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**Replies to the questionnaires from Consultative Council of European Prosecutors
(CCPE)**

Dear Sir/Madam,

The Director of Public Prosecutions in Denmark herby sends you our replies to the questionnaire.

1. Definitions

1.1. There are no definition of a victim or a witness establish by law or other legal instruments in Denmark. In the Danish Administration of Justice act there are separate sections regarding witnesses and separate sections regarding the rights of victims. In general a victim is a person or company, who has been victimized (victim of a criminal offence), while a witness it any kind of person who can contribute information to the police about a crime.

1.2. Victims in general have a number of rights. Victims have the right to present in court and to be notified about the outcome of the case. In cases about serious violence and sexual offenses the victim can ask the policis to be notified when the offender is released on parole. Victims has the right to claim compensation from the perpetrator and the claim can be dealt with together with the criminal case.

In criminal cases about for example domestic violence, sexual abuse, attempt of homicide the victim has the right to a support attorney.

Compensation for bodily injury caused by a criminal offence is provided by the state under the law on victim compensation. In cases of violent crimes, domestic violence and other related kinds of crimes the perpetrator can be granted an emergency barring order, restraining order or/and ban of residence at request of the victim.

1.3. There is no definitions of vulnerable persons establish by law. The Director of Public Prosecution sets guidelines for prosecutors handling of criminal cases including guidance of handling cases involving vulnerable persons like children, mentally disabled persons and persons that has been victim of a crime.

2. The rights of victims, witnesses and vulnerable persons

2.1. There are specific rights of victims, witnesses and vulnerable persons set in the Danish Administration of Justice act and in guidelines from The Director of Public Prosecutions.

The rights include information about the case and the expected progress of the case, charges against the perpetrator, witness rights and duty, getting help throughout the process and the possibility of getting a support attorney and compensation.

In terms of vulnerable persons the Danish Administration of Justice act contains special rules on interrogation of children and mentally disabled people involved in a criminal case as victims or witnesses.

In cases about e.g. violence, domestic violence and stalking the victim can request a restraining order, emergency barring order or ban of residence against the perpetrator.

2.2. See section 2.1.

2.3. See section 2.1.

2.4. In Guidelines of The Director of Public Prosecutions, section on guidance of aggrieved, guidelines to the prosecutors and to the police on how to inform victims about support services and legal measures available to them are set. The prosecutor have to inform and guide the victim of a violent crime about the case and the expected progress of the case. The information and guidance should be given regularly and includes information about charges and the court case, witness rights and duty, getting help throughout the process and the possibility of getting a support attorney.

On the homepage of The Director of Public Prosecution detailed information for victims is to be found. Leaflets for victims in seven languages is also available here.

Information about possibilities for restraining orders, ban of residence and emergency barring orders are available and a leaflet for victims of following, harassment and stalking is also available on the homepage.

2.5. It will depend on the type of breach. In serious cases a breach could result in disciplinary action or have consequences for the employment of the prosecutor or police officer responsible for the breach.

2.6. See section 2.1. The Danish Administration of Justice act contains special rules on interrogation of children and mentally disabled people involved in a criminal case as victims or witnesses. Children under 13 years and other vulnerable persons (typically persons who are mentally disabled) can be interrogated on video. The video will represent their testimony in court. If the children are under 18 years the custodial parent will be present when the child must testify. These persons also have the right to a support lawyer.

2.7. The police and the prosecution service is committed to inform the social services in cases of crime against children. Neither the police or the prosecution service is committed to inform other authorities unless the perpetrator is a public official person. A conviction for a criminal offense will appear on the perpetrator's criminal record.

2.8. The prosecutor decides which witnesses have to testify during the proceedings whether it is children or vulnerable persons. See also section 2.6.

2.9. See section 2.8. Children and mentally disabled persons have the same rights to refuse to bear testimony as other witnesses. The rights are set in the Danish Administration of Justice act (sec 171) including the right to refuse to bear testimony against close relatives.

2.10. The police have specially trained staff to manage interviews with children and other vulnerable persons.

2.11. See section 2.6. It is possible to get the perpetrator led to another room while the witness gives evidence in court if there are specific reasons that speak for an unreserved explanation is not otherwise achievable. The decision is taken by the judge.

2.12. In cases about for example domestic violence, threats, harassment and sexual abuse it is possible for the victim to seek a restraining order, ban of residence and emergency barring orders on the perpetrator.

2.13. There is no distinction made between Danish citizens and foreigners.

3. The role of prosecutors in protecting the rights of victims, witnesses and vulnerable persons

3.1. The police and the prosecutor service are required to comply with the rules of rights of victims, witnesses and vulnerable persons. The Director of Public Prosecution sets guidelines for the prosecutors handling of criminal cases. In Guidelines of the Director of Public Prosecutions, section on guidance of aggrieved, guidelines to the prosecutors and to the police on how to inform victims about support services and legal measures available to them are set. Victims and witnesses can also seek information about their rights on the homepage of prosecution service.

3.2. The rules are established by law and in guidelines from the Director of Public Prosecutions. See also section 3.1.

3.3. See section 3.1.

3.4. The obligation to inform and advice victims and witnesses relies primarily on the police as the police have the main contact with the victims and witnesses during the investigation of the crime. The prosecutor must ensure that the witness's rights are observed. Usually the prosecutor only have contact with witnesses in court but if a prosecutor is contacted by a victim or a witness before or after the court hearing the prosecutor should inform victim or a witness about their rights according to the Guidelines of the Director of Public Prosecutions.

3.5. See section 3.4.

3.6. A victim of a serious crime has the right to a support attorney to assist them. The support attorney should assist them in necessary contact with other state bodies, private entities and others. See also section 3.4.

3.7. The Director of Public Prosecutions has prepared a training program for all prosecutors. It is mandatory for all newly hired lawyers in the prosecution service to go through basic training as a prosecutor. In the basic training, prosecutors are educated in the handling of criminal cases, also the handling of vulnerable persons, who are attending as witnesses in criminal cases. The program has focus on questioning victims and witnesses - also witnesses who may be particularly vulnerable. The program includes training on psychological aspects, advice and guidance from experienced prosecutors and exercises.

Furthermore, the Director for Public Prosecution offers a course related to crimes involving children. The course deals with the rules concerning abuse, from report to conviction, including the particular rules in relation to the questioning of children.

Yours faithfully,



Jette Malberg