Defendants (criminal proceedings)

Dánia

These factsheets explain what happens when a person is suspected or accused of a crime which is dealt with by a trial in court. For information on road traffic offences, which are usually dealt with by a fixed penalty like a fine, go to Factsheet 5. If you are the victim of a crime, you can find full information about your rights here.

Summary of the criminal process

The following is a summary of the usual stages of the criminal process.

The police investigate all criminal matters. This includes questioning suspects, victims and witnesses.

If the police suspect that you have committed a crime, you will be charged. Once you have been charged, you have certain fundamental rights, for example the right to legal advice in serious cases.

The police decide whether or not to arrest you.

If you have committed a serious crime, you may - after presentation of the case to a judge - be remanded in custody while the case is being investigated.

Once the investigation has been completed, the case is sent to the Prosecution Service, which decides whether the charges should be dropped or the case should go to trial.

If the Prosecution Service decides to proceed with the case, it can do so by issuing a fixed penalty notice, an indictment or a summons for directions.

Criminal cases are tried by the district courts as court of first instance. The number of judges depends on the gravity of the case and on whether you plead guilty or not guilty.

The court's judgment can usually be appealed to the high court. You can either appeal for a retrial of your case or appeal against the sentence.

You will be entitled to compensation for false imprisonment if the case against you is withdrawn or if you are acquitted.

The Danish Prison and Probation Service answers questions concerning the serving of sentences.

You can find details about all stages of the criminal process and about your rights in the factsheets. The information is not a substitute for legal advice and is for guidance only.

The rules concerning the criminal process, including police investigations, the preparation of the trial by the prosecution and the trial itself, are set out in the Danish Administration of Justice Act.

Please note that special rules apply in Greenland and the Faroe Islands.

Under the Treaty of Lisbon, Denmark has opted out from EU justice and home affairs cooperation and consequently does not participate in such cooperation in the same way as the other Member States. In each individual case you must therefore find out whether specific EU legislation applies in Denmark.

Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in Member States and cannot assist you if you have a complaint. These factsheets tell you where and how to complain.

Click on the links below to find the information that you need

1 - Getting legal advice

2 - My rights during the investigation of a crime

Preliminary charge, including questioning

Arrest (including European arrest warrant)

Preliminary statutory hearing and remand in custody

Intrusive measures

Decision on whether or not to bring charges against you

Preparing for trial by the defence

3 - My rights during the trial

4 - My rights after the trial

5 - Road traffic and other minor offences

Related links

The Danish legal system

Database of full-text legislation

Finding a Danish lawyer

Information on the serving of sentence:

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