

Submission Template

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

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Author(s)' name: Emil Kiørboe and Lise Garkier Hendriksen

Reviewed by: Christoffer Badse

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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).

Article I. SECTION A: The right to interpretation and translation in criminal proceedings

1.	RIGHT TO INTERPRETATION ¹	
	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?^f</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>.Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	
1.1.1	<ul style="list-style-type: none"> • police questioning; 	<p>a) Interpretation during police questioning is not specifically regulated in Danish law. In accordance with the Danish Administration of Justice Act² section 752 a suspected or accused person shall explicitly be informed of the charges before police questioning/interrogation. Pursuant to article 5 and 6 of the European Convention on Human Rights, which is incorporated into Danish law, this information should be given in a language the suspected or accused person understands. The police, as the responsible authority, has the responsibility for determining the need for interpretation of both the accusation and during the police questioning/interrogation.</p>

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

² Denmark, Administration of Justice Act, consolidated act no. 1308 of 9 December 2014, as amended (*Retsplejeloven, lovbekendtgørelse nr. 1308 af 9. december 2014 med senere ændringer*), available in Danish at www.retsinformation.dk/Forms/R0710.aspx?id=164280 (26.06.2015).

		<p>b) In most minor cases it will be the same police officer who arrests the suspected person who is also questioning the suspected person and determines whether interpretation is needed. In more serious cases the questioning/interrogation will be performed by the head of the investigation who will also be determining whether interpretation is needed. The Danish National Police has informed DIHR that the questioning police officer – before the questioning – determines if the suspected or accused understands Danish or another language spoken by the questioning police officer and that, if an interpreter assists during the questioning, the police will have the interpreter ask the suspect or accused whether he or she understands the interpreter.³</p> <p>c) The question of who bears the expenses to interpretation at this stage of the proceedings/police investigation is not regulated in Danish law. It is however established in practice that the expenses are borne by the police. The Ministry of Justice finds that this practice is required in order to comply with ECHR.⁴</p> <p>d) Before the first questioning/interrogation the suspected or accused person must be explicitly informed of the accusation in a language which he or she understands. The Danish National Police and the Danish Bar and Law Society underlines that an interpreter should be provided as soon as possible.⁵</p>
1.1.2	<ul style="list-style-type: none"> • court hearings; 	<p>a) The court has the overall responsibility of securing that the proceedings are consistent with Danish law, including the incorporated ECHR. In accordance with the Danish Administration of Justice Act section 149, subsection 1, questioning in court of a person who do not speak or understand Danish, should be carried out with the assistance of an authorised interpreter. This provision is formally in compliance with ECHR, article 6 (3) (e), as ECHR requires interpretation throughout the court proceedings and not only during questioning of the accused. However, a working group under the Danish Court Administration on interpretation in court cases (2003), composed of judges, interpreters and other professionals of the court system, presumed this issue a formal/technical issue rather than a problem in practice. In practice, the report presumed, interpretation is provided for, at least summarily, during the full court proceeding, and the issue was hence given little attention in the working group's final report.⁶</p> <p>Section 149, subsection 1, allows for interpretation not to take place in court hearings of criminal cases (excluding the main court hearing of a High Court case) if none of the parties of the case calls for an interpreter and the court believes itself capable of having the necessary knowledge/level of the foreign language in question. The above mentioned working group found this provision technically in compliance with ECHR, article 6 (3) (e), but also found this issue more or less obsolete in practice. The working group assumed that no court in Denmark would believe itself sufficiently capable in any other languages than English, Swedish and Norwegian, and in a few cases</p>

³ Denmark, representative of the Danish National Police.

⁴ Denmark, the Ministry of Justice, *Memo on option to adopt the directive on the right to interpretation and translation in criminal proceedings (Notat om tilvalg af direktivet om retten til tolke- og oversætterbistand i straffesager)*, p.13-14, undated but published in 2015, available in Danish at: <http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/Bilag%209%20-%20Direktivet%20om%20ret%20til%20tolke-%20og%20overs%C3%A6tterbistand.pdf>.

⁵ Denmark, representative of the Danish National Police and the Danish Bar and Law Society.

⁶ Denmark, the Danish Court Administration, *Report of the working group on interpretation in court cases (Rapport om tolkebistand i retssager)*, 2003, para. 3.2.2., available in Danish at: <http://www.domstol.dk/om/publikationer/HtmlPublikationer/Rapporter/Rapport%20om%20tolkebistand%20i%20retssager/kap01.htm>

		<p>maybe German and French, and that even if the court found itself capable it would have to make sure that all other relevant representatives in court would master the language in question, which would make it unlikely that the court should refrain from interpretation.⁷</p> <p>Both mentioned issues of section 149, subsection 1, remain to be formally solved through amendment of the text of the act.</p> <p>b) In practice it is the prosecutor who arrange for the interpreter to be present at the court hearings, but the interpreter is officially engaged by the court. The Danish Bar and Law Society has informed DIHR that the judge begins the hearing by asking the accused if he or she understands the interpreter.⁸ The Director of Public Prosecutions' office has informed DIHR that the court is required to call in an interpreter when needed but that the assessment of whether an interpreter is needed is usely done by the prosecutor based on information from the police before court hearings.⁹</p> <p>c) All expenses to interpretation in criminal cases are borne by the state.¹⁰</p> <p>d) At the beginning of the court hearing.</p>
1.1.3	<ul style="list-style-type: none"> any necessary interim hearings; 	<p>a) The court has the overall responsibility of securing that the proceedings are consistent with Danish law, including the incorporated ECHR. In accordance with the Danish Administration of Justice Act, section 149, subsection 1, questioning in court, of a person who do not speak or understand Danish, should be carried out with the assistance of an authorised interpreter. This provision is interpreted pursuant to ECHR article 6 so that this provision applies for all parts of the court proceedings in criminal cases, not only during the questioning of the accused person. Please refer to item 1.1.2. above for further information about this issue.</p> <p>The Danish Bar and Law Society has informed DIHR that it in practice it occurs that both the prosecutor, the judge or the defence arrange for the interpreter's presence at hearings.¹¹</p>

⁷ Denmark, the Danish Court Administration, *Report of the working group on interpretation in court cases (Rapport om tolkebestand i retssager)*, 2003, para. 3.2.2., available in Danish at: <http://www.domstol.dk/om/publikationer/HtmlPublikationer/Rapporter/Rapport%20om%20tolkebestand%20i%20retssager/kap01.htm>

⁸ Denmark, representative of the Danish Bar and Law Society.

⁹ Denmark, representative of the Public Prosecutions' office.

¹⁰ Denmark, Circular no. 104 of 7 July 1989 on expenses to interpretation, section 2 (*Cirkulære nr. 104 af 7. Juli 1989 om afholdelse af udgifter til tolkning*).

¹¹ Denmark, representative of the Danish Bar and Law Society.

		<p>b) In practice it is the prosecutor who arrange for the interpreter to be present at the court hearings, but the interpreter is officially engaged by the court. The Danish Bar and Law Society has informed DIHR that the judge begins the hearing by asking the accused if he or she understands the interpreter.¹²</p>
		<p>c) All expenses to interpretation in criminal cases are borne by the state.¹³</p>
		<p>d) At the beginning of the court hearing.</p>
<p>1.1.4</p>	<ul style="list-style-type: none"> any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? 	<p>a) The access to interpretation of communication between suspects and accused persons and their legal council is not regulated in Danish law. In a Supreme Court verdict from 2003¹⁴ regarding the question of whether the defence could use the same interpreter when preparing the defence who would also be the interpreter during the court hearings, it is seen in the arguments of both the defence attorney and the Director of Public Prosecutions that it is an established practice that the defence can use the same interpreter when communicating with the suspect or accused person. The Danish Bar and Law Society has informed DIHR that the legal council can communicate with the accused and the interpreter during the entire case in private, if needed.¹⁵ The Danish National Police has informed DIHR that if the questioning police officer has determined that an interpreter is necessary, the interpreter will also be provided for in the connection to any communication between said person and his or her legal representation in direct connection with any questioning or hearing during the proceedings.¹⁶</p> <p>b) The Danish National Police has informed DIHR that if a suspected or accused person's legal representation disagrees with a police officer's decision not to have an interpreter present, the police will generally follow the legal representative's recommendation and provide an interpreter.¹⁷</p>

¹² Denmark, representative of the Danish Bar and Law Society.

¹³ Denmark, Circular no. 104 of 7 July 1989 on expenses to interpretation, section 2 (*Cirkulære nr. 104 af 7. Juli 1989 om afholdelse af udgifter til tolkning*).

¹⁴ Denmark, Supreme Court, Verdict of 11. December 2002 case 410/2002, available in Danish only (and only by subscription) in the weekly journal *Ugeskrift for Retsvæsen*, (UfR 2003.601H).

¹⁵ Denmark, representative of the Danish Bar and Law Society.

¹⁶ Denmark, representative of the Danish National Police.

¹⁷ Denmark, representative of the Danish National Police.

		c) All expenses to interpretation in criminal cases are borne by the state. ¹⁸
		d) No specific timeframe, but the defence should have reasonable time to prepare the defence in accordance with ECHR article 6(3)(b).
1.2	How do authorities ensure interpretation into rare/lesser known languages where no certified interpreters exist? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	The Danish National Police has informed DIHR that the Danish National Police has compiled an extensive list of certified interpreters to be used during police questioning, and that it is very rare that a specific language cannot be provided by an interpreter on the list. Further, the Danish National Police inform that in the few cases where an interpreter cannot be provided for by the interpreters on the list, the police can consult interpretation agencies in Denmark or other countries and, if assistance from an outside agency proves impossible, interpretation will be tried by other means for example by family members. ¹⁹ The Danish Bar and Law Society has informed DIHR that the police register of interpreters covers many languages, also very rare languages. ²⁰ The Director of Public Prosecutions' office has informed DIHR that approximately 2.500 interpreters is on the list. The interpreters is divided into 4 different levels and covers approximately 140 languages and dialects. ²¹
1.3	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? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	It follows from the Danish Administration of Justice Act section 746, subsection 1, that the court decides on the legality of the police investigation measures, as well as on the rights of suspects and the defence counsel's powers, including on requests from the defendant or accused of carrying out further investigative measures. This includes, in accordance with established practice, also decisions made by the prosecutor during the investigation. ²² It is also possible to submit a complaint regarding police action in a criminal procedure, e.g. the decision of the police to carry out or refrain from certain investigative measures. An appeal may be lodged against the Police Commissioner's decision with the regional public prosecutor pursuant to the Danish Administration of Justice Act section 101, subsection 2. The Danish National Police has informed DIHR that if a suspected or accused person's legal representation disagrees with a police officer's decision not to have an interpreter present, the police will generally follow the legal representative's recommendation and provide an interpreter. ²³

¹⁸ Denmark, Circular no. 104 of 7 July 1989 on expenses to interpretation, section 2 (*Cirkulære nr. 104 af 7. Juli 1989 om afholdelse af udgifter til tolkning*).

¹⁹ Denmark, representative of the Danish National Police.

²⁰ Denmark, representative of the Danish Bar and Law Society.

²¹ Denmark, representative of the Public Prosecutions' office.

²² Denmark, Eastern High Court, Verdict of 25 November 2003, available in Danish only (and only by subscription) in the weekly journal *Ugeskrift for Retsvæsen*, (UfR 2004.715Ø/TfK 2004.145/1).

²³ Denmark, representative of the Danish National Police.

		<p>If the decision that interpretation is not needed is made by the judge, the general procedures on appeal of judgments, decisions and verdicts apply.</p> <p>Judgments made by the District Court in criminal cases may be appealed to High Court, cf. section 901 in the Danish Administration of Justice Act. The appeal includes the previous handling of the case and any decisions made during the case and thus also the decision made by the court regarding interpretation/translation in court. The access to appeal is, however, subject to certain conditions regarding the merits of the case, cf. section 902.</p> <p>Following section 968 (1) of the Administration of Justice Act, decisions/verdicts made by the District Court during a court case which cannot, or cannot for the time being, be appealed to the High Court pursuant to sections 901-905, may be appealed to the High Court. This access does not directly include decisions on interpretation/translation during the court hearing, as this type of decision is not mentioned in section 968 (4)(1-6). However, even though a decision is not directly covered by section 968(4)(1-6), it may still be appealed if it concerns principal questions or other particular circumstances speak in favour of allowing an appeal. The Director of Public Prosecutions' office has conformed this legal interpretation and referred to a verdict from 2008²⁴, where appeal of the decision of the District Court regarding ongoing translation of the court's records during the case to the High Court was allowed.²⁵</p>
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?	<p>Court proceedings: In a case from 1996 regarding the use of interpretation of the accused persons provided by means of telephone during court proceedings, the Western High Court found that the use of interpretation by telephone raised general questions about the quality and fairness of court hearings, including adding a risk of misunderstandings. As a result, the judgement of the lower court, the city court, was repealed.²⁶</p> <p>A revision of the Administration of Justice Act (2006) introduced the possibility of presence in court by telecommunication in civil and criminal cases, including allowing suspects and accused persons to participate in some types of court hearings by video conference.²⁷ The provisions regulating telecommunicated interpretation are found in section 149, subsection 7.²⁸</p>

²⁴ Denmark, Western High Court, Verdict of 1 December 2008, (UfR 2009.822V).

²⁵ Denmark, representative of the Public Prosecutions' office.

²⁶ Denmark, Western High Court, Verdict of 5 September 1996, available in Danish only (and only by subscription) in the weekly journal *Ugeskrift for Retsvæsen*, UfR 1996.1488V.

²⁷ Denmark, Act no. 538 of 8 June 2006 on the amendment of the Administration of Justice Act (police and court reform) (*Lov nr. 538 af 8 juni 2006 om ændring af retsplejeloven og forskellige andre love (Politi- og domstolsreform)*).

²⁸ Denmark, Act no. 538 of 8 June 2006 on the amendment of the Administration of Justice Act (police and court reform) (*Lov nr. 538 af 8 juni 2006 om ændring af retsplejeloven og forskellige andre love (Politi- og domstolsreform)*), section 149, subsection 7.

	<p>In court proceedings, interpretation by means of video conference (“telecommunication with picture”) is possible if it is associated with disproportionate difficulties that the interpreter appears at the same place as the party, the witness or the expert, and if interpreting via video conference is justifiable/responsible. This could e.g. be the case if the interpreter would have to travel a far distance to appear in court.</p> <p>In the preparatory works of the Administration of Justice Act, section 149, subsection 7, the government in its remarks to the bill refers to findings by the Council on Administration of Justice (<i>Retsplejerådet</i>) which have analysed issues on the possibilities of introducing telecommunication in court proceedings. The council finds that the parties in criminal cases should not be able to participate in court hearings through telephone.²⁹</p> <p>In a situation where the person who is questioned is participating in the court hearing by means of telecommunication, the interpreter should in as far as possible be at the same site as the person being questioned.</p> <p>Other stages of proceedings: While the use of communication technologies for the purpose of interpretation is regulated with respect to court proceedings no such regulation exist regarding other stages of the criminal proceedings. The Danish National Police has informed DIHR that communication technologies can be used for the purpose of remote interpretation at all stages during the processing of the case within the police.³⁰</p>
<p>b) Which technologies are used, if any (videoconference, telephone, internet, etc.)</p>	<p>Videoconferencing is used in court. The Danish National Police has informed DIHR that Danish police often use remote interpretation via telephone and that other technologies such as videoconference or internet also can be used if necessary.³¹</p>

²⁹ Denmark, Bill no. 168 of 1 March 2006 amending the Administration of Justice Act among others (Police and court reform) (*Forslag til Lov om ændring af retsplejeloven og forskellige andre love (Politi- og domstolsreform)*, section 6.2.1.2. and 6.2.1.3, available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=88171>.

³⁰ Denmark, representative of the Danish National Police.

³¹ Denmark, representative of the Danish National Police.

<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)? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>No information available.</p>			
<p>TRAINING³²</p>	<p>Yes</p>	<p>No</p>	<p>Brief Description</p>	
<p>1.5</p> <p>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.</p>		<p>X</p>	<p>Providers of judicial training are not requested to pay special attention to this matter.</p> <p>The Danish Court Administration has informed DIHR that with regard to training of court staff the Administration provides a wide range of training to employees at Danish courts and that the need for training is reassessed annually. The need for special measures with regard to communication in court with the assistance of an interpreter has been regularly considered. The Danish Court Administration has informed DIHR that the Administration is not the only provider of training to Danish courts.³³</p> <p>Training in communication with the assistance of an interpreter is not a part of the mandatory education needed to pass the bar exam. In accordance with section 126, subsection 5 of the Administration of Justice Act all attorneys-at-law and assistant attorneys-at-law shall regularly participate in relevant continuing education.³⁴ This is further qualified, so that every attorney or assistant attorney must complete 54 classes of 45 minutes of training every 3 years.³⁵ Training in communication with the assistance of an interpreter would be likely to qualify as mandatory training</p>	

³² See in particular Article 6 and relevant recitals of Directive 2010/64/EU.

³³ Denmark, representative of the Danish Court Administration.

³⁴ Denmark, Consolidated Act No. 1308 of 9 December 2014 on Administration of Justice, as amended (*Bekendtgørelse nr. 1308 af 9. december 2014 af lov om rettens pleje med senere ændringer*), section 126, subsection 5, available in Danish at www.retsinformation.dk/Forms/R0710.aspx?id=164280 (26.06.2015).

³⁵ Denmark, Order no. 1474 of 12 December 2007 on ongoing mandatory continuing education for attorneys-at-law and assistant attorneys-at-law, section 4 (1) (*Bekendtgørelse nr. 1474 af 12. december 2007 om løbende obligatorisk efteruddannelse for advokater og advokatfuldmægtige*). The order has been amended in 2010 but the amendments do not address the sections mentioned here.

2.	RIGHT TO TRANSLATION OF DOCUMENTS ³⁶	Brief Description
2.1	<p>Please provide answers to the following for each stage of proceedings as indicated below:</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>Please cross-check findings from the desk-research by consulting relevant organisations and/or practitioners.</p>	
2.1.1	<ul style="list-style-type: none"> • police questioning; 	<p>a) It is not specifically regulated in Danish law which documents, if any, should be translated at this stage of the proceedings. The Ministry of Justice assess that article 3 of the directive regarding the translation of essential documents contains individual rights which is not covered in Danish law.³⁷ It is a general legal principle in Danish administrative law that Public institutions and authorities are obligated to provide sufficient guidance to persons affected by their decisions in accordance with the Public Administration Act³⁸, section 7, subsection 1 and established practice in situations where section 7 do not apply directly. Public institutions and authorities are as well obligated to provide sufficient information before making decisions which, pursuant to established practice, may require the translation of documents. If persons affected by the authorities decisions do not speak Danish the authority is required to provide interpretation or translation. The Danish National Police has informed DIHR that documents used during police questioning will in practice usually be translated orally by the interpreter during the questioning.³⁹ The Danish Bar and Law Society has informed DIHR that there are no fixed rules as to when one can demand a written translation of documents and that the police decides in the first place which documents to translate. If a translation is denied the accused or his lawyer can bring the question before the court.⁴⁰ The court will assess whether the</p>

³⁶ See in particular Articles 3 and 4 and relevant recitals of Directive 2010/64/EU.

³⁷ The Ministry of Justice, *Memo on the option to adopt the directive on the right to interpretation and translation in criminal proceedings (Notat om tilvalg af direktivet om retten til tolke- og oversættelse i straffesager)*, p.19-20, undated but published in 2015, available in Danish at: <http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/Bilag%209%20-%20Direktivet%20om%20ret%20til%20tolke-%20og%20overs%C3%A6ttelse.pdf>.

³⁸ Denmark, The Public Administration Act, Consolidated act no. 433 of 22 April 2014 (*Lovbekendtgørelse nr. 433 af 22. April 2014 Forvaltningsloven*), available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=161411>.

³⁹ Denmark, representative of the Danish National Police.

⁴⁰ Denmark, representative of the Danish Bar and Law Society.

		<p>written translation of a document is needed to ensure compliance with ECHR article 6(3) or whether a oral translation is considered consistent with ECHR article 6(3). Please refer to the answer to question 2.3 with reference to 1.3 with regard to such procedure.</p> <p>b) The cost is covered by the police. In accordance with the general principle of legality (The principle of legality is developed on the basis of the constitution. It encompasses the principle of “the principle of legal basis”, meaning that public authorities can only act in accordance with the law) in Danish administrative law public authorities can not demand the cost of interpretation or translation covered by individuals without a clear basis in law in cases where the authority is required to provide interpretation or translation. The Danish National Police confirms that Danish police bears the cost for use of interpreters during or in relation to police questioning.⁴¹</p> <p>c) If translation is required pursuant to general legal principles in Danish administrative law the timeframe would differ according to the situation.⁴² The Danish National Police with reference to the information provided for question 1.1.1 (d) underlines that an interpreter should be provided as soon as possible if this is needed.</p>
2.1.2	<ul style="list-style-type: none"> • court hearings; 	<p>a) According to instructions for the police on the translation of judgments⁴³, foreigners who do not speak Danish should upon request be provided with a translation of a judgment in a criminal case regarding him or her. The translation should be provided in his or her native language, if possible, or another language that he or she understands. Translation expenses is borne by the state.</p> <p>With regard to other documents (than the final judgement) the Danish Bar and Law Society has informed DIHR that the court will decide whether a document should be translated orally or in writing.</p> <p>b) The translation of the final judgement in accordance with the above mentioned circular for the police is covered by the state. If the court finds that a document should be translated in order to safeguard the fairness of the proceedings it is assumed that the expenses is covered by the state. It is, however, unclear whether this has legal basis in an analogue application of the circular regarding interpretation⁴⁴ or in the interpretation of the Administration of Justice Act, section 149, subsection 1, pursuant to ECHR article 6(3).</p>

⁴¹ Denmark, representative of the Danish National Police.

⁴² Partially regulated in administrative law – section 7 of the Administration Act. Furthermore, it follows from the “official principle” that a public authority must make sure that it understands and can be understood by foreigners who contact the authority. This principle is developed thorough case law, administrative practice as well as practice of the Danish Parliamentary Ombudsman.

⁴³ Denmark, Circular letter no. 11159 of 6 February 1973 (*Cirkulæreskrivelse nr. 11159 af 6. februar 1973 til politiet om oversættelse af domme*), available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=58645>.

⁴⁴ Denmark, Circular no. 104 of 7 July 1989 on expenses to interpretation, section 2 (*Cirkulære nr. 104 af 7. Juli 1989 om afholdelse af udgifter til tolkning*).

		c) No timeframe. Depends on the situation. If the translation of a document is considered necessary for the accused defense the court will postpone the court proceedings or a specific subject to which the document relates in accordance with section 874 of the Administration of Justice Act if the document is used as evidence ⁴⁵ .
2.1.3	• any necessary interim hearings;	a) It is not specifically regulated in Danish law which documents, if any, should be translated. The Danish Bar and Law Society has informed DIHR that the court will decide whether a document should be translated orally or in writing.
		b) If the court finds that a document should be translated in order to safeguard the fairness of the proceedings it is assumed that the expenses is covered by the state. It is, however, unclear whether this has legal basis in an analogue application of the circular regarding interpretation ⁴⁶ or in the interpretation of the Administration of Justice Act, section 149, subsection 1, pursuant to ECHR article 6(3).
		c) No timeframe. Depends on the situation. If the translation of a document is considered necessary for the accused defense the court will postpone the court proceedings or a specific subject to which the document relates in accordance with section 874 of the Administration of Justice Act if the document is used as evidence.
2.1.4	• any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings?	a) Which documents, if any, the legal council can have translated in order to prepare the defence and communicate with the suspect or accused person is not regulated in Danish law. The Danish Bar and Law Society has informed DIHR that there are no fixed rules as to when one can demand a written translation of documents and that the police decides in the first place which documents to translate. If a translation is denied the accused or his lawyer can bring the question before the court. ⁴⁷ Please refer to the answer to question 2.3 with reference to 1.3 with regard to such procedure.
		b) If the court finds that a document should be translated in order to safeguard the fairness of the proceedings it is assumed that the expenses is covered by the state. It is, however, unclear whether this has legal basis in an analogue application of the circular regarding interpretation ⁴⁸ or in the interpretation of the Administration of Justice Act, section 149, subsection 1, pursuant to ECHR article 6(3).

⁴⁵ Denmark, The Administration of Justice Act, Consolidated act no. 1303 of 9 December 2014 as amended (*Retsplejeloven, lovbekendtgørelse nr. 1308, af 9. December 2014*), section 874. Available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=164280>.

⁴⁶ Denmark, Circular no. 104 of 7 July 1989 on expenses to interpretation, section 2 (*Cirkulære nr. 104 af 7. Juli 1989 om afholdelse af udgifter til tolkning*).

⁴⁷ Denmark, representative of the Danish Bar and Law Society.

⁴⁸ Denmark, Cirkular no. 104 of 7 July 1989 on expenses to interpretation, section 2 (*Cirkulære nr. 104 af 7. Juli 1989 om afholdelse af udgifter til tolkning*).

		<p>c) No timeframe. Depends on the situation. If the translation of a document is considered necessary for the accused defense the court will postpone the court proceedings or a specific subject to which the document relates in accordance with section 874 of the Administration of Justice Act if the document is used as evidence.</p>
2.2	<p>How do the competent authorities ascertain whether oral translation or oral summary of essential documents may be provided instead of a written translation? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>The Danish National Police has informed DIHR that there is no written rules regulating how or to what extent documents have to be translated. The matter is primarily governed by human rights and practice from the court. Consequently, how and to what extent a document needs to be translated will in each case be based on a concrete assessment.⁴⁹</p> <p>The Director of Public Prosecutions' office has referred to a verdict from 2008⁵⁰, where the High Western Court denied the accused's request for ongoing translation of the court's records during the case.⁵¹ The court found that the accused had had full interpretation during the court proceedings and that the accused could go through the court's record with the assistance of his attorney and the interpreter.</p>
2.3	<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? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>It follows from the Danish Administration of Justice Act section 746, subsection 1, that the Court decides on the legality of the police investigation measures, as well as on the rights of suspects and the defence counsel's powers, including on requests from the defendant or accused of carrying out further investigative measures. . This includes in accordance with established practice also decisions made by the prosecutor during the investigation.⁵²</p> <p>It is also possible to submit a complaint regarding police action in a criminal procedure, e.g. the decision of the police to carry out or refrain from certain investigative measures. An appeal may be lodged against the Police Commissioner's decision with the regional public prosecutor pursuant to the Danish Administration of Justice Act section 101, subsection 2.</p> <p>If the decision to refuse the translation of a document is made by a judge the general procedures on appeal of judgments, decisions and verdicts apply.</p> <p>Judgments made by the District Court in criminal cases may be appealed to High Court, cf. section 901 in the Danish Administration of Justice Act. The appeal includes the previous handling of the case and any decisions made during the case and thus also the decision made by the court regarding translation of a document. The access to appeal is, however, subject to certain conditions regarding the merits of the case, cf. section 902.</p>

⁴⁹ Denmark, representative of the Danish National Police.

⁵⁰ Denmark, Western High Court, Verdict of 1 December 2008, available in Danish only (and only by subscription) in the weekly journal Ugeskrift for Retsvæsen, (UfR 2009.822V).

⁵¹ Denmark, representative of the Public Prosecutions' office.

⁵² Denmark, Eastern High Court, Verdict of 25 November 2003, available in Danish only (and only by subscription) in the weekly journal Ugeskrift for Retsvæsen, (UfR 2004.715Ø/TfK 2004.145/1).

		<p>Following section 968 (1) of the Administration of Justice Act, decisions/verdicts made by the District Court during a court case which cannot, or cannot for the time being, be appealed to the High Court pursuant to sections 901-905, may be appealed to the High Court. This access does not directly include decisions on translation of documents, as this type of decision is not mentioned in section 968 (4)(1-6). However, even though a decision is not directly covered by section 968(4)(1-6), it may still be appealed if it concerns principal questions or other particular circumstances speak in favour of allowing an appeal.</p>		
		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?			Not regulated in Danish law. In accordance with section 751, subsection 2 of the Administration of Justice Act, the suspected or accused persons are not obligated to sign any documents. The police officer questioning a suspected or accused person will make a report containing the information given and will in accordance with section 751 of the Administration of Justice Act ask the question whether he or she will sign the report to verify that the information contained in the report is in accordance with the explanation given by the suspected or accused person. The Danish Bar and Law Society has informed DIHR that all documents presented for the suspected or accused person with a view to obtain a signature will be translated orally. ⁵³
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?			Not regulated in Danish law. The Danish Bar and Law Society has informed DIHR that it is possible to waive the right to translation and that no special conditions exist for children below the age of 18 years, in which case the parents or a legal guardian can waive such right. ⁵⁴

⁵³ Denmark, representative of the Danish Bar and Law Society.

⁵⁴ Denmark, representative of the Danish Bar and Law Society.

3.	RIGHTS CONCERNING BOTH INTERPRETATION AND TRANSLATION ⁵⁵			
3.1	With regard to use of registers of interpreters and translators in EU Member States:	Yes	No	Brief Description
	a) Do national databases or registers exist for legal translators and interpreters?	X		<p>There is no database for legal interpreters, but according to Order on the National Police's Record on Interpreters, issued by virtue of the Administration of Justice Act, the National Police keeps a record on interpreters who can be used by the institutions under the Danish Ministry of Justice.⁵⁶ However, it is not mandatory for the institutions to use the interpreters on the National Police's list. The record only concerns language interpreters and not sign language interpreters.</p> <p>The Director of Public Prosecutions' office has informed DIHR that approximately 2.500 interpreters is on the list. The interpreters is divided into 4 different levels and covers approximately 140 languages and dialects.⁵⁷</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?		X	<p>. The registration on the National Police's Record on Interpreters is not mandatory and the court may appoint an interpreter not on the list. However, in practice the list is the best available tool to find an interpreter and used by both police, prosecutors, defence attorneys and courts. A case from the Parliamentary Ombudsman from 1999 regarding the removal of an interpreter from the list due to different accusations shows that the National Police's Record on Interpreters is in practice the way all involved in criminal proceedings find interpreters. The interpreter argued that the removal from the list deprived him of his means of subsistence.⁵⁸</p>
	c) Who has access to these databases?	<p>Brief Description: The record provided by the National Police is made available for the institutions under the Ministry of Justice. As mentioned above, it is not mandatory for the institutions to use the record.</p>		

⁵⁵ See in particular Article 5 and relevant recitals of Directive 2010/64/EU.

⁵⁶ Denmark, Order no. 871 of 28 May 2008 (*Bekendtgørelse nr. 571 af 28. Maj 2008 om Rigspolitiets tolkeoversigt*), available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=120373>.

⁵⁷ Denmark, representative of the Public Prosecutions' office.

⁵⁸ Denmark, the Parliamentary Ombudsman, statement in case on deletion of interpreter from interpreter register (*Sagsoplysning ved sletning af tolk fra tolkefortegnelse*) FOB.nr.99.226, published on Sep. 18 2001, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=28073>

	<p>d) Which professional qualifications are needed by:</p> <ul style="list-style-type: none"> • translators and • interpreters <p>in order to be registered in the database?</p>	<p>Brief Description: The National Police record: In accordance with section 6 of the Administrative Act on the National Police's Record applicants who have completed a long-term higher education in another language may be submitted to the list of interpreters and translators for that particular language. Furthermore, applicants who have completed the education and passed the test as State authorised interpreter may be submitted to the list for that particular language. If there is a lack of applicants with the required authorisation or education for a particular foreign language, applicants may be submitted to the list if their native language is that foreign language and they master the Danish language orally and in writing.</p> <p>In accordance section 8 of the Administrative Act on the National Police's Record before being submitted to the National Police's Record on Interpreters the applicant must participate in a introductory course (one-day course) for interpreters within the judicial sector.</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>	X	<p>In accordance section 10 of the Administrative Act on the National Police's Record applications who has a connection with authorities, organisations or foreign representations which could raise questions regarding the impartiality of the interpreter can not be submitted to the list. This includes among others employment in the police.</p> <p>According to the Administrative Act on the National Police's Record on Interpreters, section 13 and 14, an interpreter in this record must appear neutral and impartial and must seek to translate linguistic terminology, nuances and expressions to facilitate the communication in the best possible way. The interpreter should not engage in private conversation with or receive any payment or other contribution from people between whom he or she is facilitating communication. Furthermore, the interpreter must inform the authority in question if he/she could be considered impartial in a concrete case.</p> <p>Furthermore, it follows from the Administration of Justice Act⁵⁹, section 149, that no interpreter may be called in to interpret in a court hearing if that person would be precluded from appearing as a judge in the same case according to the rules on incompetence for judges in the Administration of Justice Act.</p>
	<p>f) Is access to existing databases provided through the European e-Justice portal?⁶⁰ How is this register available to legal counsel and relevant authorities?</p>	X	<p>The information has not been submitted to e-Justice (https://e-justice.europa.eu/content_find_a_legal_translator_or_an_interpreter-116-dk-da.do?member=1)</p>

⁵⁹ Denmark, Consolidation Act no. 1308 of 9 December 2014, as amended (*Bekendtgørelse nr. 1308 af 9. December 2014 af lov om rettens pleje med senere ændringer*), available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=164280>.

⁶⁰ <https://e-justice.europa.eu/home.do?plang=en&action=home>

	g) Are criminal justice institutions required to use interpreters and translators listed in these registers?		X	.Please see question 3.1 (a) and (b).
3.2	With regard to other mechanisms/procedures:	Yes	No	Brief Description
	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 responsible for carrying them out?		X	There is no mechanisms to ensure the quality and independence of interpretation and translation. The accused person or his or her legal representation can ask the court to replace the interpreter during court proceedings if there is questions about the quality or independence of the interpreter. It is, however, difficult for the accused person or the legal representation to find out whether there is a problem with the quality of the interpretation.
	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?		X	No specific procedure. Please see the answer for questions 1.3 and 2.3 above on general rules to contest both procedural and substantive issues in criminal cases.
	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		X	.There is no specific regulation on this issue, but it is the court's responsibility to ensure the criminal procedure is in line with ECHR article 6. The judge may replace the interpreter or have a new translation of a certain document made if the court is not satisfied with the quality of the interpretation/translation.

	is considered insufficient? If yes, briefly provide information.			
3.3	Are there special procedures designed to take into account the special needs of vulnerable suspects or vulnerable accused persons which affect their ability to communicate effectively? ⁶¹ If yes, briefly provide information on those mechanisms considering the following vulnerable groups:			
	a) suspect or accused persons with physical impairment or disability;	X		According to the Danish Administration of Justice Act, section 149, subsection 5, and circular letter no. 9658 of 14 October 2005 negotiations with and interrogation of deaf persons or persons with a severe hearing impairment in court must in so far possible with the help of an educated interpreter. As concerns negotiations with and interrogation of mute persons, written questions and answers may be used or the person may be assisted by an interpreter, if he/she so requests ⁶² . Furthermore, the deaf, hearing impaired or mute person may be assisted by a deaf or hard of hearing consultant or the like at the court hearing.
	b) suspect or accused persons with intellectual impairment or disability;		X	.
	c) i) children who are suspects/defendants, and/or ii) holders of parental responsibility (please distinguish between the two).		X	.There is no specific regulation regarding the use of interpretation/translation when questioning children. The general rules regarding questioning of children applies regulated in the Administration of Justice Act section 752, subsection 2 and Administrative Act no. 803 of 28 June 2010, Administrative Act no. 572 of 30 April 2015 and the Director of Public Prosecutions' Instruction 4, 2007 and regarding children under the age of 15 chapter 75 b of the Administration of Justice Act. This regulation require among others the notification and/or presence of holders of parental responsibilities or a municipal social worker.

⁶¹ See in particular recital 27 of Directive 2010/64/EU.

⁶² Denmark, Cirkular letter no. 9658 of 14 October 2005 on negotiation with and questioning of deaf, hearing-impaired and mute persons (revised concerning practical information on obtaining interpretation assistance), (*Cirkulæreskrivelse nr. 9658 af 14. oktober 2005 om forhandling med og afhøring af døve, hørehæmmede, døvblevne og stumme (revideret fsva. praktiske oplysninger om rekvirering af tolkebistand)*). Available in Danish at: <https://www.retsinformation.dk/forms/R0710.aspx?id=2228>

3.4	Is there any recording procedure to note that interpretation and translation have occurred and in which form? ⁶³ If yes, briefly provide information on how this procedure is organised in practice.	X	.Regarding interpretation in police questioning the use of interpreter will be noted in the police report in accordance with section 744 of the Administration of Justice Act. With regard to the use of interpretation in court procedures this will be noted in the procedural case notes (<i>Retsbog</i>) in accordance with section 34, subsection 2, no. 4. ⁶⁴
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SECTION B: RIGHT TO INFORMATION IN CRIMINAL PROCEEDINGS

1. PROVISION OF INFORMATION ON THE PROCEDURAL RIGHTS ⁶⁵	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 interpretation at each stage of the proceedings?</p> <p>Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>
<ul style="list-style-type: none"> • police questioning; 	<p>a) It follows from the Instruction on Suspects on the Access to an Appointed Attorney⁶⁶ that a suspect must be informed about his access to request to have an attorney appointed, when the preliminary charge concerns an offence which according to the law is</p>

⁶³ See in particular Article 7 and relevant recitals of Directive 2010/64/EU.

⁶⁴ The Ministry of Justice, *Memo on the option to adopt the directive on the right to interpretation and translation in criminal proceedings (Notat om tilvalg af direktivet om retten til tolke- og oversætterbistand i straffesager)*, p.25-26, undated but published in 2015, available in Danish at: <http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/Bilag%209%20-%20Direktivet%20om%20ret%20til%20tolke-%20og%20overs%C3%A6tterbistand.pdf>.

⁶⁵ See in particular Article 3 and relevant recitals of Directive 2012/13/EU.

⁶⁶ Denmark, Circular letter no. 9155 of 18 March 2010, (*Cirkulæreskrivelse nr. 9155 af 18. marts 2010 til politi og anklagemyndighed om anholdtes ret til underretning af pårørende mv., kontakt til advokat og nationale repræsentation samt adgang til læge*), available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=131351>.

punishable by imprisonment. The police is however not obliged to give such information in cases concerning violation of the Road Traffic Act.

According to the Administration of Justice Act, section 752, the suspect must be informed about the content of preliminary charge before the police questioning. Furthermore, it follows from the Administration of Justice Act, section 758 (2), that an arrested person must be informed about preliminary charge and the time of the arrest. The Administration of Justice Act does not contain rules following which a suspect/accused person must be informed about the access to receive assistance from an interpreter or have certain documents translated in connection with the criminal case. However, following article 5 and 6 of the European Convention on Human Rights, the information must be given in a language that the suspect/arrested person must be given in a language that the person understands. Free legal aid is not provided in criminal cases in accordance with Danish law. In accordance with section 1007, subsection 1, the state bears the expenses related to criminal cases with the possibility to have such expenses compensated by the accused if he or she is later convicted.

The Danish Bar and Law Society has informed DIHR that the police, the lawyer or the court will inform the accused about his right to have an interpreter present during the case depending on the stage of the proceedings.⁶⁷

b).The information regarding the right to an attorney is provided both orally and in writing (contained in the standard letter of rights which is given to all persons under arrest). The right to legal aid and the conditions for legal representation is partly contained in the standard letter of rights with a reference to the police or legal representative for further information regarding the conditions. The right to be informed of the charges is given orally before police questioning at the same time as information on the right to remain silent in accordance with section 752, subsection 1 of the Administration of Justice Act. The right to an interpreter or translation is only given if the police consider it necessary. The Danish National Police has informed DIHR that the information contained in the letter of rights, will be given in writing in one of seven languages (Danish, English, German, French, Spanish, Turkish or Arabic) into which the information is translated. In cases where the arrestee does not understand one of these languages translation must be provided through an interpreter.⁶⁸ The Danish National Police has informed DIHR that the information is provided orally when a suspect or accused person is being questioned by police without being detained and that the police report shall explicitly state that a suspect has been informed. After questioning the suspected person will be showed the report and can contest the information contained in the police report.⁶⁹

⁶⁷ Denmark, representative of the Danish Bar and Law Society.

⁶⁸ Denmark, representative of the Danish National Police.

⁶⁹ Denmark, representative of the Danish National Police.

	<p>The Danish Bar and Law Society has informed DIHR that there are no fixed rules about how to give the information, it will normally be given orally when the person is arrested, or at any other stage of the proceedings when needed.⁷⁰</p> <p>c) According to the Administration of Justice Act, section 752, the information on the right to have an attorney appointed must be provided at the same time as the suspect is informed about his right to remain silent and the charges against him before police questioning. Furthermore, it must be registered in the police report that the suspect has received proper information about his rights, cf. section 732 (2). The Danish National Police has informed DIHR that pursuant to instructions⁷¹ for the police and prosecution service on arrestee's right to notification of relatives etc., contact to legal and national representation and access to medical attention, the police must in general without unfounded delay inform the arrestee about his or her right to contact relatives or employer to inform about the arrest, the right to contact a lawyer, the right to contact a doctor and the right to contact consular authorities.⁷²</p> <p>The Danish Bar and Law Society has informed DIHR that the accused must be given information about his rights before he is questioned but no timeframe exists.⁷³</p>
<ul style="list-style-type: none"> • court hearings; 	<p>a) After the prosecutor has read the indictment aloud in court, the accused person is informed by the judge about his/her right to remain silent, cf. section 861 of the Administration of Justice Act. The indictment will also be available in writing. Whether the indictment should be translated in writing or orally is decided by the judge, if the question is raised by the accused or his or her legal representative (cf. above Section A, 2,1).</p> <p>The Director of Public Prosecutions' office has informed DIHR that the court ex officio examine that the provisions in the Administration of Justice Act regarding appointment of an attorney. In cases where the defendant is not represented in court by an attorney the court will ensure that the defendant has been informed of the right to legal representation.⁷⁴</p> <p>As mentioned above, the Administration of Justice Act does not contain rules following which a suspect/accused person must be informed about the access to receive assistance from an interpreter. However, it follows the Danish Administration of Justice Act, section 149, that an interpreter must so far as possible assist a person who does not speak Danish during interrogation.</p>

⁷⁰ Denmark, representative of the Danish Bar and Law Society.

⁷¹ Denmark, Circular letter no. 9155 of 18 March 2010, (*Cirkulæreskrivelse nr. 9155 af 18. marts 2010 til politi og anklagemyndighed om anholdtes ret til underretning af pårørende mv., kontakt til advokat og nationale repræsentation samt adgang til læge*), available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=131351>.

⁷² Denmark, representative of the Danish National Police.

⁷³ Denmark, representative of the Danish Bar and Law Society.

⁷⁴ Denmark, representative of the Public Prosecutions' office.

		<p>Foreigners who do not speak Danish should upon request be provided with a translation of a judgment in a criminal case regarding him or her (cf. above Section A, 2.1.2).</p> <p>b) .The judge orally informs the accused about his right to remain silent in accordance with the section 861 of the Administration of Justice Act. The Director of Public Prosecutions' office has informed DIHR that the court ex officio examine that the provisions in the Administration of Justice Act regarding appointment of an attorney. In cases where the defendant is not represented in court by an attorney the court will ensure that the defendant has been informed of the right to legal representation.⁷⁵</p> <p>c). In accordance with section 861 of the Administration of Justice Act criminal proceedings is opened by the judge who informe of the case at trial and by ensuring the identity of the defendant. The Director of Public Prosecutions' office has informed DIHR that in cases where the defendant is not represented in court by an attorney the court will ensure that the defendant has been informed of the right to legal representation.⁷⁶</p> <p>The judge informs the accused about his right to remain silent before the questioning of the accused in accordance with the section 861 of the Administration of Justice Act.</p>
	<ul style="list-style-type: none"> • any necessary interim hearings; 	<p>a) After the prosecutor has read the indictment aloud in court, the accused person is informed by the judge about his/her right to remain silent, cf. section 861 of the Administration of Justice Act. The indictment will also be available in writing. Whether the indictment should be translated in writing or orally is decided by the judge, if the question is raised by the accused or his or her legal representative (cf. above Section A, 2,1).</p> <p>The Director of Public Prosecutions' office has informed DIHR that the court ex officio examine that the provisions in the Administration of Justice Act regarding appointment of an attorney. In cases where the suspected or accused person is not represented in court by an attorney the court will ensure that the defendant has been informed of the right to legal representation.⁷⁷</p> <p>As mentioned above, the Administration of Justice Act does not contain rules following which a suspect/accused person must be informed about the access to receive assistance from an interpreter. However, it follows the Danish Administration of Justice Act, section 149, that an interpreter must so far as possible assist a person who does not speak Danish during interrogation.</p>

⁷⁵ Denmark, representative of the Public Prosecutions' office.

⁷⁶ Denmark, representative of the Public Prosecutions' office.

⁷⁷ Denmark, representative of the Public Prosecutions' office.

		<p>Foreigners who do not speak Danish should upon request be provided with a translation of a judgment in a criminal case regarding him or her (cf. above Section A, 2.1.2).</p> <p>b) . The judge orally informs the accused about his right to remain silent in accordance with the section 861 of the Administration of Justice Act. The Director of Public Prosecutions' office has informed DIHR that the court ex officio examine that the provisions in the Administration of Justice Act regarding appointment of an attorney. In cases where the suspected or accused person is not represented in court by an attorney the court will ensure that the defendant has been informed of the right to legal representation.⁷⁸</p> <p>c) . The judge informs the accused about his right to remain silent before the questioning of the accused in accordance with the section 861 of the Administration of Justice Act.</p>
	<ul style="list-style-type: none"> • any communication between suspects and accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings? 	<p>a) . The right to communicate with the legal council is not contained in a specific provision of the Administration to Justice Act. The right is however protected under Danish Law and follows from provisions protecting the legal council's confidentiality⁷⁹ and provisions protecting the legal council from testifying regarding information received when acting as a defence attorney⁸⁰.</p> <p>b) . Information on the right to contact and have an attorney appointed will be given both oral and in writing, cf. above 1.1 on police questioning. More detailed information regarding confidentiality, the cost of legal representation etc. will be give by either/both police and the legal council if such questions are raised.</p>

⁷⁸ Denmark, representative of the Public Prosecutions' office.

⁷⁹ Denmark, The Administration of Justice Act, Consolidated act no. 1303, of 9 December 2014 (*Retsplejeloven, lovbekendtgørelse nr. 1308, af 9. December 2014*), section 129. Available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=164280>

⁸⁰ Denmark, The Administration of Justice Act, Consolidated act no. 1303, of 9 December 2014, (*Retsplejeloven, lovbekendtgørelse nr. 1308, af 9. December 2014*), section 170. Available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=164280>

		c) .See question 1.1. regarding police questioning (c).
1.2	Do authorities provide information about any other procedural rights (apart from those established in Article 3 of the Directive)? If yes, briefly provide information.	. Authorities do not automatically provide information on other procedural rights but have a general obligation to guide and inform about rights and duties to affected persons. This general principle is codified in section 7 of the Administration Act. ⁸¹
2.	LETTER OF RIGHTS⁸²	Brief Description
2.1	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>According to Circular Letter for Police and the Prosecution Service on Arrested Persons' Right to Inform Relatives etc., Contact a Lawyer and National Representation and Access to a Doctor⁸³, an arrested person must be informed of certain rights by the police.</p> <p>The National Police has produced a written guide for arrested persons in criminal law cases.</p> <p>The guide inter alia contains information about the arrested person's right to contact his/her family and employer and inform them about the arrest, the right to appear before a judge within 24 hours after the arrest, the right to contact a lawyer, the right to contact a doctor and the right to contact relevant consular authorities.</p> <p>The Danish National Police has informed DIHR that the information contained in the letter of rights, will be given in writing in one of seven languages (Danish, English, German, French, Spanish, Turkish or Arabic) into which the information is translated. In cases where the arrestee does not understand one of these languages translation must be provided through an interpreter.⁸⁴</p>

⁸¹ Denmark, Public Administration Act, consolidated act no. 433 of 22 April 2014 (*Forvaltningsloven, lovbekendtgørelse nr. 433 af 22. Juni 2014*), available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=161411>.

⁸² See in particular Article 4 and relevant recitals of Directive 2012/13/EU.

⁸³ Denmark, Circular letter no. 9155 of 18 March 2010, (*Cirkulæreskrivelse nr. 9155 af 18. marts 2010 til politi og anklagemyndighed om anholdtes ret til underretning af pårørende mv., kontakt til advokat og nationale repræsentation samt adgang til læge*), available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=131351>.

⁸⁴ Denmark, representative of the Danish National Police.

		<p>There exist no special letter of rights for detained children. The general rules regarding questioning of children applies regulated in the Administration of Justice Act section 752, subsection 2 and Administrative Act no. 803 of 28 June 2010, Administrative Act no. 572 of 30 April 2015 and the Director of Public Prosecutions' Instruction 4, 2007 and regarding children under the age of 15 chapter 75 b of the Administration of Justice Act. This regulation require among others the notification and/or presence of holders of parental responsibilities or a municipal social worker.</p>
2.2	<p>At what stage of the proceedings is the letter of rights provided? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>The police must always provide an arrested person with the guide upon arrival at the police station, unless it is obvious that the person does not understand one of the language versions of the guide. If this is the case, the information contained in the guide must without undue delay be provided in another way, e.g. with the assistance of an interpreter. If this is not possible, the arrested person should normally receive an English version of the guide upon release.⁸⁵</p> <p>The Danish National Police has informed DIHR that the directive is covered by Denmark's reservation on EU justice and home affairs and that Denmark has as such not adopted the directive. A letter of rights as referred to in article 4 of the directive has consequently not been introduced in Denmark. However, written information on the right to notify relatives etc., contact legal and national representation and access to medical attention is given to arrestees.⁸⁶</p> <p>The Danish National Police refer to the information provided with regard to the questions regarding procedural rights, that pursuant to instructions⁸⁷ for the police and prosecution service on arrestee's right to notification of relatives etc., contact to legal and national representation and access to medical attention, the police must in general without unfounded delay inform the arrestee about his or her right to contact relatives or employer to inform about the arrest, the right to contact a lawyer, the right to contact a doctor and the right to contact consular authorities.⁸⁸ The Danish National Police has further informed DIHR that the information contained in the letter of rights, will be given in writing in one of seven languages (Danish, English, German, French, Spanish, Turkish or Arabic) into which the information is translated. In cases where the arrestee does not understand one of these languages translation must be provided through an interpreter.⁸⁹</p>

⁸⁵ The Ministry of Justice, *Memo on option to adopt the directive on the right to information in criminal proceedings (Notat om tilvalg af direktivet om retten til information under straffesager)*, p.16, undated but published in 2015, available in Danish at: <http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/Bilag%20%20-%20Direktivet%20om%20ret%20til%20information%20under%20straffesager.pdf>.

⁸⁶ Denmark, representative of the Danish National Police.

⁸⁷ Denmark, Circular letter no. 9155 of 18 March 2010, (*Cirkulæreskrivelse nr. 9155 af 18. marts 2010 til politi og anklagemyndighed om anholdtes ret til underretning af pårørende mv., kontakt til advokat og nationale repræsentation samt adgang til læge*), available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=131351>.

⁸⁸ Denmark, representative of the Danish National Police.

⁸⁹ Denmark, representative of the Danish National Police.

2.3	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? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	Pursuant to the instructions ⁹⁰ it must be registered in the Arrest Report or the Daily Report that the arrested person has received the above mentioned information. If the arrested person has not received the guide in the Danish language, it must also be registered how he/she has been informed about his/her rights. If the person is released without having been informed about his/her rights in a language which he/she understands, it must be described how the police has tried to guide the arrested person, including what steps the police has taken to find an interpreter. ⁹¹
3.	RIGHT TO INFORMATION ABOUT THE ACCUSATION⁹²	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)	As mentioned above under 1.1, it follows from the Administration of Justice Act, section 752, that a suspect must be informed about the content of preliminary charge (orally or in writing). Furthermore, it follows from the Administration of Justice Act, section 758 (2), that an arrested person must be informed about a preliminary charge at the time of the arrest (usually orally at this stage of the procedure). The law does not prescribe any specific form, but it prescribes that the report of the police shall specify that the rules about information has been observed. An accused person is informed about the criminal charge in the indictment (written). The Prosecution Service sends the indictment to the court and must send a copy to the accused person or serve the accused person with the indictment, cf. section 835. According to the Administration of Justice Act, section 834 (1), the indictment must e.g. contain information on the rule which has allegedly been violated, the characteristics of the offence as they are described in the law as well as a short description of the alleged offence, including

⁹⁰ Denmark, Circular letter no. 9155 of 18 March 2010, (*Cirkulæreskrivelse nr. 9155 af 18. marts 2010 til politi og anklagemyndighed om anholdtes ret til underretning af pårørende mv., kontakt til advokat og nationale repræsentation samt adgang til læge*), available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=131351>.

⁹¹ The Ministry of Justice, *Memo on option to adopt the directive on the right to information in criminal proceedings (Notat om tilvalg af direktivet om retten til information under straffesager)*, p.16-17, undated but published in 2015, available in Danish at: <http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/Bilag%2010%20-%20Direktivet%20om%20ret%20til%20information%20under%20straffesager.pdf>.

⁹² See in particular Article 6 and relevant recitals of Directive 2012/13/EU.

		<p>specification of the time, place, object, conducting manner and other circumstances which are necessary for a sufficient and clear description of the matter.</p> <p>According to the Administration of Justice Act, section 837 (1), the Prosecution Service must provide the court with a list of the investigative and evidence measures which have conducted, other documents relating to the case and other apparent evidence and a list of evidence which the Prosecution Service plans to submit in court. The Prosecution Service must provide the defence lawyer with a list of evidence (addresses excluded) and a list of the investigative and evidence measures, cf. section 838 (1). The Prosecution Service must in general in as far possible make the documents of the case and other apparent evidence accessible to the defence lawyer in an appropriate way and inform the defence lawyer.</p>
3.2	<p>At which stage of the proceedings is the information provided? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.</p>	<p>A suspect must be informed about the content of preliminary charge before the police questioning, cf. the Administration of Justice Act, section 752.</p> <p>An arrested person must be informed about preliminary charge and the time of the arrest as soon as possible, cf. the Administration of Justice Act, section 758 (2).</p> <p>According to the Administration of Justice Act, section 835, the Prosecution Service must send a copy of the indictment to the accused person or serve the accused person with the indictment immediately upon the initiation of the case. The indictment must be served at the latest when the accused person is summoned to appear in court. The Prosecution Service also sends a copy to the indictment to the defence lawyer immediately upon the initiation of the case or as soon as a defence lawyer has been appointed. The list of evidence etc. must be sent to defence lawyer without undue delay, cf. article 838 (1).</p>
3.3	<p>How are suspects or accused persons informed when, in the course of the criminal proceedings, the details of the accusation change?</p>	<p>Before the main hearing at court, the Prosecution Service may change the details of the accusation by submitting a new indictment to the court and serving the accused with the indictment, cf. the Administration of Justice Act, section 836 (1).</p> <p>During the main hearing in the case, the Prosecution Service may expand the indictment if the court so allows or if the matter is committed in relation with the main hearing, cf. section 836 (2). If the accused person does not consent to the expansion, the Prosecution Service must start a new case, cf. section 836 (3).</p>
4.	<p>RIGHT OF ACCESS TO CASE MATERIALS⁹³</p>	<p>Brief Description</p>
4.1	<p>What material evidence can be accessed by suspected or accused persons (e.g.</p>	<p>According to the Administration of Justice Act, section 729 a (2), the court provides the defence lawyer with a copy of registrations in the court's record regarding the accused person. The defence lawyer expose the copies to the suspect subject to the exceptions described in the law (in consideration of the interests of foreign powers, witnesses etc., cf. the Administration of Justice Act, sections 748 and 856). The court may impose on the defence lawyer not to expose the copies to the suspect or others if there is a risk that the copies might be used in an unlawful way.</p>

⁹³ See in particular Article 7 and relevant recitals of Directive 2012/13/EU.

	documents, photographs, audio, video, summaries...)?	<p>Furthermore, it follows from section 729 a (3) the defence lawyer must have access to the material which the police has acquired regarding the case and can request of copy of material which can easily be copied. The material may not be handed over to the suspect or others without consent from the police. It follows from the rule that the police must consent if it is deemed unobjectionable.</p> <p>The police may impose on the defence lawyer not to pass on information received by the police if this is deemed necessary in consideration of the interests of foreign powers, the security of the state, a third party, the investigation of the case or other cases subject to imprisonment of more than 6 years or deliberate infringement of chapters 12 and 13 of the criminal code, cf. section 729 a (4). The injunction may be extended until the accused person has been interrogated in the main hearing.</p> <p>According to section 729 b, a suspect without a defence lawyer must be allowed the same access to documents etc. as described above. The police may deny the suspect access to the material which the police has acquired under the same circumstances as described in section 729 a (4). The police must provide the suspect with a copy of the material if it is deemed unobjectionable. Any restrictions in the suspect's access to material is repealed before the main hearing or hearing in a confession case.</p>
4.2	At what stage of the proceedings is access to case materials granted? Please cross-check findings from the desk research by consulting relevant organisations and/or practitioners.	<p>. Pursuant to section 729 a (3) of the Administration of Justice Act, the defence lawyer must have access to the material which the police has acquired regarding the case and can request of copy of material. There is no specific regulation regarding when the defence lawyer should be given the materials except the requirement in ECHR article 6(3)(b) that everyone charged with a criminal offence shall have adequate time and facilities for the preparation of his defence. Pursuant to instructions from the Director of Public Prosecutions the material should be send to the defence lawyer regularly without awaiting the finalisation of the material. In cases where the accused is detained materials should be send with short intervals regardless of whether a request have been made to receive the materials.⁹⁴</p> <p>The Danish National Police has informed DIHR that the police as well must inform the accused of his or her right of access to documents of the case in cases decided by fixed-penalty notices or where the right to defence council is waived.</p>
4.3	Under what circumstances is access to material refused? Who takes the decision of refusal?	<p>According to of the Administration of Justice Act, section 729 c (1), the court may at the request of the police decide that the rules on the suspect's and the defence lawyer's access to information in accordance with section 729 a and b may be derogated from if it is deemed necessary in consideration of the interests of foreign powers, the security of the state, a third party, the investigation of the case or other cases subject to imprisonment of more than 6 years or deliberate infringement of chapters 12 and 13 of the criminal code or the protection of confidential information about the investigative methods of the police. If this only applies to part of the material in the case, the defence lawyer or the suspect must have access to the rest. It is explicitly stated in the provision that the court may decide on this matter at the</p>

⁹⁴ Denmark, Announcement 7-2005 of the Director of Public Prosecutions, para. 3 (*Rigsadvokatens Meddelelse 7-2007, pkt. 3*).

		request of the police. The question has not been dealt with in publicly available case law but the better opinion would be that given the wording of the provision the court can not ex officio derogate the defence' access to information in accordance with section 729 c (1).
5.	CROSS-CUTTING ISSUES: LANGUAGES, COMPLAINT MECHANISMS, RECORDING & SPECIAL MEASURES⁹⁵	Brief Description
5.1	In which languages can information be provided for the following?	
	a) information on procedural rights	.Those procedural rights contained in the written information given to arrestees of rights are available in seven languages (Danish, English, German, French, Spanish, Turkish and Arabic). If the person does not understand one of the language versions of the guide, the information contained in the guide must without undue delay be provided in another way, e.g. with the assistance of an interpreter. ⁹⁶ Other relevant information on procedural rights must in accordance with the general principle of authorities' obligation to provide relevant information and guidance for affected person in Danish administrative law as codified in section 7 of the Administration Act be provided in a language the affected person understand.
	b) letter of rights	The written guide for arrested persons is available in Danish, English, German, French, Spanish, Turkish and Arabic. If the person does not understand one of the language versions of the guide, the information contained in the guide must without undue delay be provided in another way, e.g. with the assistance of an interpreter. ⁹⁷ Other relevant information on procedural rights must in accordance with the general principle of authorities' obligation to provide relevant information and guidance for affected person in Danish administrative law as codified in section 7 of the Public Administration Act be provided in a language the affected person understand.
	c) information about the accusation	.Please see above Section B questions 3.1 and 1.1 and section A, question 2.1.2. Regarding the preliminary charges this will be provided orally with the use of interpreter if necessary. With regard to the written indictment the court will assess whether the written translation of

⁹⁵ See in particular Articles 3 - 8 and relevant recitals of Directive 2012/13/EU.

⁹⁶ The Ministry of Justice, *Memo on option to adopt the directive on the right to information in criminal proceedings (Notat om tilvalg af direktivet om retten til information under straffesager)*, p.16, undated but published in 2015, available in Danish at: <http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/Bilag%2010%20-%20Direktivet%20om%20ret%20til%20information%20under%20straffesager.pdf>.

⁹⁷ The Ministry of Justice, *Memo on option to adopt the directive on the right to information in criminal proceedings (Notat om tilvalg af direktivet om retten til information under straffesager)*, p.16, undated but published in 2015, available in Danish at: <http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/Bilag%2010%20-%20Direktivet%20om%20ret%20til%20information%20under%20straffesager.pdf>.

		this document is needed or whether an oral translation is sufficient in order to comply with the rules on translation of the Administration of Justice Act. ⁹⁸		
	d) case materials	. The court will assess whether the written translation of documents contained in the case material is needed or whether a oral translation is considered sufficient in order to comply with the rules on translation of the Administration of Justice Act. ⁹⁹ . above Section A, 2.1.4. The legal council can use the interpreter when preparing the case with the accused and have the interpreter translate documents in the case material, cf. Section A, 1.1.4.		
		Yes	No	Brief Description
5.2	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? If yes, briefly describe the procedure where relevant.			<p>Depending on the nature of a disposition by the police, the handling of complaints differs. It depends on the nature of the act/omission by the police, for instance whether the actions/omissions of the police amounts to harassment, misuse of power or the like or whether they can be characterised as a disposition within the relevant scope of work with a different result than the persons who complaints would have wished for. The most relevant types of complaints are described here:</p> <ol style="list-style-type: none"> 1) Complaints over police officers' behaviour/conduct are investigated and decided by the Danish Independent Police Complaints Authority.¹⁰⁰ Such behaviour could be issues of harassment, misuse of power or rough treatment of persons in relation to for instance arrestation or it could be other incorrect behaviour while being at work.¹⁰¹ Decisions by the complaints authority cannot be appealed to another public authority.¹⁰² 2) Complaints over decisions taken by the police districts within criminal justice, e.g. measures/omissions of investigation, including arrest, house searches, wire tapping, the closing of cases without charge etc. as well as

⁹⁸ Denmark, Administration of Justice Act, consolidated act no. 1308 of 9 December 2014, as amended (*Retsplejeloven, lovbekendtgørelse nr. 1308 af 9. december 2014 med senere ændringer*), section 149, subsection 1, available in Danish at www.retsinformation.dk/Forms/R0710.aspx?id=164280.

⁹⁹ Denmark, Administration of Justice Act, consolidated act no. 1308 of 9 December 2014, as amended (*Retsplejeloven, lovbekendtgørelse nr. 1308 af 9. december 2014 med senere ændringer*), section 149, subsection 1, available in Danish at www.retsinformation.dk/Forms/R0710.aspx?id=164280.

¹⁰⁰ Denmark, Administration of Justice Act, consolidated act no. 1308 of 9 December 2014, as amended (*Retsplejeloven, lovbekendtgørelse nr. 1308 af 9. december 2014 med senere ændringer*), chapter 93 b (section 1019 ff), available in Danish at www.retsinformation.dk/Forms/R0710.aspx?id=164280

¹⁰¹ Denmark, Bill no. 88 of 9 December 2009 amending the Administration of Justice Act among other acts (New procedure for police complaints handling etc.) (*Forslag til Lov om ændring af retsplejeloven og forskellige andre love (Ny politiklageordning m.v.)*), item 2.1.4, available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=128695>.

¹⁰² Denmark, Administration of Justice Act, consolidated act no. 1308 of 9 December 2014, as amended (*Retsplejeloven, lovbekendtgørelse nr. 1308 af 9. december 2014 med senere ændringer*), section 1019 m, available in Danish at www.retsinformation.dk/Forms/R0710.aspx?id=164280

				case processing times, are considered by the regional State Prosecutors, whose decisions cannot be appealed to neither the Director of Public Prosecutions nor the Minister of Justice. ¹⁰³
	a) information on procedural rights	X		This situation would most likely fall under the scope of category 2 above, excluding cases of harassment or the like (category 1 above). See explanation above under item 5.2.
	b) letter of rights	X		This situation would most likely fall under the scope of category 2 above, excluding cases of harassment or the like (category 1 above). See explanation above under item 5.2.
	c) information about the accusation	X		This situation would most likely fall under the scope of category 2 above, excluding cases of harassment or the like (category 1 above). See explanation above under item 5.2.
	d) access to case materials	X		A decision by the police/prosecution service on denial of access to case material in situations not covered by the rules of access to case material just mentioned, i.e. at a point in time before person is a suspect can be appealed to the regional State Prosecutor. ¹⁰⁴ A decision on a suspect's access to case material is regulated by the Administration of Justice Act, sections 729 a (when a suspect is represented by defence counsel) and 729 b (when a suspect represents himself with no counsel). There are certain limits for the access to case material so the police can request the court to limit access in those cases in virtue of section 729 c. When a case has found its final conclusion, a person who has been a suspect can get access to case material by virtue of section 729 d. Decisions in this regard are taken by the district Police Commissioner with appeal to the regional State Prosecutor. ¹⁰⁵
5.3	Is any official record kept to note the provision of			

¹⁰³ Denmark, Administration of Justice Act, consolidated act no. 1308 of 9 December 2014, as amended (*Retsplejeloven, lovbekendtgørelse nr. 1308 af 9. december 2014 med senere ændringer*), section 101, subsection 2, available in Danish at www.retsinformation.dk/Forms/R0710.aspx?id=164280. For a description of examples of complaints comprised by this section, see Denmark, Bill no. 88 of 9 December 2009 amending the Administration of Justice Act among other acts (New procedure for police complaints handling etc.) (*Forslag til Lov om ændring af retsplejeloven og forskellige andre love (Ny politiklageordning m.v.)*), item 2.2, available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=128695>.

¹⁰⁴ Denmark, Administration of Justice Act, consolidated act no. 1308 of 9 December 2014, as amended (*Retsplejeloven, lovbekendtgørelse nr. 1308 af 9. december 2014 med senere ændringer*), section 102, subsection 2, available in Danish at www.retsinformation.dk/Forms/R0710.aspx?id=164280

¹⁰⁵ Denmark, Administration of Justice Act, consolidated act no. 1308 of 9 December 2014, as amended (*Retsplejeloven, lovbekendtgørelse nr. 1308 af 9. december 2014 med senere ændringer*), sections 729 a-d, available in Danish at www.retsinformation.dk/Forms/R0710.aspx?id=164280

	information about the following? If yes, briefly describe where relevant.			
	a) information on procedural rights	X		It follows from the Administration of Justice Act, section 752(1) that the police report shall explicitly state that a suspect has been informed about the charge and is under no obligation to speak, i.e. has the right to remain silent, before questioning takes place. ¹⁰⁶ In cases concerning crimes punishable by imprisonment, the police must inform the suspect about his/her right to have an attorney appointed. The police report must explicitly state that the police has informed a suspect about his/her rights to have an attorney appointed. ¹⁰⁷
	b) letter of rights	X		As mentioned above, it must be registered in the Arrest Report or the Daily Report that the arrested person has received the above mentioned information. If the arrested person has not received the guide in the Danish language, it must also be registered how he/she has been informed about his/her rights. If the person is released without having been informed about his/her rights in a language which he/she understands, it must be described how the police has tried to guide the arrested person, including what steps the police has taken to find an interpreter. ¹⁰⁸
	c) information about the accusation	X		The police must register in the interrogation report that the suspect has been informed about his right to remain silent and about the content of the preliminary charge, cf. the Administration of Justice Act, section 752.
	d) access to case materials			.Pursuant to the general principle in administrative law as codified in section 6 of Public Records Act ¹⁰⁹ public authorities are generally required to register any events, including correspondence, in the specific case file when the case could lead to a decision by the authority. Though the Public Administration Act does not apply in criminal proceedings the police will register when providing the defence lawyer/accused with a copy of case materials in the case file. Any request or application from the defence lawyer or the accused to receive case material should be registered in the case file as well.
5.4	Are there special procedures designed to take into account			

¹⁰⁶ Denmark, Administration of Justice Act, consolidated act no. 1308 of 9 December 2014, as amended (*Retsplejeloven, lovbekendtgørelse nr. 1308 af 9. december 2014 med senere ændringer*), section 752, subsection 1, available in Danish at www.retsinformation.dk/Forms/R0710.aspx?id=164280

¹⁰⁷ Denmark, Order no. 467 of 26 September 1978 on Information for Accused Persons on the Access to Request the Assistance of an Offence Attorney (*Bekendtgørelse nr. 467 af 26. September 1978 om vejledning af sigtede om adgangen til at begære en forsvarer beskikket*), sections 1 and 2, available in Danish at <https://www.retsinformation.dk/Forms/R0710.aspx?id=57635>.

¹⁰⁸ The Ministry of Justice, *Memo on option to adopt the directive on the right to information in criminal proceedings (Notat om tilvalg af direktivet om retten til information under straffesager)*, p.16-17, undated but published in 2015, available in Danish at: <http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2015/Bilag%2010%20-%20Direktivet%20om%20ret%20til%20information%20under%20straffesager.pdf>.

¹⁰⁹ Denmark, The Public Records Act, Act no. 606 of 12 June 2013 (*Lov om offentlighed i forvaltningen, lov nr. 606 af 12. juni 2013*)

<p>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 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>If yes, briefly provide information on those mechanisms in relation to each of the listed vulnerable groups. Is this information in simple and accessible language?</p>			
	a)	X	Please refer to Section A, 3.3 (a): "According to the Danish Administration of Justice Act, section 149, subsection 5, and Circular letter no. 9658 of 14 October 2005 negotiations with and interrogation of deaf persons or persons with a severe

• information on procedural rights			hearing impairment in court must in so far possible be done with the help of an educated interpreter. As concerns negotiations with and interrogation of mute persons, written questions and answers may be used or the person may be assisted by an interpreter, if he/she so requests ¹¹⁰ . Furthermore, the deaf, hearing impaired or mute person may be assisted by a deaf or hard of hearing consultant or the like at the court hearing”.
	b)	X	
	c)	X	Please refer to Section A, 3.3 (c):. “There is no specific regulation regarding the use of interpretation/translation when questioning children. The general rules regarding questioning of children applies regulated in the Administration of Justice Act section 752, subsection 2, and Administrative Act no. 803 of 28 June 2010, Administrative Act no. 572 of 30 April 2015 and the Director of Public Prosecutions’ Instruction 4, 2007 and regarding children under the age of 15 chapter 75 b of the Administration of Justice Act. This regulation require among others the notification and/or presence of holders of parental responsibilities or a municipal social worker”.
• letter of rights	a)	X	
	b)	X	
	c)	X	
• information about the accusation	a)	X	Please refer to Section A, 3.3 (a).“ According to the Danish Administration of Justice Act, section 149, subsection 5 and ICirkular letter no. 9658 of 14 October 2005 negotiations with and interrogation of deaf persons or persons with a severe hearing impairment in court must in so far possible be done with the help of an educated interpreter. As concerns negotiations with and interrogation of mute persons, written questions and answers may be used or the person may be assisted by an interpreter, if he/she so requests ¹¹¹ . Furthermore, the deaf, hearing impaired or mute person may be assisted by a deaf or hard of hearing consultant or the like at the court hearing”.

¹¹⁰ Denmark, Circular letter no. 9658 of 14 October 2005, (Cirkulæreskrivelse nr. 9658 af 14. oktober 2005). Available in Danish at: <https://www.retsinformation.dk/forms/R0710.aspx?id=2228>

¹¹¹ Denmark, Circular letter no. 9658 of 14 October 2005 (Cirkulæreskrivelse nr. 9658 af 14. oktober 2005). Available in Danish at: <https://www.retsinformation.dk/forms/R0710.aspx?id=2228>

		b)	X	.
		c)	X	Please refer to Section A, 3.3 (c).“There is no specific regulation regarding the use of interpretation/translation when questioning children. The general rules regarding questioning of children applies regulated in the Administration of Justice Act section 752, subsection 2 and Administrative Act no. 803 of 28 June 2010, Administrative Act no. 572 of 30 April 2015 and the Director of Public Prosecutions’ Instruction 4, 2007 and regarding children under the age of 15 chapter 75 b of the Administration of Justice Act. This regulation require among others the notification and/or presence of holders of parental responsibilities or a municipal social worker”.
	<ul style="list-style-type: none"> access to case materials 	a)	X	Please refer to Section A, 3.3 (a). According to the Danish Administration of Justice Act, section 149, subsection 5 and Circular letter no. 9658 of 14 October 2005 negotiations with and interrogation of deaf persons or persons with a severe hearing impairment in court must in so far possible be done with the help of an educated interpreter. As concerns negotiations with and interrogation of mute persons, written questions and answers may be used or the person may be assisted by an interpreter, if he/she so requests ¹¹² . Furthermore, the deaf, hearing impaired or mute person may be assisted by a deaf or hard of hearing consultant or the like at the court hearing”.
		b)	X	
		c)	X	

¹¹² Denmark, Circular letter no. 9658 of 14 October 2005, (Cirkulæreskrivelse nr. 9658 af 14. oktober 2005). Available in Danish at: <https://www.retsinformation.dk/forms/R0710.aspx?id=2228>

