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Danish

Victims' rights - by country

Denmark

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How can I be involved in the trial?

During the trial you can be present at all public court hearings. If the court decides to hold a private hearing the judge will decide whether to allow you to stay in the courtroom or not. In practice, in most cases the court will allow you to be present during private hearings unless there are some specific confidentiality concerns. In any case, according to Danish law the sentence is always pronounced at a public court hearing at which you can be present.

Danish law does not allow victims of crime to ask questions to the other participants in the trial.

If you believe there is some evidence relevant to the case you can ask the police officer or the public prosecutor in charge of your case to present it to the court. However, the police officer or the public prosecutor is free to decide whether to present such evidence or not.

If you wish to speak before the court but you have not been called as a witness you can ask the public prosecutor to add you to the list of witnesses. The final decision belongs to the prosecutor who may refuse to call you if he/she believes that your testimony is not necessary to prove the crime.

If the court has interviewed you as a witness during the trial you have the right to receive [reimbursement of the expenses \(1\)](#) you have made to attend the court hearing.

In order to receive reimbursement you need to submit a special reimbursement form, which is available at the [Danish courts' website](#) (in Danish). In the form, you need to indicate your bank account. Advance payments are also possible but you need to contact the court for that.

What are my rights as a witness?

You will probably also be called for an interview as a **witness**. In this case the court may not allow you to be present in the courtroom during the questioning of other persons (the defendant, other witnesses, experts, etc.). The reason for such a decision is that listening to other participants in the trial may influence your own testimony. Once your interview is over you will be allowed to stay in the courtroom and be present at the next hearings.

If you are called for an interview as a witness you have to appear before the court and give testimony. You may refuse to give testimony only if you are a close relative to the defendant.

During your interview your lawyer may ask you additional questions in order to help you better explain the circumstances of the incident.

I am a minor. Do I have additional rights?

If you are a child the court will appoint a lawyer for you to assist you throughout the proceedings. During the trial the lawyer will accompany you during your interview in the court. He/she will also explain to you the procedure and may ask you additional questions to help you better understand the questions asked by the judge.

A representative of the municipality will also accompany you and assist you during the interview.

Can I receive legal aid?

You can receive legal aid free of charge during the trial if you have claimed compensation from the offender and your annual income is less than a certain amount: 236.000 Danish Krone (approximately 31.700 euro) if you are single, 300.000 Danish Krone (approximately 40.300 euro) for cohabiting couples and 41.000 Danish Krone (approximately 5.500 euro) for each child under 18 years of age.

If you are victim of violence or sexual offence you can request the appointment of a lawyer free of charge irrespective of your income.

If you are a relative to a victim who has died as a result of the crime, the court will appoint a lawyer for you to assist you for the calculation of compensation.

How can I get protection, if I am in danger?

You can receive special protection if you are appearing as a witness during the trial.

If you feel uncomfortable to speak in the presence of the defendant you can ask the court to remove him/her from the courtroom during your interview. In this case your testimony will be explained to the defendant afterwards.

Courts are obliged to have separate waiting rooms for victims of crime where you can wait for your interview without meeting the defendant, his/her relatives or other witnesses. This is a relatively new rule and some courts may not have prepared such rooms yet.

If you are afraid of reprisal you can also ask the court not to disclose to the defendant and his/her lawyer your personal data like name, address, occupation, etc.

If you have suffered from a sexual offence you can ask the court to hold a private hearing when you are giving your testimony as a witness. You can also ask the court not to disclose the names of the participants in the trial and to prevent the publication of information in the media about the case. In such cases the court will also delete your name and other personal data from the documentation before granting access to the case file to the other participants in the trial.

How can I claim damages from the offender or receive compensation from the State?

You have the right to claim compensation from the offender for the damages caused by the crime. During the trial you can ask the public prosecutor to claim damages on your behalf. The court may refuse to consider the claim if it is too complicated to be examined as part of the trial. In this case you can submit a separate claim against the offender before a civil court.

You can also claim compensation from the State. Please consult the [factsheets on compensation to victims of crime](#) in the EU Member States of the European Judicial Network.

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

Opportunities for conciliation exist only during the investigation when the police may suggest you reconcile with the offender. The outcome of the conciliation procedure will not close the case but may lead to a lighter penalty for the offender.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner you have all the rights described above.

In addition, if you do not speak Danish and you have been called for an interview as a witness, the court will appoint an interpreter to assist you while giving your testimony.

More information:

Administration of Justice Act (Lovbekendtgørelse nr. 1053 af 29/10/2009 Retsplejeloven) – in [Danish](#)

Act No. 467 of 12.06.2009 on legal advice in connection with a criminal offense (Lov nr. 467 af 12.06.2009 om konfliktråd i anledning af en strafbar handling) – in [Danish](#)

Consolidated Act on Liability for Damages (Bekendtgørelse af lov nr. 885 af 20.09.2005 om erstatningsansvar) – in [Danish](#)

Consolidated Act on State Compensation of Victims of Crime (Bekendtgørelse af lov nr. 688 af 28.06.2004 om erstatning fra staten til ofre for forbrydelser) – in [Danish](#)

Executive Order No. 1108 of 21 September 2007 (Bekendtgørelse nr. 1108 af 21.09.2007 om politiets og anklagemyndighedens pligt til at vejlede og orientere forurettede i straffesager og til at udpege en kontaktperson for forurettede) – in [Danish](#)

Decree No. 79 of 04.02.1998 on community assistance for children and young people during legal interrogation (Bekendtgørelse nr. 79 af 04.02.1998 om kommunens bistand til børn og unge i forbindelse med uden- og indenretlig afhøring) – in [Danish](#)

Note:

1. Reimbursement of the expenses

If the court has interviewed you as a witness during the trial you will be reimbursed for your expenses. You will receive 80 Danish Kroner (approximately 10.50 euro) for the first four hours spent in court. If you have spent more time, including your travel, you will receive additional money depending on the time spent.

Additional expenses related to your participation as a witness (e.g. lost income) can also be reimbursed if you provide documents certifying such expenses (e.g. a statement from your employer with the number of hours and the your daily rate).

Travel expenses are also reimbursed if the distance to the court is more than three km. If you have used a bus, train or ferry, you will be paid the cost of a standard ticket. You will not be reimbursed if you have paid for a taxi. If you have used your own car, you will receive reimbursement, which would normally be equal to the cheapest public transport.

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