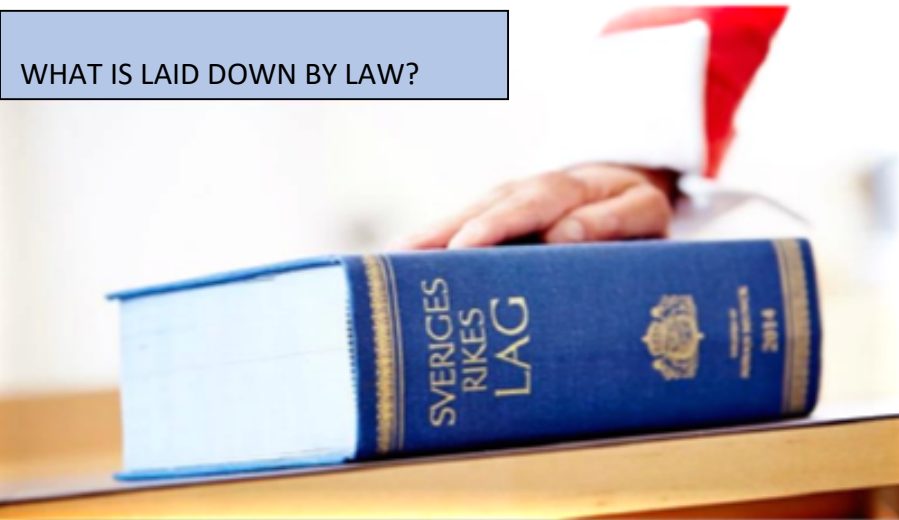


Interpretation policy for Södertörn District Court



WHAT IS LAID DOWN BY LAW?



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Background

Section 6 of Chapter 5 of the Procedural Code lays down that a court may appoint an interpreter when a party, witness or someone else who is to be heard by the court has no command of Swedish. If a suspect or injured party in a criminal case has no command of Swedish, an interpreter is to be appointed. In addition, the court must, whenever possible, appoint an interpreter who is authorised. Those with hearing impediments or speech defects are entitled to a sign-language interpreter, a deafblind interpreter, a speech to text interpreter or a signing supported interpreter.

It is important for the need for interpretation to be recognised and met and for interpretation to maintain a high standard. Holding a main hearing without an interpreter when one is needed or the use of an interpreter without adequate qualifications may constitute a procedural error.

Kammarkollegiet (the Legal, Financial and Administrative Services Agency) is responsible for the authorisation of interpreters. The Agency also organises specific tests in interpreting speech in the judicial system. An authorised interpreter with specific qualifications for the judicial system is known as a court interpreter.

Interpretation takes place at the District Court in a large number of hearings. It is important for legal certainty for interpretation to maintain a high standard. We should therefore endeavour primarily to appoint court interpreters. We should further endeavour to provide the best conditions possible for the interpreters so that they can concentrate on their task and attain the best results. In order to make it easier for its staff to live up to these aims, the Södertörn District Court adopted an interpretation policy in 2009. It has subsequently been revised on the basis of opinions from interpreters and the court's employees in 2012, 2015, 2018 and 2020

The Swedish National Courts Administration's guidelines on the appointment of interpreters also deal with interpretation issues.

These contain, for instance, information about the various categories of interpreters that exist. The National Courts Administration has also created an [e-learning platform](#) (click the link for the platform) that deals with the appointment of interpreters in the public courts.

Interpretation policy for Södertörn District Court

1. Appointing interpreters

- The need for interpretation must be reviewed and an interpreter appointed well before a hearing takes place.
- During the ongoing Corona pandemic specific regulations apply for the court's appointment of interpreters. These can be found under <G:\COVID-19\Tolkar i coronatider>.
- The court is first and foremost to appoint **court interpreters who are proficient in simultaneous interpretation** and **sign-language interpreters who are authorised by the Legal, Financial and Public Procurement Agency**. The interpreters may be booked directly or through interpreting agencies that have been procured. We shall endeavour to book interpreters directly as far as possible. Sign-language interpreters are not covered by the framework procurement but are always booked directly or through Stockholms Läns Tolkcentral or via a private interpreting agency.
- When confirmation is received from an interpreting agency, this must be checked against the booking submitted so that the level of expertise, language (including dialect) and the type of attendance comply with the booking made.
- If no interpreting agency can provide a court interpreter, the court's staff should contact a court interpreter directly. If no court interpreters are available for the language concerned, then an authorised interpreter in the language should be appointed. The Legal, Financial and Public Procurement Agency's website makes it possible to search its list of authorised interpreters and interpreters with specialist qualifications (court interpreters). There is also a list of authorised sign-language interpreters.

<https://www.kammarkollegiet.se/engelska/start/all-services/interpreter/search-interpreter>

- If a main hearing is expected to last for more than **three hours**, two interpreters in the same language must be appointed. If the party that needs an interpreter has command of Swedish but still wants an interpreter to provide support to understand difficult words or during his or her own testimony, then only one interpreter need be appointed.
- When sign-language interpreters authorised by the Legal, Financial and Public Procurement Agency are employed, two interpreters must always be appointed if a hearing is expected to last for one hour or more.
- For hearings that will take **more than one day**, the same interpreters must be appointed for all the days required. The booking should be made directly with the interpreters involved. This must not, however, mean that the court appoints a less qualified interpreter than would otherwise have been the case.
- When interpreters are appointed, the District Court should not only specify the language concerned but also a speaker's country of origin and, if possible, the area the party/witness/accused comes from or the dialect of the language to be interpreted.
- Telephone interpretation should be avoided as far as possible. If no interpreter in a language exists in the Stockholm region but can be found in a locality close to a district court in another part of Sweden, the possibility of interpretation via a video link from that district court should be explored.
- An interpreter that has been appointed for an oral preparatory hearing should be booked for a future main hearing if the date has been determined at the preparatory hearing and the presiding judge considers it appropriate to appoint the same interpreter again. Particular attention should be paid to the interpreter's qualifications.

2. Preparing for interpretation

- When an interpreter has been appointed for a criminal case, the court officer makes sure that the interpreter is provided with the name of the person who needs interpretation, the case number and the application for a summons.
- When an interpreter has been appointed for a civil action, the court officer ensures that the interpreter is provided with the name of the person who needs interpretation, the case number, the application for a summons and the response submitted or other documents that are important for the interpreter's preparations, such as records of a prior oral preparatory hearing.
- At the beginning of a hearing the recording clerk is responsible for providing copies of written evidence and other relevant material that will need to be translated during the proceedings. In cases involving extensive evidence the recording clerk ensures that the interpreter has access to the material that is going to be presented.
- If written evidence involves complicated specialist terminology, the interpreter should have this material posted to them or provided well before the hearing. The interpreter is also entitled to advance access to material to be presented at the hearing that is subject to secrecy. This can either be collected from the District Court or sent via secure e-mail. An interpreter's professional secrecy can normally be considered to apply from the time when the interpreter has agreed to undertake an assignment. For further details see the adjudication of the Chancellor of Justice of 23 October 2013, reg. no. 5335-13-12.
- Any interpreter or interpreters providing simultaneous interpretation are to have moveable and designated position in the courtroom facing the bench. The recording clerk is to ensure that the requisite sign is in place.
- Simultaneous interpretation equipment (earphones, earmuffs and microphones) is to be available in all the courtrooms. The recording clerk is responsible for ensuring that the equipment, including the microphones, is connected before the hearing begins. The microphones and earphones enable the interpreters to provide interpretation for one or several individuals they are not sitting next to. The earmuffs can be used to exclude voices other than the interpreters.
- Wireless interpreting kits are available on loan from the reception for interpretation in preparatory rooms.
- If an interpreter is not going to interpret in a courtroom but from another court, the court officer responsible must check well in advance that there is a free video room at the court (host court) from which the interpreter is to attend. An entry should be made in VERA about the time for which the video room is booked so that both the presiding judge and recording clerk have access to this information as well as contact details about who can provide technical support at the host court.
- If an interpreter is to attend via video link, this should be taken into account when planning how much time will be needed for the case. If simultaneous interpretation is impossible from the host court, a hearing will take longer than normal. The recording clerk should check the equipment for the video link in advance.
- Instructions on how to set up the video equipment when an interpreter is to attend via video link can be found [here](#) (click on the link).
- The recording clerk must inform the host court of any delays in good time.

3. Conditions during a hearing

- The presiding judge is responsible for ensuring that a hearing is conducted so that interpreters can carry out their tasks in a legally secure manner.
- If sign-language interpreting takes place, the presiding judge must ensure that the interpreters are sitting in a position that is appropriate for the interpretation to be carried out in the best way possible.
- The presiding judge must enable the interpreters to introduce themselves to individuals they are interpreting for and also explain how the interpretation will be carried out.
- The presiding judge is to facilitate simultaneous interpretation by urging the parties not to speak too quickly and in the case of consecutive interpretation (not simultaneous) by making pauses so that the interpreter has time to interpret. In addition, the presiding judge should intervene when individuals speak at the same time and also urge interpreters to point out any shortcomings that make it difficult for them to interpret.
- If slides or written testimony are to be presented, the recording clerk is to ensure that they are displayed on the video screen at the same time as sign-language interpretation is taking place as otherwise anybody relying on the sign-language interpreter will be unable to understand the contextual links between the slides or written evidence and what is being said.
- Interpretation should not go on for longer than one hour. It is the responsibility of the presiding judge to decide on pauses and not up to an interpreter to say when they are needed.
- If an interpreter's services are made use of by a prosecutor, lawyer or any other person during any breaks in a hearing, the individual who has done so must report this to the court so that the interpreter also has a chance to rest during the break.
- If an interpreter is appointed for an entire day but is not needed for the time booked, an internal enquiry is to be made about whether interpretation is needed in any other room. The interpreter must be given an opportunity to prepare for this by, for instance, being enabled to read through the application for a summons before the second hearing can begin.

4. Service and security

- The presiding judge must consider whether any risk may arise for the interpreter's safety when interpretation is to be provided with the accused sitting in any other room than the one in which the hearing is taking place. The main rule is that the interpreter should not sit in a separate listening room but should remain in the room used for the hearing. In the case of sign-language interpreting, the camera must be trained on the interpreter so that the picture can be seen in the auditing room.
- There is a designated room for interpreters in the waiting area (floor 3) where they can spend time or work during longer breaks in a hearing or between several hearings. There is a special locker in the room where interpreters can lock away valuables as well as access to an electric kettle. Contact details for the officer responsible for operational development and the interpretation coordinator must be available in the room. Information from the court that is of interest for interpreters is to be posted on a special notice board in the interpreters' room. The District Court's interpretation policy must always be available in the room.
- Interpreters can be given access to wi-fi by notifying the reception of their needs.

5. Interpreters' fees

- Before any decision on payment the court must know that the interpreter has self-employed tax status. If this information is lacking, it should be verified with the interpreter no later than at the time of the interpreter's attendance.
- Fees for interpreters for their attendance are laid down in Domstolverket's (The National Court Administration's) regulations on interpreters' fees. Interpreters' fees are published in *Rättshjälp och taxor*, which can be found on the intranet (<https://intranatet.dom.se/Malhantering/Malhantering-allmant/Ersattning-och-rattshjalp/rattshjalp/>).¹

6. Complaints

- The framework procurement lays down that a complaint should be filed to an interpreting agency in the case of any of the following shortcomings
 - Late confirmation or lack of confirmation from the agency
 - An interpreter is late or fails to attend for an assignment
 - Defects in the quality of the service provided
 - Defects in performance or conduct
 - Other defects. This means, for instance, that an interpretation agency has booked a less qualified interpreter than requested and the District Court is not given the chance to approve the less qualified interpreter or when an interpreter has cancelled at short notice.
- The court officer is responsible for submitting complaints if an interpretation agency fails to meet the stated requirements in the booking of an interpretation assignment. Before submitting a complaint, the court officer is to consult the judge responsible for the case.
- The presiding judge is responsible for submitting a complaint to an interpreting agency if there are defects in the quality of the interpretation or defects in performance or conduct during a hearing.
- Complaints about **an interpreter booked through an interpretation agency** are to be submitted to the agency as well as to the Legal, Financial and Public Procurement Agency, for which the correct address for complaints of this kind is Statens inköpscentral, Kammarkollegiet, Box 2218, 10315 Stockholm or ramavtalservice@kammarkollegiet.se. There is a specific form for complaints at [avropa.se](https://www.avropa.se/ramavtal/ramavtalsomraden/Ovriga-tjanster/tolkformedlingstjanster/tolkformedlingstjanster/?value=83263).
<https://www.avropa.se/ramavtal/ramavtalsomraden/Ovriga-tjanster/tolkformedlingstjanster/tolkformedlingstjanster/?value=83263>.
- If there are defects in the performance of **an authorised or court interpreter that has been booked directly**, a complaint is to be submitted to the Legal, Financial and Public Procurement Agency. The complaint can concern the quality of the interpretation, defects with regard to performance or conduct, or repeated late arrivals.
- The form to be used for complaints about interpreters that have been booked directly can be found on the intranet at <https://intranatet.dom.se/Informationsbank/externa-aktorer/tolk-reklamation-av-tolktjanster/>.

¹ This can also be found in Swedish at https://www.domstol.se/globalassets/filer/domstol/domstolsverket/dvfs/2020/dvfs_2020-21.pdf (Translator's note).

- If there is any uncertainty about whether to submit a complaint, the District Court's interpretation coordinator can be consulted.
- **All complaints** submitted must also be sent to the coordinator for registration. If the form found on the intranet is used (for interpreters booked directly), the complaint is forwarded to the coordinator automatically.

7. Interpretation coordinator

- The District Court has a coordinator (the administrative director) for the court's procedures for appointing interpreters who has the following tasks
 - ✓ Contact person for interpretation agencies within the procurement agreement
 - ✓ Support on issues relating to complaints
 - ✓ Responsibility for follow-up of the framework agreement
- In addition to the interpretation coordinator, the Head of Administration is responsible for following up the interpretation policy and ensuring that all the staff are aware of and act according to the policy.

8. Host court

- The District Court is the host court when we admit an interpreter who is to use a video link while sitting in our premises to take part in a hearing at another court. We have a responsibility for ensuring that the interpreter has good working conditions on our premises.
- The interpreter is to be offered assistance and support for technical issues relating to the video equipment.
- The interpreter is to be given the information that she or he may use the interpreters' room.
- There must be a possibility for the other court to communicate with the District Court, for instance through direct contact with the member of staff responsible for technical issues or the Office Assistant (Expeditionsvakt).
- The District Court must be prepared for the hearing at the other court to take longer than expected.

9. Following up the Interpretation Policy

- Every other year the District Court is to follow up compliance with the interpretation policy and make any changes that may be required.
- This follow-up is to take the form of a dialogue meeting with interpreters appointed by the court as well as with representatives of interpretation agencies and through interviews with the court's staff.
- All newly employed staff are to be given a presentation of the District Court's interpretation policy in connection with the information they receive about the District Court's quality assurance procedures. All newly employed staff are to complete the e-learning programme provided by Domstolsverket on the appointment of interpreters during their introduction. Those already employed are also to be given the opportunity to take this programme.
- The Head of Administration is to have contact with the Rättstolkarnas förening (the Association of Court Interpreters) once every six months to review working conditions at the District Court.

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