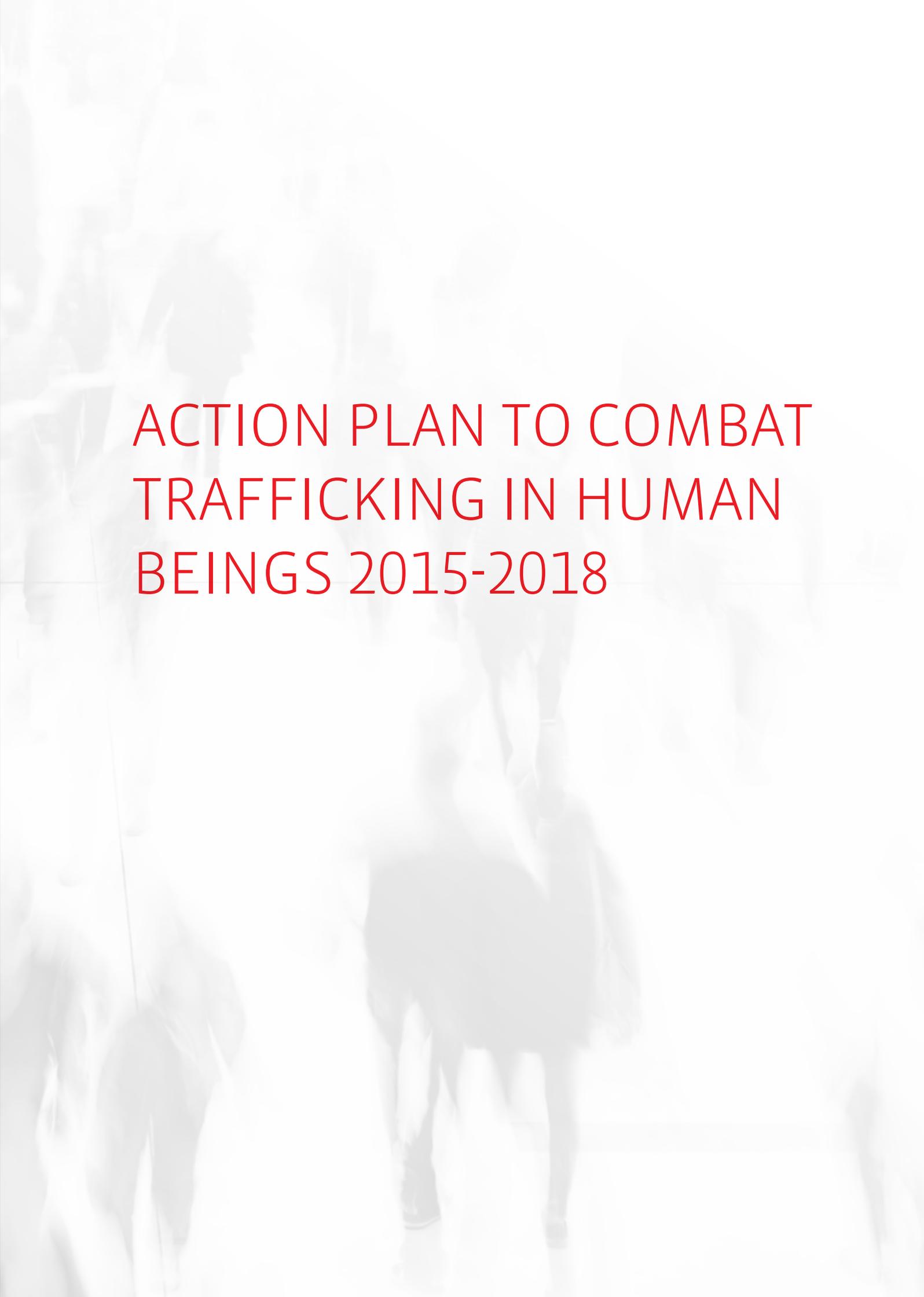




# Action Plan to Combat Trafficking in Human Beings

2015-2018



A blurred, high-angle photograph of a large crowd of people walking, overlaid with a semi-transparent white background. The text is centered in the upper half of the image.

# ACTION PLAN TO COMBAT TRAFFICKING IN HUMAN BEINGS 2015-2018

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## Preface

Human trafficking is a fundamental violation of basic human rights. It is a severe violation of an individual's right to decide over their own bodies and their own lives. Victims of trafficking are often disadvantaged and vulnerable foreigners in a dependency relationship with their traffickers. Our aim with this action plan is to prevent human trafficking and identify and support victims of human trafficking in Denmark to help free them from the traffickers. > 7

Human trafficking is a worldwide phenomenon and rooted in global economic imbalances, vulnerable people's dreams of a better life, and a demand for the services provided by the victims. There is no single easy solution to combating trafficking in human beings, neither globally nor in Denmark. There are many different types of trafficking and the victims' situations are diverse. That is also why we cannot provide a single type of support that is appropriate for all victims. Each victim and every situation is unique, requiring targeted and individual support measures.

In Denmark, we have seen that it is not only women, but also men, children and families that fall prey to human trafficking. We have also seen different forms of exploitation, but the majority of cases still concern women trafficked into prostitution and to some extent men and women trafficked into forced labour activities such as cleaning, catering and domestic service. Some victims of trafficking are also coerced into crime.

The situation for all these victims varies, as does their need for help and support. With the activities in this action plan, we want to continue existing initiatives and efforts and provide the identified victims of trafficking a number of options that are, to the greatest extent possible, adapted to their own wishes and needs. Similarly, victims returning home will receive an offer for a prepared repatriation and re-integration in their country of origin or residence.

This action plan is the fourth in a series of national plans funded by the "rate adjustment pool scheme" ("satspulje"). There is broad political backing to combat human trafficking in the Danish parliament. It is both good and necessary that we agree—across the political parties—to combat trafficking of human beings and to help its victims. This is because trafficking in human beings constitutes a gross violation of some of the most fundamental values of our society, such as human rights respect and equality.

**Henrik Dam Kristensen**, Minister for Employment

**Mette Frederiksen**, Minister for Justice

**Mogens Jensen**, Minister for Trade and Development Cooperation

**Manu Sareen**, Minister for Children, Gender Equality, Integration and Social Affairs

**Benny Engelbrecht**, Minister for Taxation

**Nick Hækkerup**, Minister for Health and Prevention

**Martin Lidegaard**, Minister for Foreign Affairs



## Introduction

In the period 2007 to the end of 2014, 418 persons were identified as victims of trafficking in Denmark. There is reason to believe that the number of victims of human trafficking is higher than what official figures indicate. The International Labour Organization (ILO) estimates that globally, there are over 20 million victims of forced labour, including victims of trafficking. Approximately a fifth of these are coerced into prostitution.<sup>1</sup> > 9

In 2014, a total of 71 persons were identified as being victims of trafficking in Denmark (63 women and 8 men). 57 women were trafficked into prostitution, 3 persons were trafficked into forced labour (2 women and 1 man), 7 men were forced into criminal activities and 4 women were trafficked for other purposes.<sup>2</sup> Of the 71 victims identified in 2014, 5 of these were under the age of 18.

This action plan ensures that national efforts to combat trafficking in human beings continue. It is the fourth of a series of consecutive action plans. The first national action plan was launched in 2002, following the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (one of the three so-called Palermo protocols) from 2000 and the EU Framework Decision of 19 July 2002 on human trafficking.

**The goal of the action plan is to maintain, further develop and entrench the current national efforts against trafficking in human beings.**

The action plan is structured around the following focus areas:

1. Preventing trafficking in human beings in Denmark and internationally.
2. Victims of trafficking are sought out and identified.
3. Victims of trafficking are offered individually tailored and coordinated support.
4. Traffickers are prosecuted.
5. Partnership and coordination.

The primary target group will remain women trafficked into prostitution, but efforts will also be directed towards victims trafficked into forced labour and other forms of exploitation.

### Fact box 1: Who is eligible for support under this action plan?

The action plan concerns all individuals currently residing in Denmark as a result of human trafficking and currently subjected to exploitation.

The target group that is eligible for support under this action plan includes men, women and children who have been assessed to be victims of human trafficking. That is to say individuals who have been assessed as victims of trafficking by either the Danish Immigration Service (asylum seekers and foreigners residing in Denmark illegally) or the Danish Centre against Human Trafficking.

Denmark is primarily a transit and receiver country for human trafficking. Experience has shown that victims of trafficking are most often found among foreigners residing in Denmark legally or illegally. However, two Danish citizens have in the past been identified as victims of human trafficking (in 2010 and 2013). The target group for the national action plan are all victims of human trafficking regardless of their residency status.

10 < The action plan is funded in part from the rate adjustment pool agreement (“satspuljeaftale”) for 2015, where funding was earmarked for a new action plan for the period 2015-2018. This action plan is an extension of previous action plans and has a total budget of DKK 88.6 million for the period.<sup>3</sup> Added to this is the ministries’ activities that fall within their own remit, such as the law enforcement and foreign policy efforts in this area.

The efforts will be implemented by the relevant authorities, NGOs, organisations, companies, etc. Coordination between the involved parties will continually be expanded and strengthened. NGOs will continue to play a major role in combating human trafficking in Denmark.

The Danish Centre against Human Trafficking (CMM) is responsible for coordinating and developing the nationwide social efforts for victims of trafficking and of involved parties. CMM was established in 2007 and

constitutes the focal point of the national action plan against human trafficking, as has also been the case in previous action plans. The Centre has consequently built up a resource pool of knowledge and resources to work with the target group. It is also embedded in to the Danish National Board of Social Services. This ensures a continuous exchange and dissemination of knowledge, development and adaptation of the efforts on the basis of general knowledge and understanding that the National Board of Social Services continuously acquires through its broader work in social affairs.

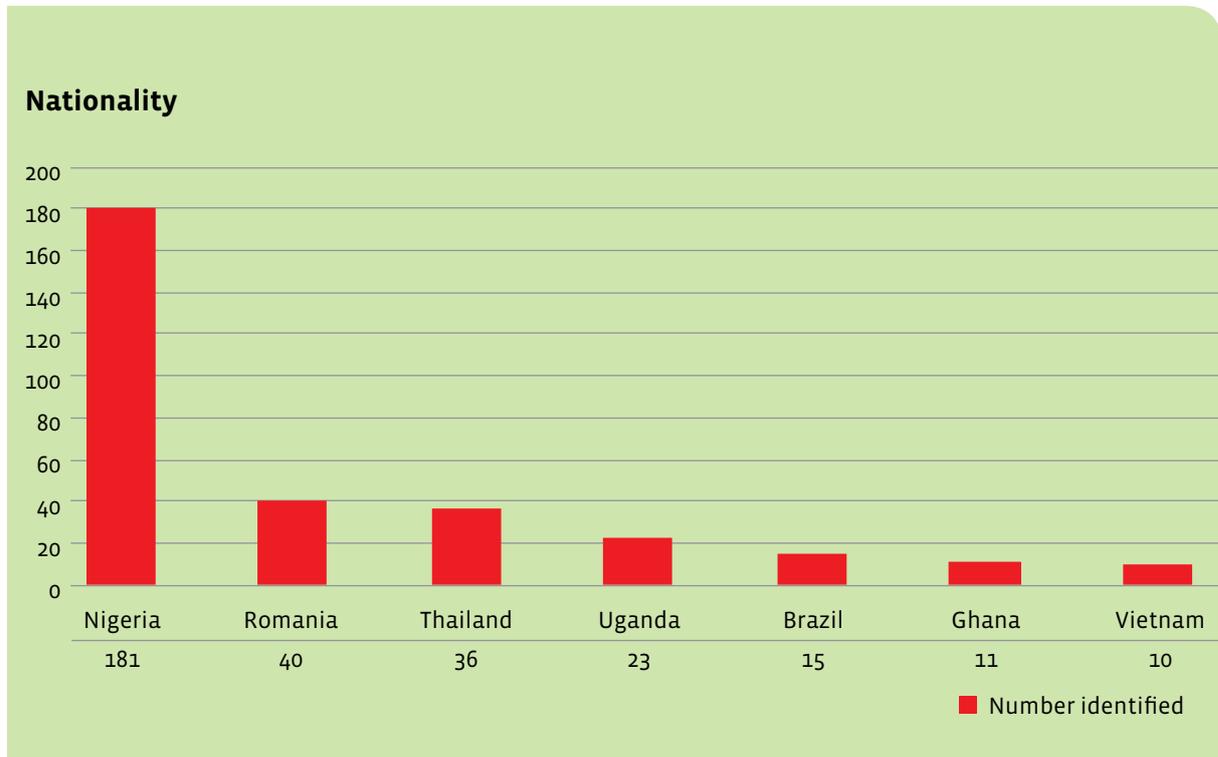
Since the establishment of the Centre against Human Trafficking, there has been a rise in the number of identified victims of human trafficking, both or prostitution and forced labour (see Figure 1). Victims identified in Denmark have many different nationalities. Figure 2 shows the breakdown per year of the countries where a minimum of 10 victims have originated from since 2007.

Figure 1: Number of individuals identified as victims of trafficking in Denmark



(Source: CMM)

Figure 2: Nationality of individuals identified as victims of trafficking in Denmark > 11



(Source: CMM)

The vulnerable situation of the victims or their dependency relationship with traffickers means that some of them do not wish—or dare—to accept the help offered through existing support mechanisms. Anti-trafficking efforts are therefore developed in such a way to allow for the largest possible variety of services/types of help, adapted to the individual circumstances of each victim.

The previous action plans have been externally evaluated. The evaluation of the latest action plan generally indicated that the organisational set-up and coordination of the national efforts, including the Centre against Human Trafficking's efforts, were effective. The evaluation also highlighted the need to strengthen efforts in a number of areas, including information

exchange between NGOs and authorities, giving more attention to forced labour, and continuing work to expand the services offered to victims.

The activities in this action plan are a continuation of existing efforts and are among other things built upon conclusions and recommendations from the external evaluation conducted in 2014 and dialogue with relevant stakeholders.

This action plan will also be externally evaluated, and implementation of the plan will be carried out under the auspices of **The inter-ministerial working group to combat trafficking in human beings**<sup>4</sup> with a view to ensuring progress, coordination and holistic efforts.

## Fact box 2: Trafficking in human beings and the Danish Penal Code

Section 262 (a) was inserted into the Penal Code in 2002 and went into force on June 8, 2002. It is formulated based on and in order to simultaneously implement the UN Protocol to Prevent, Suppress and Punish Trafficking in Human Beings (one of the so-called Palermo protocols) and the EU Framework Decision of July 19, 2002 in Combating Trafficking in Human Beings. The provision thus comprises all forms of trafficking in human beings as defined in these two acts.

The provision was amended in 2012 and went into force on March 29, 2012. The amendment was made to bring Danish Penal legislation in accordance with the “European Parliament and Council directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA”. The amended provision made the penalty for violating the provision more severe while also expanding Denmark’s jurisdictional competence and definition of trafficking in human beings.

The provision in Section 262 (a) of the Danish Penal Code reads as follows:

Section 262 (a). A person who by an act of recruiting, transporting, transferring, housing, or subsequently receiving another person shall be guilty of trafficking in humans and shall be liable to a term of imprisonment of no more than ten years if the following is used or has been used:

- 1) Unlawful coercion, under Section 260,
  - 2) Illegal restraint, under Section 261,
  - 3) Threats, under Section 266,
  - 4) Unlawful inducement, encouragement or exploitation of a mistake or
  - 5) another manner of taking unfair advantage
- in order to exploit the person in question for prostitution, taking or recording of pornographic photographs or films, pornographic conduct, forced labour, slavery or slavery-like conditions, criminal acts or removal of organs.

Subsection 2. In the same manner, a person shall be subject to punishment who with the intent of exploiting the person in question for prostitution, taking or recording of pornographic photographs or films, pornographic conduct, forced labour, slavery or slavery-like conditions, criminal acts or removal of organs

- 1) Recruits, transports, transfers, houses or subsequently receives a person under the age of 18, or
- 2) Provides payment or other consideration to obtain the consent to the exploitation from a person who has custody of the injured party and the person who receives such payment or other consideration.

## Overview of the structure of the action plan

### **Action Area 1: Preventing trafficking in human beings in Denmark and internationally**

- 1.1: Training, skills development and spreading awareness
- 1.2: International cooperation and international conventions

### **Action Area 2: Victims of trafficking are sought out and identified**

- 2.1: Outreach and social work
- 2.2: Identification and social work in connection with police operations

### **Action Area 3: Victims of trafficking are offered individually tailored and coordinated support**

- 3.1: The reflection and recovery period
- 3.2: Prepared repatriation and re-integration

### **Action Area 4: Traffickers are prosecuted**

- 4.1: Investigation
- 4.2: Prosecution

### **Action Area 5: Partnership and coordination**

- 5.1: Cooperation and coordination between authorities
- 5.2: Civil society involvement





# 1 Action area 1: Preventing trafficking in human beings in Denmark and internationally

It is estimated that worldwide, there are over 20 million victims of forced labour, including victims of trafficking, and that more than 800,000 of these individuals are currently living in the EU.<sup>5</sup>

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In the period 2007 to the end of 2014, 418 persons were identified as victims of trafficking in Denmark. Behind each of these fates is a unique story, but the fundamental causes of trafficking in human beings can be summed up in what is often referred to as so-called “pull and push” factors in human migration. Push factors are associated with a person’s area/country of origin, where he/she often lives in poverty with poor future prospects. They are therefore motivated and/or conned to migrate to more economically developed countries in the hope that they will have a better life there. An additional cause is the demand for services provided by victims of human trafficking in the more developed countries. Put differently, human trafficking is a global problem, and therefore, preventing human trafficking is both a national and international undertaking.

Efforts to prevent human trafficking in Denmark entail training relevant actors and through promulgation of knowledge and information. Internationally, Denmark provides funding to relevant international organisations working to prevent and combat trafficking in human beings through core contributions to the UN. Additionally, Denmark’s development cooperation is generally aimed at reducing poverty and promoting the rights of women.

**The overall purpose** of the action area is to help prevent people at risk of becoming victims of trafficking both in Denmark and abroad.

## 1.1 Training, skills development and spreading awareness

The victims of human trafficking are found in many different sectors and environments. At the same time, the line between exploitation and actual trafficking be quite blurred. It may therefore be difficult at times to see and assess whether a person is a victim of human trafficking. A number of different authorities and actors, including NGOs, are potentially in contact with victims of trafficking. It is necessary that they have knowledge about human trafficking and the necessary skills to support victims in whatever way their situation calls for. An awareness campaign will therefore be initiated to help prevent human trafficking.

**The purpose of the activities** is to train and develop the skills of front staff, officials and others who are likely to be in contact with potential victims of trafficking, equipping them with knowledge they need to identify and signpost victims towards relevant services that can help them. At the same time, increased public awareness will help reduce the demand for services from trafficked persons.

### Activity: Training and skill development

CMM’s training of officials will continue and be further refined on an ongoing basis as to accommodate new learning and findings in this area. Today, the Centre’s educational offer is open to judges who work with human trafficking cases, staff working at foreign embassies/consulates, Danish foreign ministry staff prior to their stationing in high-risk sender countries, Danish Police College recruits, select groups of health care professionals, the Danish Working Environment Authority, and SKAT. In addition, the Centre trains other relevant actors and collaboration partners such as NGOs that are involved in combating human trafficking.

### **Activity:** Knowledge and spreading awareness

CMM will continue ongoing work with getting new actors involved and creating new collaborative forums with the aim of strengthening preventative efforts and reducing demand.

CMM will also strengthen the ongoing awareness-raising work vis-à-vis the general public through, among other things, regularly updating facts and information found on its website: [www.centermodmenneskehandel.dk](http://www.centermodmenneskehandel.dk) and through meetings with relevant stakeholders and actors in this area.

CMM will, partly through cooperation with relevant organisations, work to promulgate awareness of the guide to combating human trafficking, “Managing the Risk of Hidden Forced Labour—A Guide for Companies and Employers”, published in 2014. The publication serves as a brief guide for companies and employers on the risks of human trafficking for forced labour and how best to avoid inadvertently getting involved in this practice. The guide was written in general language in order to be relevant to all sectors and is intended as an aid to businesses that risk being connected to forced labour. It contains check lists which provide an overview of a number of measures that companies can enact to reduce the risk of hidden forced labour.

## **1.2 International cooperation and international conventions**

Human trafficking is a global problem. It is therefore vital that the fight against human trafficking also has an international dimension. Victims of trafficking often come from poorer countries where it is difficult for individuals and households to provide for themselves. It is therefore important that human trafficking is combated across borders and that the international community has a focus on the issue. Denmark supports organisations such as the International Organisation for Migration (IOM), the UN International

Labour Organization (ILO), the UN High Commissioner for Refugees (UNHCR), the UN High Commissioner for Human Rights (OHCHR), the UN Gender Equality Unit (UN Women), the UN Children’s Fund (UNICEF) and UN Population Fund (UNFPA). Denmark’s status as one of the most important donors to the UN organisations gives it good opportunities to exert its influence on this issue internationally.

**The purpose of international cooperation** is to contribute to combating and preventing trafficking across borders.

### **Activity:** International cooperation

Denmark will continue to support international and regional organisations in combating and preventing trafficking. This will partly happen through funding contributions and partly through active participation in relevant forums such as the UN, ILO, EU, Council of Europe, Nordic Council of Ministers and the OSCE. Denmark is thereby taking an active role in keeping human trafficking on the international agenda and a strong advocate for efforts to be stepped up.

Some of the specific activities in relation to international cooperation include funding projects aimed at combating and preventing trafficking through Denmark's core contributions to international organisations that are active in this field, as well as Danish participation in international summits and negotiations in this field. In addition, Danish authorities will also receive support in identifying and communicating with local partner organisations/authorities in sender countries.

In cooperation with the international organisations, Denmark will as far as possible seek to identify areas for seconding<sup>6</sup>, i.e. financing of a technical adviser to a relevant organisation to promote the fight against human trafficking.

Together with the other Nordic countries, Denmark will draw up a new inter-Nordic action plan against human trafficking under the auspices of the Nordic Council of Ministers.

In addition, the ILO decided at the 2014 International Labour Conference to intensify efforts against forced labour by adopting a protocol to the Forced Labour Convention (29), accompanied by Recommendation no. 203 on additional measures to effectively combat forced labour. The Danish government will consider a possible ratification of the protocol in 2015 together with national trade union and employer organisations.



## International conventions

Denmark has signed and ratified a number of international conventions relating to trafficking in human beings.

### **The Palermo Convention:**

Denmark has signed and ratified UN Convention from 15 November 2000 on combating transnational organised crime and its protocols (the Palermo Protocols), one of which concerns combating and punishing trafficking in persons, especially women and children.

Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children defines trafficking in human beings. It reads:

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in sub paragraph (a) of this article shall be irrelevant where any of the means set forth in sub paragraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in sub paragraph (a) of this article;

### **Council of Europe Convention on Action against Trafficking in Human Beings:**

Denmark ratified the Council of Europe Convention of 16 May 2005, on Action against Trafficking in Human Beings on 19 September 2007, which went into force on 1 February 2008. The Convention focuses on the protection of victims and the fight against human trafficking. The Convention has the same definition of trafficking in human beings as the Palermo Protocol.

### **The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):**

Denmark ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (often described as the international bill of rights for women) in 1983. The Convention enshrines a number of fundamental rights for women in political, social, cultural and economic areas. The Convention obliges States to take all appropriate measures, including legislative, to suppress all forms of trafficking and sexual exploitation of women. The Convention does not set criteria for doing so.

**The UN Convention on the Rights of the Child:**

Denmark ratified the the UN Convention on the Rights of the Child of 20 November 1989 on 19 July 1991, which went into force on 18 August 1991. The Convention contains a number of provisions on children's rights to protection. Article 35 of the Convention obliges States to take all appropriate national, bilateral and multilateral measures to prevent the abduction, sale or trafficking of children for any purpose and in any form.

**ILO conventions:**

Denmark has ratified a number of ILO conventions, including the Forced Labour Convention (29), Abolition of Forced Labour Convention (C105) and Worst Forms of Child Labour Convention (182), which also protects against human trafficking for labour exploitation, especially forced labour and other slavery-like practices.

The term "forced labour" shall, in the Danish Penal Code provision on trafficking in human beings, be interpreted in accordance with applicable international instruments, including ILO Convention No. 29.

Two directives in the field of trafficking in human beings have also been adopted under the auspices of the EU.

**Directive on residence permits for victims of human trafficking:**

The Council adopted Directive no. 2004/81/EC of 29 April 2004 on on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. The Directive lays down the procedures and conditions for the granting of a short-term residence permit for victims of human trafficking who cooperate with the competent authorities against the alleged perpetrators. The Directive lays down, inter alia, rules that third-country nationals who are victims of human trafficking must be offered a reflection period in order to make an informed decision about whether they want to cooperate with the authorities and make use of the temporary residence permit.

The Directive falls under Denmark's opt-out on justice and home affairs and therefore does not apply in Denmark.

**Directive on preventing and combating trafficking in human beings:**

The European Parliament and the Council adopted Directive no. 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. The Directive lays down minimum common rules for determining offences of trafficking in human beings and punishing offenders and sets out requirements for member states' jurisdiction. In addition, the Directive provides rules for member states to provide assistance and protection to victims of trafficking in human beings such as safe accommodation, medical care and psychological assistance, as well as ensure the victims' access to legal advice and legal representation.

The Directive falls under Denmark's opt-out on justice and home affairs and therefore does not apply in Denmark. However, with the Act no. 275 of 27 March 2012 on the amendment of the Penal Code (which expanded the definition of human trafficking), Danish criminal legislation has been brought into line with the Directive.



## 2 Action area 2: Victims of trafficking are sought out and identified

Victims of human trafficking are often in a dependency relationship with their traffickers, which can prevent them from seeking assistance from relevant authorities. In addition, lack of knowledge and language barriers make it difficult for the victims to find out where they can get help and what authorities they can contact.

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There also exists a group of victims who do not have an immediate desire to seek assistance because believe that there is no acceptable alternative in their country of origin to the exploitation that they experience/have experienced here, or no alternative to supporting their families back home.

Consequently, victims of trafficking are a challenging to reach and also difficult to help. In order to contribute to the identification of the highest possible number of victims of trafficking, it remains crucial that efforts are made to adapt identification of victims to their different needs and circumstances. This requires close cooperation between authorities and other actors. These efforts also contribute to gaining a better understanding of the situations that these victims find themselves in, which helps authorities gain a better understanding of whether an individual is in fact a victim of human trafficking.

**The overall purpose** of this action area is to be present where the victims and potential victims of trafficking are and be able to offer them support and guidance that matches their needs to the greatest extent possible.

### 2.1 Outreach and social initiatives

Outreach work essentially consists of patrolling areas where victims of human trafficking are likely to be found, such as massage clinics and certain urban districts. The outreach work also extends to workplaces, social and health services and via police activities. The outreach work in prostitution circles must, among other things, help develop relationships between potential victims and social workers from CMM and NGOs that encourage victims to let themselves be identified in police operations accompanied by social workers.

**The purpose of the outreach work** is to increase trust between authorities and the possible victims of trafficking in human beings so that more victims of human trafficking are identified and get help to escape their relationship with the traffickers and move on with their lives.

#### Activity: Hotline

CMM will continue to operate a hotline where public and private actors, as well as citizens, can provide information that may lead to the identification of victims of trafficking in human beings. The hotline serves the additional purpose as a central contact point to CMM for other authorities, cooperation partners, citizens and potential victims in connection with specific cases of human trafficking.

### **Activity:** Outreach work in prostitution circles

The outreach work performed by CMM and NGOs will continue and focus on environments likely to be frequented by victims of human trafficking. Outreach workers will operate in areas such as massage parlours, among street prostitutes, the escort industry, asylum circles and prisons.

The relevant health services in Copenhagen and Aarhus will be continued and the staff will contribute to the outreach work by informing possible victims of relevant services through dialogue and informational pamphlets.

In addition, SKAT will also contribute to the identification of possible victims through monitoring activities in prostitution circles.

There are continuous efforts to further develop trust-building strategies as victims are often reluctant to contact or speak with authorities about their situation.



### **Activity:** Outreach work aimed at workplaces and forced labour

With respect to forced labour, outreach work will be conducted via a collaborative effort between relevant authorities (notably SKAT, Danish Working Environment Authority and the Danish Police) as part of their regular monitoring duties where they have access to the workplaces. In addition, SKAT will also contribute to the identification of possible victims through monitoring activities in workplaces. Additionally, the cooperation with trade unions, industry associations and business owners will continue as relating to establishing contact with potential victims.

Efforts against social dumping will also receive an additional 120 million DKK in funding in the period 2015-2018 with the 2015 agreement reached between the Danish government, the Red-Green Alliance and the Socialist People's Party about the annual budget. This amounts to a total of 395 million DKK being used to combat social dumping in this period. Among other things, the money will be spent on more monitoring operations which will also—as has always been the case—entail looking for signs of human trafficking.



## 2.2 Identification and social work in connection with police operations

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The majority of victims of human trafficking are identified in connection with police operations. That is why CMM staff will participate in police operations with the purpose of identifying victims of human trafficking. This applies in relation to operations concerning prostitution and operations connected to suspicions of forced labour or trafficking into crime. It is important that individuals that the police come across during these operations are communicated with in a manner that fosters trust and takes into consideration that they may be victims of trafficking. The trust-building work must also continue during periods of detention until authorities have decided whether an individual is indeed a victim of human trafficking.

**The purpose of the social work** in the context of police operations is to help identify victims of human trafficking and offer them help.

### **Activity:** Social work in connection with police operations

CMM will continue to be included in planned police operations in prostitution circles and in other relevant police operations. The police will advise CMM about any planned operations in advance to allow CMM social workers to be present at the police station to provide advice and support to any detainees suspected of being victims of trafficking and contribute to their identification.

The police can also contact CMM via their hotline if they encounter a person suspected of being a trafficking victim. CMM will then carry out the necessary identification dialogue with the individual.

As follow-up on police operations and as part of the trust-building work, suspected victims will be engaged daily if detained, also if they are not immediately assessed to be victims of human trafficking despite suspicions to the contrary.



## 3 Action area 3: Victims of trafficking are offered individually tailored and coordinated support

Victims of trafficking are often psychologically and physically damaged by their experiences, and some of them require a number of different services to be able to process these experiences and move on with their lives. > 25

For some victims, a short period of peace and calm to consider their next move is sufficient, while others need a prolonged period of recovery with, for instance, therapy and legal advice. Some need short-term education and/or training in order to move forward with their lives while others simply assistance returning home to their families as quickly as possible. It is rare to come across two identical stories, which is why it is

essential that victims are presented with a wide range of services and types of assistance that are adapted to their needs/circumstances.

**The overall purpose** of the activity is to offer individuals who have been assessed victims of trafficking, a way out of the trafficking conditions and to help them move forward with their lives.

### Fact box 3: Different categories of victims of human trafficking

For asylum seekers or foreigners without legal residence in Denmark, it is most often the Danish Immigration Service which assesses and decides whether an individual is a trafficking victim. The Danish Immigration Service determines the period of reflection and is, among other things responsible for accommodation, food and drink, health treatment and (if desired by the victim) prepared repatriation. The practical provision of the services, including the prepared repatriation, is carried out in close collaboration with CMM. If the foreign national is below the age of 18, the prepared repatriation is planned in collaboration with the child's personal representative and a contact person from CMM.

For people with legal residence in Denmark, it is CMM which assesses whether an individual is a victim of human trafficking and is entitled to services offered under this action plan. CMM provides the services and support after the action plan during the recovery and reflection period as well as in connection with any prepared repatriation. If the victim is below the age of 18, the local municipality is responsible for providing the services in collaboration with the child's (temporary) legal guardian and a contact person from CMM.

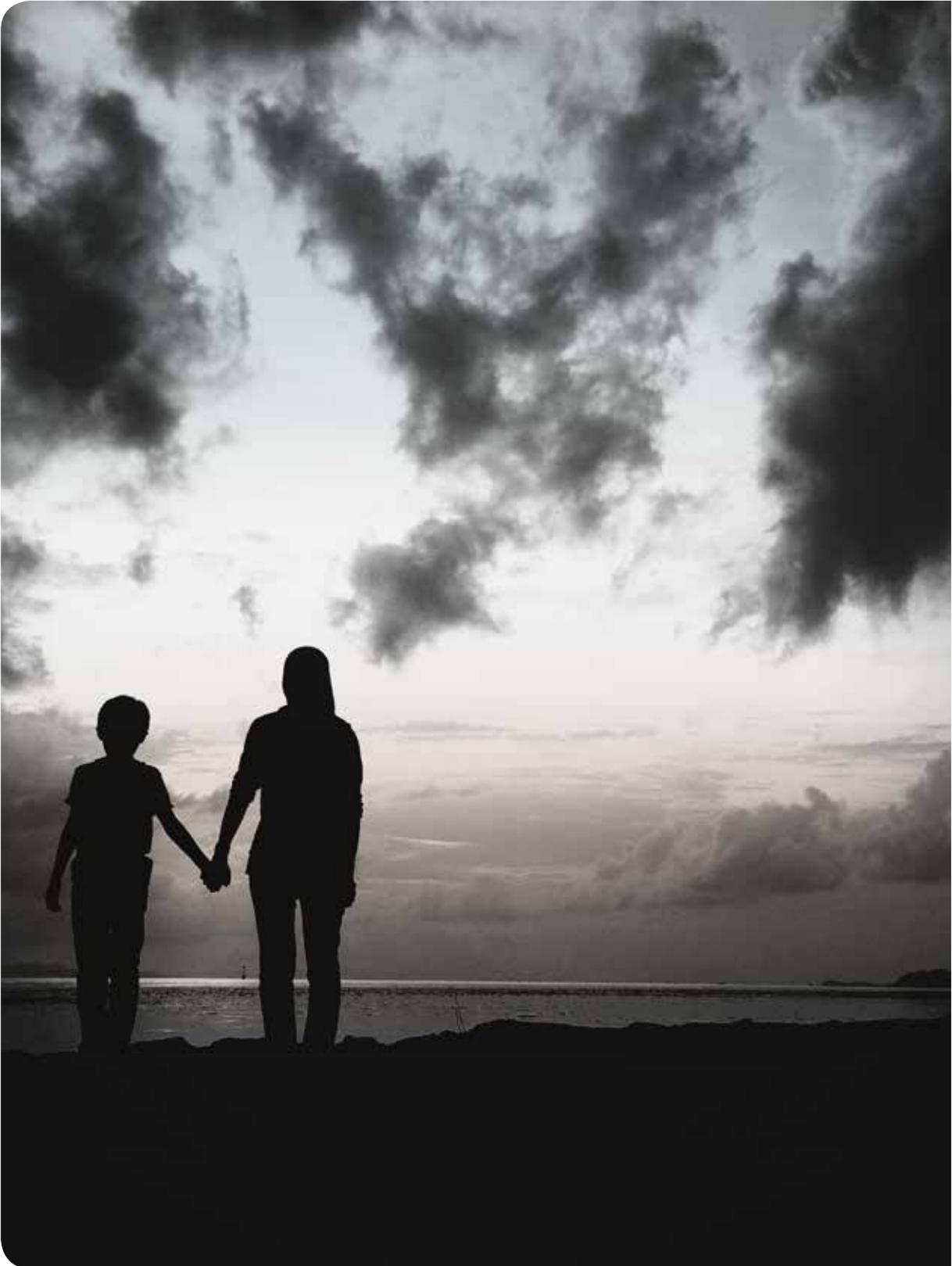
#### 3.1. The reflection and recovery period

Victims of trafficking have usually been subjected to terrible experiences that can include mental and physical exploitation. The victims need to get back on their feet and are therefore offered a reflection and recovery period.

Victims of trafficking with no legal residence in Denmark who must leave the country are given a reflection period (set by the Danish Immigration Service) of an initial 30 days. There is a possibility of extension up to a total of 120 days if there are extenuating circum-

stances or if the foreign national cooperates on a prepared repatriation. Even if the victim is residing in Denmark legally and is not required to leave the country, he/she may still require a recovery period. Accordingly, victims residing in Denmark legally will also be offered a corresponding period of peace and calm and help to move forward with their lives.

**The purpose of these activities** is to offer a selection of activities/services based on the individual needs of victims that allow them to recover from their ordeal while they consider what their next move is.



## Case: Woman from Eastern Europe

In the summer of 2014, “E” was transported to Denmark against her will by her trafficker, whom she had met in her home country in Eastern Europe. Upon her arrival, she was locked up in a house in an isolated area, where through threats and coercion she was forced to prostitute herself to earn money for her trafficker, who claimed that she owed him money.

After being locked up and exploited for 3 weeks, where she was forced to have sex with up to 10 men a day, E successfully escaped and went to the police for help. E subsequently applied for asylum, and during the asylum interview the Danish Immigration Service assessed that she was a victim of human trafficking.

E was offered a reflection period, protected stay in a women’s crisis centre and a prepared repatriation as per the government’s action plan to combat human trafficking. She was also assigned a contact person from CMM.

As one of E’s prostitution clients had gotten her pregnant, she was also given the assistance in getting an abortion during the reflection period. She also received psychological counselling and support to complete a short internship. In collaboration with her contact person and IOM, she planned her prepared repatriation.

During her reflection period, E told her story to the Danish police and cooperated with them on their investigation of the case. She has agreed to testify in any future trial involving the perpetrators.

In October 2014, E travelled home via IOM and received support services under the action plan for a period of 6 months following her return. She was reunited with her son in her home country and receives support from a local governmental organisation that works with the reintegration of victims of human trafficking.

### **Activity:** Services during the reflection and recovery period

Victims of human trafficking legally residing in Denmark will continue to be offered a housing provision (or protected stay under CMM). The housing provision includes board and lodging. Victims who are not residing in Denmark legally will be offered accommodation via the asylum system or through alternative means if deemed necessary. All victims will be offered a contact person in CMM.

Individuals below the age of 18 will in addition be designated a personal representative or legal guardian who will be responsible for supporting and providing guidance to the child as well as ensuring his/her best interests. The personal representative has the authority to take the decisions that legal guardians usually can.

If the victim accepts a prepared repatriation offer, their CMM contact person will draw up an tailored action plan with and for the victim for the process leading up to the repatriation which to the greatest extent possible addresses the person's individual needs. If the victim is under 18 years of age, the plan shall be drawn up in cooperation with the child's personal representative or custodial guardian.

Depending on their individual needs, victims will also be presented with health services and social/psychological/legal counselling and advice, including the possibility of applying for asylum if the victim fears persecution in their home country. In addition, a support person can also be designated to a victim as and when needed<sup>7</sup>. If a victim wishes a prepared repatriation, the state can offer short-term education and training courses.

Through cooperation with relevant parties in the labour market (such as trade unions), it will be examined how victims of forced labour can receive advice and guidance and legal assistance in cases where they wish to recover their outstanding salary claims.

### **3.2 Prepared repatriation and re-integration**

All victims of human trafficking who wish to (or must) leave Denmark will be offered a prepared repatriation. The aim of the prepared repatriation is for the victim to be received by someone in their country of origin/residence and be given support to re-establish themselves there. The repatriation is prepared during the recovery and reflection period. Upon returning home,

the victim is eligible for a re-integration benefit for up to 6 months. The offer of voluntary prepared repatriation and re-integration is not contingent on whether the victim cooperates with police investigations or testifies against their traffickers.

**The purpose of the prepared repatriation** is to support victims' re-integration in their country of origin or the country where the victim holds residency.

**Activity:** Services offered in connection with prepared repatriation and re-integration

The repatriation of victims is a collaborative process between CMM and relevant parties, such as repatriation organisations, where the starting point of every case is the individual victim's special needs in connection with returning home. A re-integration plan is drafted. The repatriation process will also involve the Danish Immigration Service if the victim does not have legal residency in Denmark. As part of the preparation work for the re-integration, relevant aid organisations in the country of origin are involved in the process to help ensure a safe and successful re-integration upon the victim's return. This process may also entail contacting family members or other contact persons that the individual wishes to involve in their re-integration in their country of origin or former country of residence.

Once the victim has returned to their country of origin or former country of residence, it is possible (depending on need) to receive financial support for purposes such as accommodation, starting a small business, short-term education and training and providing for any children they may have.

How individuals who accept the offer of a prepared repatriation fare is documented for as long as the 6 months that the re-integration financial support lasts.





## 4 Action area 4: Traffickers are prosecuted

Human trafficking is a serious crime, and the fight against trafficking has been one of the crime areas that have been subject to systematic and nationwide police monitoring for a number of years. > 31

**The overall objective** is and has been to ensure effective police action against matters relating the criminal exploitation of others into prostitution or other forms of trafficking in human beings.

### 4.1 Investigation

Since 2006, the Danish National Police has provided the overall framework for the policing efforts, and up to 2010, these efforts were based on the National Police's strategy for increased police action against prostitution kingpins and a classified guide drawn up for that purpose.

Since 2011, the fight against human trafficking has been increasingly localised/decentralised to individu-

al police districts as a result of experiences and learning gained in prior years.

In June 2014, the Danish National Police has revised the classified guide detailing efforts in this area to support police districts' handling of cases concerning human trafficking. The guide contains a general description of the different types of human trafficking that police districts should be aware of, including in particular trafficking minors and trafficking individuals into prostitution, forced labour and criminal offences.

**The purpose of the activity** is that police also in the future investigate and uncover cases of trafficking in human beings—including in cooperation with other relevant actors in the field.

### **Activity:** Investigation and cross-sectoral cooperation

The police efforts will, with the lessons learned from their experiences to date, continue to base their approach to investigation, cooperation and protection of victims of human trafficking on the Danish National Police's strategy for increased police action against prostitution kingpins and the guidance they have drawn up in this regard. There will also be a focus on whether there are indications of cases being related to human trafficking even if this is not immediately apparent.

The Danish National Police will continue to work towards strengthening partnerships between the police and other relevant actors such as SKAT to ensure coordinated efforts against human trafficking. In addition, the National Police will look into possibilities of cooperation with other authorities to carry out profiling of potential victims of human trafficking, e.g. in connection with work permit applications.

Based on an intelligence and analysis-based approach, the police will also initiate investigations of relevant sectors and thereby shed light on the prevalence of forced labour in Denmark.

Finally, the National Police—together with other relevant actors such as CMM—will focus on developing a knowledge base on identifying minors who are potentially victims of human trafficking.



## 4.2 Prosecution

Prosecution of human traffickers is a relatively new area that has not yet developed a completely consistent practice within all forms of exploitation. In February 2015, the Director of Public Prosecution published revised guidelines relating to the handling of cases involving human trafficking in order to support the efforts of police and the Prosecution Service in such cases.

Among other things, the guidelines contain a description of the indicators of trafficking in human beings

that police and the Prosecution Service should be aware of. The guidelines also contain a description of the different legal stages of such cases, including obtaining victims' testimonies, residence permits to foreign witnesses during the trial, placing victims in crisis centres/shelters, and notifying victims of dismissal of minor charges relating to human trafficking such as forgery in connection with entry into the country.

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**The purpose of the activity** is that the Prosecution Service will continue to have a focus on the handling of cases of trafficking in human beings.

### **Activity:** Efforts by the Director of Public Prosecutions and SKAT

The guidelines relating to human trafficking published by the Director of Public Prosecutions will continuously be amended in accordance with developments in the area, particularly in connection with cases of human trafficking involving forced labour.

The Director of Public Prosecutions will also continuously update records listing convictions for human trafficking so that the prosecutors working on such cases will have knowledge of the development of legal practice and precedence in this area. These records are also available at [www.anklagemyndigheden.dk](http://www.anklagemyndigheden.dk).

SKAT, via Project Human Trafficking ("Projekt Menneskerhandel"), will also contribute to identifying traffickers. This will be done through coordinated, cross-sectoral monitoring operations directed at the prostitution environment and industries where forced labour occurs. In addition, SKAT will also in its other monitoring work scan for indications of human trafficking. Project Human Trafficking collects and examines reports from other SKAT branches with a view to targeting efforts against traffickers.

In addition, SKAT also supports police and Prosecution Service efforts in connection with pimping and human trafficking cases by providing financial calculations in specific cases.



# 5

## Action area 5: Partnership and coordination

The fight against human trafficking has been in continuous development since the first action plan against trafficked women in 2002. There are many actors involved in the action plan. The broad collaboration is a strength, but also entails large demands in terms of coordination, communication and knowledge sharing. > 35

Victims of trafficking are found in different places in prostitution environments and in different industries. This particularly includes industries that employ many un-skilled or low-paid foreign workers, as well as industries where the use of subcontractors is prevalent. There have been several reported cases of human trafficking in a number of EU countries in sectors such as agriculture and horticulture, cleaning and service, private housework, construction, retail, distribution and within various processing industries.<sup>8</sup> Victims of forced labour have also been identified in some of these sectors in Denmark.

This is why it is necessary to involve a large number of authorities and actors in combating human trafficking and to ensure that there is coordination and cooperation across sectors on a local, regional and national plan. The cooperation structure has undergone consolidation in prior action plans, which has allowed actors to clarify and delineate their roles in the fight against human trafficking.<sup>9</sup>

**The overall objective** is to develop and strengthen coordination, past initiatives and cooperation between many different players in this field.

### 5.1 Cooperation and coordination between authorities

A large number of relevant public authorities and actors are currently involved in combating human trafficking, such as the police, the Prosecution Service, the Danish Immigration Service, SKAT, the Ministry of Foreign Affairs and the Ministry for Children, Gender Equality, Integration and Social Affairs (see fact box 4). As there are so many different authorities involved in the fight against human trafficking, close coordination is required to ensure that efforts are both effective and efficient. It is also important that there is a smooth and efficient dissemination of national and international knowledge in this area between relevant authorities and actors. This will allow efforts among the different authorities and actors to be constantly refined and adapted to the needs of victims, trends in trafficking, etc.

**The purpose of coordination and cooperation** between authorities is to contribute to an effective and coordinated action against trafficking in human beings in Denmark.

### **Activity:** National, regional and local coordination

Overall coordination of the activities falling under this action plan will continue to be anchored in the inter-ministerial working group to combat trafficking in human beings. The Ministry for Children, Gender Equality, Integration and Social Affairs chairs the group. The inter-ministerial working group consists of representatives from the Danish Working Environment Authority, Ministry of Employment, CMM, the Ministry of Justice, the Ministry of Health and Prevention, SKAT, the Taxation Ministry, the Ministry of Foreign Affairs and the Danish Immigration Service.

CMM has furthermore established a nationwide reference system consisting of six regional reference groups which shall ensure consistency in the national procedure for the identification of and support for potential victims of human trafficking. The reference system is composed of relevant authorities (such as the police, Prosecution Service, Danish Immigration Service, SKAT, trade unions, social organisations, etc.). The regional reference groups refer to a national reference group. Further work will be undertaken in embedding and institutionalising the coordination effort among relevant authorities.

Together with SKAT, the police and the Danish Working Environment Authority, CMM has established an authorities group for the prevention of forced labour. CMM is also responsible for a cooperation group composed of the National Police Aliens Department (*Nationalt Udlændingecenter*), the National Investigation Centre of the National Police (*Nationalt Efterforskningscenter*), the Danish Immigration Service and the Ministry for Children, Gender Equality, Integration and Social Affairs.

CMM is also responsible for strengthening cooperation and for knowledge dissemination between NGOs and other civil society organisations operating in this field. Finally, CMM also coordinates the gathering of data on victims of human trafficking in Denmark and is part of a national and international collaboration on compiling statistics in this field. CMM will continue to strengthen the exchange of information with actors working in the field of human trafficking.

## 5.2 Civil society involvement

Danish civil society and the NGO sector have played a key role in the fight against human trafficking since the launching of the first action plan against trafficked women in 2002. Civil society possesses a valuable pool of skills and competencies in terms of contacting, outreach and identification of victims of human trafficking. Some victims harbour little trust for government authorities trying to reach out to them. Consequently, involving civil society and the NGO sector and

the skills they bring to the table is essential in relation to working with vulnerable groups. Therefore, civil society and the NGO sector will continue to be responsible for a significant portion of the social work aimed at victims of human trafficking.

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**The purpose of the effort** is to strengthen cooperation with NGOs and to establish a nationwide outreach and support programme directed towards people who are or may be victims of human trafficking.

### **Activity:** Coordination with civil society and the NGO sector

Knowledge sharing and cooperation between authorities and relevant NGOs in this area will be formalised through increased coordination and a more systematic exchange of information. This will entail activities such as regular/quarterly meetings between CMM and the Ministry of Children, Gender Equality, Integration and Social Affairs and relevant organisations where current issues are discussed and the organisations are advised on what is happening on a regulatory level.

There will also be a more systematic feedback to relevant NGOs regarding the status of the use of the prepared repatriation and other matters.

### **Activity:** Involvement of civil society in the services and support to victims of human trafficking

An application pool will be implemented to cover a portion of the financial costs associated with the outreach, identification and support work falling under this action plan. The purpose of the application pool is to involve relevant civil society actors in services available to victims of trafficking.

The application pools encompasses operation of shelters with associated activities aimed at trafficked women in prostitution as well as support services and outreach work aimed at identifying victims in general. The outreach work may be carried out through the asylum system, in prisons and in troubled neighbourhoods.

The target group for the application pool is NGOs, voluntary sector organisations, etc. with experience in interventions targeted at victims of human trafficking or similar target groups.

## Fact box 4: Overview of public actors involved in coordination and operational efforts

The **Ministry for Children, Gender Equality, Integration and Social Affairs** is at the front of the inter-ministerial working group charged with coordinating the government's efforts to combat human trafficking. The ministry has the additional responsibility of ensuring the implementation and execution of the action plan and a number of international initiatives.

**The Danish Centre against Human Trafficking (CMM)** is attached to the National Board of Social Services, which falls under the Ministry for Children, Gender Equality, Integration and Social Affairs. CMM is responsible for coordinating and developing the nationwide social work for victims of human trafficking, for coordination and cooperation between relevant authorities and for the collection and dissemination of knowledge about human trafficking. CMM contributes to the identification of victims both through outreach work and cooperation with the police and the Danish Immigration Service. CMM also assesses whether individuals with legal residency in Denmark who have been victims of human trafficking should be offered services under the action plan and is responsible for providing accommodation and support to this group. CMM is responsible for the collection and dissemination of knowledge relating to human trafficking. In addition, CMM, in its coordinating role, also has the responsibility of developing and strengthening cooperation on combating human trafficking across sectors, institutions and organisations.

**The Ministry of Justice** has the overall responsibility for the implementation of the government's action plan to combat trafficking in human beings in relation to police and prosecution efforts in this area. The Ministry of Justice is also responsible for work relating to immigration law in this area.

- **The Danish Immigration Service** assesses whether asylum seekers and foreigners without legal residence in Denmark are victims of human trafficking. The Danish Immigration Service therefore also sets the duration of the reflection period (extended departure deadline) pursuant to the Danish Aliens Act, Section 33 subsection 14, unless there are extenuating circumstances. It is also responsible for accommodation and protection of victims of trafficking who are asylum seekers or illegally residing in Denmark.
- **The Director of Public Prosecutions** represents the Prosecution Service in the overarching coordination work in this area, including the reference system established by CMM. The Director of Public Prosecutions responsibilities also include supporting the Prosecution Service's efforts in this area, specifically through training/education and dissemination of relevant knowledge relating to human trafficking cases. The Director of Public Prosecutions has, among other things, prepared an overview of verdicts in human trafficking cases that is continually updated.
- **The Danish National Police** is responsible for police efforts relating to the fight against human trafficking. Hereunder lies the National Investigation Centre of the National Police (*Nationalt Efterforskningscenter*), which is responsible for supporting and monitoring police district efforts against human trafficking while also serving as a point of contact between the police and CMM. The National Police Aliens Department (*Nationalt Udlændingecenter*) performs casework and is responsible for sending foreign nationals home in cases where they do not wish to leave voluntarily. The National Investigation Centre also serves as a point of contact between the police and CMM.
- **The local police districts** are responsible for enforcing the Penal Code provisions on trafficking in human beings, including investigating and prosecuting criminal offences. Police action concerning human trafficking is localised in the individual districts, which prioritise such actions on the basis of a specific assessment of the local conditions and types of criminal activity.

**The Ministry of Taxation and SKAT** play an important role in the identification of traffickers as well as victims. SKAT visits many different workplaces in connection with its monitoring activities. The starting point for SKAT's efforts in relation to human trafficking is therefore that its staff are aware and on the lookout for indications of human trafficking during their regular monitoring activities, thereby contributing to the identification of victims and traffickers. SKAT will also participate in coordinated, cross-sectoral monitoring operations directed at the prostitution environment and other industries where forced labour occurs. SKAT's anti-trafficking activities fall under Project Human Trafficking ("Projekt Menneskehandel"), which includes the gathering of reports from all branches of the organisation and informing the police and/or CMM if any suspected cases of human trafficking have been identified. In addition, SKAT will also provide financial data to police in investigations of specific cases of human trafficking.

**The Ministry of Health and Prevention's** role relates to the public health services that can be offered to victims of human trafficking within the legal framework of the Danish Health Act.

**The Ministry of Employment, Danish Working Environment Authority and Danish Agency for Labour Market and Recruitment** contributes to the identification of victims and traffickers in the labour market. The Danish Working Environment Authority is accordingly on the lookout for indications of human trafficking during its regular monitoring activities at Danish workplaces, and alerts the police and/or CMM if any such indications are found. The same procedure applies if the Agency for Labour Market and Recruitment uncovers any signs of human trafficking in connection with processing applications for residence permits or monitoring work in connection with companies' employment of third-country nationals—for example through helping the police review the basis for third-country nationals' right to reside and work in Denmark. The Ministry of Employment is responsible for the Danish effort against social dumping as well as the ratification process in relation to the new ILO protocol on forced labour.

**The Ministry of Foreign Affairs** is responsible for ensuring that combating human trafficking is maintained as a priority area in international organisations and discourse. The Ministry contributes to the international effort through core contributions to a number of international organisations which are active in the fight against human trafficking. Furthermore, trafficking is also combated more generally through development cooperation, which is particularly focused on poverty reduction, sustainable development, job-creation and women's rights. In addition, the Ministry also supports Danish authorities in identifying and communicating with local partner organisations/authorities in sender countries.

## Notes

- 1 Source: International Labour Organization (ILO): "ILO Global Estimate of Forced Labour – Results and methodology", 2012.
- 2 Source: CMM.
- 3 65.1 million DKK have been set aside in the rate adjustment pool for 2015. 11.1 million DKK in the rate adjustment pool for 2014 as a bridging appropriation and 3.1 million per year on an ongoing basis from the budget agreement for 2013. All amounts are expressed in 2015 values.
- 4 The working group is chaired by the Ministry of Children, Gender Equality, Integration and Social Affairs and also consists of: The Danish Working Environment Authority, the Ministry of Employment, CMM, the Ministry of Justice, the Ministry of Health and Prevention, SKAT, the Ministry of Taxation, the Ministry of Foreign Affairs and the Danish Immigration Service.
- 5 Source: International Labour Organization (ILO): "ILO Global Estimate of Forced Labour-Results and methodology", 2012.
- 6 Different international organisations have different rules for secondments. Common to all the posts, however, is that the member state funding the position usually have significant, albeit not unlimited influence both in terms of the selection of candidates and the terms offered.
- 7 A support person is only assigned in special cases, and often at the request of the contact person and in agreement with CMM. CMM covers the costs of the support person.
- 8 Antislavery, 2006; OSCE, 2009; Lisborg, 2012; Andrees, 2008; Anderson et.al., 2005; Skrivankova, 2009, ILO, 2009.
- 9 Source: COWI: "EVALUERING AF HANDELINGSPLAN TIL BÆKEMPELSE AF MENNESKEHANDEL", 2014.

