconditional right, on their own request, to take part of the circumstances that are the basis for the decision to arrest or detain them. This right cannot be limited, neither with respect to the investigation of the crime nor on the grounds of secrecy<sup>313</sup>.</p> <p>Chapter 24, paragraph 14 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), stipulates that nothing may be presented as evidence in a case beside what is contained in the documents and other statements of the parties from the pre-trial investigation<sup>314</sup>.</p>
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<sup>311</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2014, chapter 23, paragraph 18, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) in Swedish: Den misstänkte och hans eller hennes försvarare har rätt att fortlöpande, i den mån det kan ske utan men för utredningen, ta del av det som har förekommit vid undersökningen”.

<sup>312</sup> <sup>312</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2005, chapter 7, paragraph 2, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>313</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 July 2014, chapter 24, paragraph 9a, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/) in Swedish: “Den misstänkte och hans eller hennes försvarare har rätt att fortlöpande, i den mån det kan ske utan men för utredningen, ta del av det som har förekommit vid undersökningen”.

<sup>314</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1999, chapter 24, paragraph 14, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

5.	<b>CROSS-CUTTING ISSUES: LANGUAGES, COMPLAINT MECHANISMS, RECORDING &amp; SPECIAL MEASURES<sup>315</sup></b>	
5.1	In which languages can information be provided for the following?	
a) information on procedural rights	According to Ms. Wallström of the Swedish Police ( <i>Polisen</i> ), information on procedural rights can be provided in “all languages” <sup>316</sup> There are at the moment (2015) written information available in 43 languages. If the suspect needs information in another language it will be provided by an interpreter or by the Police’s own staff, if they know the language in question. <sup>317</sup> Chapter 33, paragraph 9 of the Code of Judicial Procedure ( <i>Rättegångsbalk 1942:740</i> ) states that the court is obligated to translate documents, or parts of documents, that are considered important in order for suspected persons to claim their rights. The translation can be done orally. Furthermore, paragraph 12 of the Decree on Preliminary Investigations ( <i>Förundersökningskungörelse (1947:948)</i> ) also stipulates that suspected persons should translate documents of parts of documents if it is considered important in order for the suspect to claim its rights <sup>318</sup> .	
b) letter of rights	According to Ms. Wallström of the Swedish Police ( <i>Polisen</i> ), the letter of rights can be provided in “all languages” <sup>319</sup> . There are at the moment (2015) written information available in 43 languages. If the	

<sup>315</sup> See in particular Articles 3 - 8 and relevant recitals of Directive 2012/13/EU.

<sup>316</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>317</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>318</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse 1947:948*), 1 June 2014, paragraph 12, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948)

<sup>319</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

	<p>suspect needs information in another language it will be provided by an interpreter or by the Police's own staff, if they know the language in question<sup>320</sup>. Chapter 33, paragraph 9 of the Code of Judicial Procedure (<i>Rättegångsbalk 1942:740</i>) states that the court is obligated to translate documents, or parts of documents, that are considered important in order for suspected persons to claim their rights. The translation can be done orally. Furthermore, paragraph 12 of the Decree on Preliminary Investigations (<i>Förundersökningskungörelse (1947:948)</i>) also stipulates that suspected persons should translate documents of parts of documents if it is considered important in order for the suspect to claim its rights<sup>321</sup>.</p>
c) information about the accusation	<p>According to Ms. Wallström of the Swedish Police (<i>Polisen</i>), information about the accusation can be provided in "all languages"<sup>322</sup>. There are at the moment (2015) written information available in 43 languages. If the suspect needs information in another language it will be provided by an interpreter or by the Police's own staff, if they know the language in question<sup>323</sup>.</p> <p>Chapter 33, paragraph 9 of the Code of Judicial Procedure (<i>Rättegångsbalk 1942:740</i>) states that the court is obligated to translate documents, or parts of documents, that are considered important in order for suspected persons to claim their rights. The translation can be done orally. Furthermore, paragraph 12 of the Decree on Preliminary Investigations (<i>Förundersökningskungörelse (1947:948)</i>) also stipulates that suspected persons should translate documents of parts of documents if it is considered important in order for the suspect to claim its rights<sup>324</sup>.</p>
d) case materials	<p>According to Ms. Wallström of the Swedish Police (<i>Polisen</i>), the information on case material can be provided in "all languages"<sup>325</sup>. There are at the moment (2015) written information available in 43 languages. If the suspect needs information in another language it will be provided by an interpreter</p>

<sup>320</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>321</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse 1947:948*), 1 June 2014, paragraph 12, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948)

<sup>322</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>323</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>324</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse 1947:948*), 1 June 2014, paragraph 12, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948)

<sup>325</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

		or by the Police's own staff, if they know the language in question <sup>326</sup> . Chapter 33, paragraph 9 of the Code of Judicial Procedure ( <i>Rättegångsbalk 1942:740</i> ) states that the court is obligated to translate documents, or parts of documents, that are considered important in order for suspected persons to claim their rights. The translation can be done orally. Furthermore, paragraph 12 of the Decree on Preliminary Investigations ( <i>Förundersökningskungörelse (1947:948)</i> ) also stipulates that suspected persons should translate documents of parts of documents if it is considered important in order for the suspect to claim its rights. <sup>327</sup> .		
		<b>Yes</b>	<b>No</b>	<b>Brief Description</b>
<b>5.2</b>	Is there any procedure to ensure that suspects or accused persons have the right to challenge the failure or refusal to provide information on the following? <b>If yes, briefly describe the procedure where relevant.</b>	Yes		
	a) information on procedural rights	Yes		According to Ms. Wallström of the Swedish Police ( <i>Polisen</i> ), a suspect or accused can challenge the failure or refusal to provide information on procedural rights by addressing the court in question <sup>328</sup> . During the pre-trial investigation a failure or refusal to provide

<sup>326</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>327</sup> Sweden, Decree on Preliminary Investigations (*Förundersökningskungörelse 1947:948*), 1 June 2014, paragraph 12, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201\\_sfs-1947-948](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-1947-948)

<sup>328</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

			<p>information can be challenged to a higher ranking prosecutor in accordance with chapter 7, paragraphs 2 and 5 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>329</sup>. This information is confirmed by Ms. Anna Palmqvist of the Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>)<sup>330</sup>.</p> <p>Failures or refusals to provide information on procedural rights during the legal proceedings can constitute a ground for the Court of Appeal to set aside the judgement of the District Court. According to chapter 59, paragraph 1, a judgment that has entered into final force shall be set aside for grave procedural errors on appeal by the person whose legal rights the judgment concerns<sup>331</sup>.</p> <p>The paragraph stipulates that if a grave procedural error has occurred in the course of the proceedings that can be assumed to have affected the outcome of the case an appeal for relief can be made. The appellants must show that the concern was raised during the trial, or show probable cause that they were unable to invoke the circumstance in the proceedings or otherwise had a valid excuse for failing to do so<sup>332</sup>. This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>333</sup>.</p>
	b) letter of rights	Yes	<p>According to Ms. Wallström of the Swedish Police (<i>Polisen</i>), a suspect or accused can challenge the failure or refusal to provide a letter of rights by addressing the court in question<sup>334</sup>.</p> <p>During the pre-trial investigation a failure or refusal to provide information can be challenged to a higher ranking prosecutor, in accordance with chapter 7, paragraphs 2</p>

<sup>329</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2005, chapter 7, paragraphs 2 and 5, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>330</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>331</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 1994, chapter 59, paragraph 1, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>332</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 1994, chapter 59, paragraph 1, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>333</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>334</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

			<p>and 5 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>335</sup>. This information is confirmed by Ms. Anna Palmqvist of the Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>)<sup>336</sup>.</p> <p>Failures or refusals to provide information on procedural rights during the legal proceedings can constitute a ground for the Court of Appeal to set aside the judgement of the District Court. According to chapter 59, paragraph 1 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), a judgment that has entered into final force shall be set aside for grave procedural errors on appeal by the person whose legal rights the judgment concerns<sup>337</sup>.</p> <p>The paragraph stipulates that if a grave procedural error has occurred in the course of the proceedings that can be assumed to have affected the outcome of the case an appeal for relief can be made. The appellants must show that the concern was raised during the trial, or show probable cause that they were unable to invoke the circumstance in the proceedings or otherwise had a valid excuse for failing to do so<sup>338</sup>.</p> <p>This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>339</sup>.</p>
	c) information about the accusation	Yes	<p>According to Ms. Wallström of the Swedish Police (<i>Polisen</i>), a suspect or accused can challenge the failure or refusal to provide information about the accusation by addressing the court in question<sup>340</sup>.</p> <p>During the pre-trial investigation a failure or refusal to provide information can be</p>

<sup>335</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2005, chapter 7, paragraphs 2 and 5, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>336</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>337</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 1994, chapter 59, paragraph 1, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>338</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 1994, chapter 59, paragraph 1, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>339</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>340</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

			<p>challenged to a higher ranking prosecutor in accordance with chapter 7, paragraphs 2 and 5 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>341</sup>. This information is confirmed by Ms. Anna Palmqvist of the Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>)<sup>342</sup>.</p> <p>Failures or refusals to provide information on procedural rights during the legal proceedings can constitute a ground for the Court of Appeal to set aside the judgement of the District Court. According to chapter 59, paragraph 1 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>), a judgment that has entered into final force shall be set aside for grave procedural errors on appeal by the person whose legal rights the judgment concerns<sup>343</sup>.</p> <p>The paragraph stipulates that if a grave procedural error has occurred in the course of the proceedings that can be assumed to have affected the outcome of the case an appeal for relief can be made. The appellants must show that the concern was raised during the trial, or show probable cause that they were unable to invoke the circumstance in the proceedings or otherwise had a valid excuse for failing to do so<sup>344</sup>.</p> <p>This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration (<i>Domstolsverket</i>)<sup>345</sup>.</p>
	d) access to case materials	Yes	<p>According to Ms. Wallström of the Swedish Police (<i>Polisen</i>), a person can challenge the failure or refusal to provide information about the accusation by addressing the court in question<sup>346</sup>.</p> <p>During the pre-trial investigation failure or refusal to provide information can be</p>

<sup>341</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2005, chapter 7, paragraphs 2 and 5, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>342</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>343</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 1994, chapter 59, paragraph 1, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>344</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 1994, chapter 59, paragraph 1, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>345</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>346</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.



			<p>challenged to a higher ranking prosecutor in accordance with chapter 7, paragraphs 2 and 5 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>347</sup>. This information is confirmed by Ms. Anna Palmqvist of the Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>)<sup>348</sup>. Ms. Palmqvist adds that suspected persons or their legal counsels may require any hearing or inquiry they assume are of relevance to the investigation. If such requests are refused by investigation officers (the police or prosecutor in charge of the investigation), they must give reasons for their refusals. If pre-trial investigations are completed without the investigation officers granting such requests from the suspected person, or if suspected persons believe the investigation of be insufficient in other ways, they shall notify the court. The court must examine this notification as soon as possible<sup>349</sup>.</p> <p>Failures or refusals to provide information on procedural rights during the legal proceedings can constitute a ground for the Court of Appeal to set aside the judgement of the District Court. According to chapter 59, paragraph 1, a judgment that has entered into final force shall be set aside for grave procedural errors on appeal by the person whose legal rights the judgment concerns<sup>350</sup>.</p> <p>The paragraph stipulates that if a grave procedural error has occurred in the course of the proceedings that can be assumed to have affected the outcome of the case an appeal for relief can be made. The appellants must show that the concern was raised during the trial, or show probable cause that they were unable to invoke the circumstance in the proceedings or otherwise had a valid excuse for failing to do so<sup>351</sup>.</p>
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<sup>347</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 2005, chapter 7, paragraphs 2 and 5, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>348</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>349</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>350</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 1994, chapter 59, paragraph 1, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

<sup>351</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 1994, chapter 59, paragraph 1, available at [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/#K23](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/#K23)

				This information is confirmed by Mr. Johan Wilhelmsson of Swedish National Courts Administration ( <i>Domstolsverket</i> ) <sup>352</sup> .
<b>5.3</b>	Is any official record kept to note the provision of information about the following? <b>If yes, briefly describe where relevant.</b>			An official record is kept of all actions taken during the pre-trial investigation as is required by law. The record include information when, where, by whom all actions and decisions were taken. It also includes name of the interpreter used, if others were present during questioning, the name of the legal counsel, a description of the crime, when, where and by whom the suspect was informed of his/her rights, including the right to a legal counsel, the suspect's attitude to the description of the crime, the suspect's attitude to their his/her need of a legal counsel and if it is possibly to get a public defender (which in this case is appointed by the court during the pre-trial investigation) <sup>353</sup> .
	a) information on procedural rights	Yes		All steps in any criminal investigation (except traffic offences) are registered in the Swedish police's computerised investigation routine ( <i>DUR – datoriserad utredningsrutin</i> ). The system takes account of all steps in a criminal investigation, including when information on procedural rights are given <sup>354</sup> . According to Ms. Wallström of the Swedish Police ( <i>Polisen</i> ), the signature of the suspected person is not required, only a registration of that the information has been given to the suspected/accused person <sup>355</sup> .
	b) letter of rights	Yes		All steps in any criminal investigation (except traffic offences) are registered in the Swedish police's computerised investigation routine ( <i>DUR – datoriserad utredningsrutin</i> ). The system takes account of all steps in a criminal investigation, including when the letter of rights is given <sup>356</sup> . According to Ms. Wallström of the Swedish Police ( <i>Polisen</i> ), the signature of the suspected person is not required, only a registration of that the information has been given to the suspected/accused person <sup>357</sup> .
	c) information about the accusation	Yes		All steps in any criminal investigation (except traffic offences) are registered in the Swedish police's computerised investigation routine ( <i>DUR – datoriserad utredningsrutin</i> ). The system takes account of all steps in a criminal investigation, including when the

<sup>352</sup> Sweden, associate judge of appeal at the Swedish National Courts Administration (*Domstolsverket*).

<sup>353</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>354</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>355</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>356</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>357</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

			information about the accusation is given <sup>358</sup> . According to Ms. Wallström of the Swedish Police ( <i>Polisen</i> ), the signature of the suspected person is not required, only a registration of that the information has been given to the suspected/accused person <sup>359</sup> .
	d) access to case materials	Yes	All steps in any criminal investigation (except traffic offences) are registered in the Swedish police's computerised investigation routine ( <i>DUR – datoriserad utredningsrutin</i> ). The system takes account of all steps in a criminal investigation, including if the suspect has been given access or been refused access to case material <sup>360</sup> . According to Ms. Wallström of the Swedish Police ( <i>Polisen</i> ), the signature of the suspected person is not required, only a registration of that the information has been given to the suspected/accused person <sup>361</sup> . The official record from the pre-trial investigation is made available during the court hearing <sup>362</sup> .
5.4	Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons (e.g. because of any physical impairments which affect their ability to communicate effectively (persons with hearing, sight or		Chapter 5, paragraph 6 of the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ) states that if a party, witness or other person is to be heard before the court and has a hearing or speech impediments and as a result of this impediment is in need of an interpreter an interpreter should be assigned to assist the court <sup>363</sup> . If a suspect in a criminal case has a hearing or speech impediments and as a result of this impediment is in need of an interpreter an interpreter should be assigned for meetings before the court <sup>364</sup> . This includes giving information.

<sup>358</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>359</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>360</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>361</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>362</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>363</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, chapter 5, paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>364</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 October 2013, chapter 5, paragraph 6, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<p>speech impediments), intellectual disabilities or in case of children and the holder of parental responsibility) in relation to:</p> <p>a) suspect or accused persons with physical impairment or disability;</p> <p>b) suspect or accused persons intellectual impairment or disability;</p> <p>c) suspect or accused children who are suspects/defendants and/or the holder of parental responsibility.</p> <p><b>If yes, briefly provide information on those mechanisms in relation to each of the listed vulnerable groups. Is this information in simple and</b></p>			
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	accessible language?			
	<ul style="list-style-type: none"> <li>information on procedural rights</li> </ul>	a)		<p>According to Ms. Wallström from the Swedish Police (<i>Polisen</i>), there are no “special” procedures but there is an unconditional right to receive information, which means that arrangement of a deaf-mute interpreter or translation of documents to Braille etc.<sup>365</sup>.</p>
		b)		<p>According to Ms. Wallström from the Swedish Police (<i>Polisen</i>), there are no “special” procedures but there is an unconditional right to receive information<sup>366</sup>. This information is confirmed by Ms. Anna Palmqvist of the Swedish Prosecution Authority (<i>Åklagarmyndigheten</i>)<sup>367</sup>.</p> <p>If suspected persons suffer from serious mental disturbances their legal counsels shall be appointed by their legal guardians, in accordance with Chapter 21, paragraph 3 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>368</sup>. It is also the task of the legal counsels to make sure that their clients understand what is happening in the court, in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>). These paragraphs stipulate that legal counsels must safeguard the suspected persons’ rights with zeal and care (<i>nit och omsorg</i>) and make any requests and take any action necessary to safeguard the rights of the suspected persons<sup>369</sup>.</p>

<sup>365</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>366</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>367</sup> Sweden, prosecutor (*kammaråklagare*) at the Swedish Prosecution Authority (*Åklagarmyndigheten*).

<sup>368</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1994, chapter 21, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>369</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

		c)	According to Ms. Wallström from the Swedish Police ( <i>Polisen</i> ), there are no “special” procedures but there is an unconditional right to receive information <sup>370</sup> . There is not any special procedure that is more accessible for children. Chapter 21, paragraph 3 of the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ) states that if the suspect is under 18 years old the defence counsel is appointed by the person who has the custody of him/her <sup>371</sup> . It is also the task of the defence counsels to make sure that their clients understand what is happening in the court, in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ). These paragraphs stipulate that defence counsels must safeguard the suspected persons’ rights with zeal and care ( <i>nit och omsorg</i> ) and make any requests and take any action necessary to safeguard the rights of the suspected persons <sup>372</sup> .
• letter of rights	a)	According to Ms. Wallström from the Swedish Police ( <i>Polisen</i> ), there are no “special” procedures but there is an unconditional right to receive information, which means that arrangement of a deaf-mute interpreter or translation of documents to Braille etc. <sup>373</sup> .	
	b)	According to Ms. Wallström from the Swedish Police ( <i>Polisen</i> ), there are no “special” procedures but there is an unconditional right to receive information, <sup>374</sup> There is no special version of the letter of rights with easier language. If suspected persons suffer from serious mental disturbances their legal counsels shall be appointed by their legal guardians, in accordance with Chapter 21, paragraph 3 of the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ) <sup>375</sup> . It is also the task of the legal	

<sup>370</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>371</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1994, chapter 21, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>372</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>373</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>374</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>375</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1994, chapter 21, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

			<p>counsels to make sure that their clients understand what is happening in the court, in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>376</sup>. These paragraphs stipulate that legal counsels must safeguard the suspected persons' rights with zeal and care (<i>nit och omsorg</i>) and make any requests and take any action necessary to safeguard the rights of the suspected persons.</p>
	c)		<p>According to Ms. Wallström from the Swedish Police (<i>Polisen</i>), there are no “special” procedures but there is an unconditional right to receive information<sup>377</sup>.</p> <p>There is not any specific version that is more accessible for children. The letter of rights has two additional bullet points with information for those below the age of 18:</p> <ul style="list-style-type: none"> <li>• “You are entitled to get a public defence counsel unless it is evident that this is not required.” □</li> <li>• “Even if the prosecutor decides not to arrest you, the Police may still detain you for up to three hours in □ order to, as soon as possible, surrender you to your parents, other guardian, an official at the social services or another suitable adult.”</li> </ul> <p>The Social Services must always be contacted when children are involved in crime investigations. Police and prosecutors working with children have to have a special further education focusing on children. The Swedish Police (<i>Polisen</i>) has a national training (further education) for investigation officers specialising on children (<i>barnförhørsledare</i>)<sup>378</sup>.</p>

<sup>376</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>377</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.

<sup>378</sup> Sweden, desk officer at the Swedish Police's section for EU coordination.



<ul style="list-style-type: none"> <li>information about the accusation</li> </ul>	a)	<p>According to Ms. Wallström from the Swedish Police (<i>Polisen</i>), there are no “special” procedures but there is an unconditional right to receive information, which means that arrangement of a deaf-mute interpreter or translation of documents to Braille etc.<sup>379</sup>.</p>
	b)	<p>According to Ms. Wallström from the Swedish Police (<i>Polisen</i>), there are no “special” procedures but there is an unconditional right to receive information<sup>380</sup>.</p> <p>If suspected persons suffer from serious mental disturbances their legal counsels shall be appointed by their legal guardians, in accordance with Chapter 21, paragraph 3 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>381</sup>. It is also the task of the legal counsels to make sure that their clients understand what is happening in the court, in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>382</sup>. These paragraphs stipulate that legal counsels must safeguard the suspected persons’ rights with zeal and care (<i>nit och omsorg</i>) and make any requests and take any action necessary to safeguard the rights of the suspected persons.</p>
	c)	<p>According to Ms. Wallström from the Swedish Police (<i>Polisen</i>), there are no “special” procedures but there is an unconditional right to receive information<sup>383</sup>.</p> <p>The Social Services must always be contacted when children are involved in crime investigations. Police and prosecutors working with children have to have a special further education focusing on children. The Swedish Police (<i>Polisen</i>) has a national training (further education) for investigation officers specialising on children (<i>barnförhållare</i>)<sup>384</sup>.</p>

<sup>379</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>380</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>381</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1994, chapter 21, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>382</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>383</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>384</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<ul style="list-style-type: none"> <li>access to case materials</li> </ul>	a)	According to Ms. Wallström from the Swedish Police ( <i>Polisen</i> ), there are no “special” procedures but there is an unconditional right to receive information, which means that arrangement of a deaf-mute interpreter or translation of documents to Braille etc. <sup>385</sup> .
	b)	If suspected persons suffer from serious mental disturbances the defence counsel is appointed by their guardians (the persons who have the custody of them) in accordance with chapter 21, paragraph 3 of the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ) <sup>386</sup> . It is also the defence counsel’s task to make sure that the client understands what is happening in the court, in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure ( <i>Rättegångsbalk (1942:740)</i> ) <sup>387</sup> . These paragraphs stipulate that the defence counsel must safeguard the suspected person’s rights with zeal and care ( <i>nit och omsorg</i> ) and make any requests and take any actions necessary in this regard.
	c)	<p>If suspected persons are under 18 years the defence counsel is appointed by their guardians (the persons who have the custody of them) in accordance with chapter 21, paragraph 3 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>388</sup>. It is also the defence counsel’s task to make sure that the clients understand what is happening in the court, in accordance with Chapter 21, paragraphs 7 and 8 of the Code of Judicial Procedure (<i>Rättegångsbalk (1942:740)</i>)<sup>389</sup>. These paragraphs stipulate that the defence counsel must safeguard the suspected person’s rights with zeal and care (<i>nit och omsorg</i>) and make any requests and take any actions necessary in this regard.</p> <p>Police and prosecutors working with children have to have a special further education focusing on children. The Swedish Police (<i>Polisen</i>) has a national training (further education) for investigation officers specialising on children (<i>barnförhållningsspecialist</i>)<sup>390</sup>.</p>

<sup>385</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

<sup>386</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1994, chapter 21, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>387</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>388</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 1 January 1994, chapter 21, paragraph 3, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>389</sup> Sweden, Code of Judicial Procedure (*Rättegångsbalk (1942:740)*), 18 July 1942, chapter 21, paragraphs 7 and 8, available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs\\_sfs-1942-740/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/sfs_sfs-1942-740/)

<sup>390</sup> Sweden, desk officer at the Swedish Police’s section for EU coordination.

