



Organization for Security and Co-operation in Europe

Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Foreword

In May 2017, I had the pleasure of paying an official country visit to Denmark and holding consultations with high-level Government officials, including with the Under Secretary of the Ministry of Foreign Affairs, Heads of the Departments of the Ministries of Children and Social Affairs, Employment, the Danish Working Environment Authority, the Ministry of Immigration and Integration, the Danish Immigration Service, the Danish Ministry of Justice, the Senior Prosecutor of the Danish Director of Prosecution, the Judge at the Hillerød District Court, Danish National Police, Danish Customs and Tax Administration, the Danish Ministry of Taxation, the Head of the Danish Centre against Human Trafficking, as well as with representatives of civil society organizations and international organizations based in Copenhagen.

The objective of the country visit was to promote the full implementation of OSCE commitments in the field of anti-trafficking and to propose action-oriented recommendations to better prevent and respond to human trafficking.

During my country visit, I appreciated the constructive discussions with government and civil society representatives and I am pleased to learn that the new Danish National Action Plan against Human Trafficking for 2019-2021 already encompasses some of the recommendations provided during the visit and in the present report, such as expanding the focus of action to cover emerging forms of human trafficking and engaging civil society in designing targeted actions.

The report on the visit was finalized and presented to the Delegation of Denmark for comments on 11 November. The Delegation submitted its final comments on 12 January 2018, which are annexed to this report in their entirety.

To further encourage relevant authorities to implement the recommendations made in this report and act in the best interest of the most vulnerable and disadvantaged members of society, I look forward to continuing our co-operation on the occasion of a follow-up to this report.

Madina Jarbussynova

A handwritten signature in blue ink, appearing to read 'M. Jarbussynova', written in a cursive style.

**Report by OSCE Special Representative and Co-ordinator for Combating
Trafficking in Human Beings, Madina Jarbussynova, following her official visit
to Denmark
15-17 May 2017¹**

1. This Report presents the main findings of the official country visit to Denmark of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova (hereinafter referred to as the Special Representative), which took place from 15 to 17 May 2017.²
2. The purpose of the visit was to hold consultations with government officials and experts from state institutions and civil society on human trafficking issues. More specifically, the objectives of the visit were to discuss ways to support and advance ongoing efforts to prevent trafficking, assist trafficked persons and protect their rights, as well as bring perpetrators to justice in line with OSCE commitments and relevant international standards.
3. In the course of the visit, the Special Representative engaged in direct consultations with high-level government officials, including the Under Secretary of the Ministry of Foreign Affairs, Mette Kaae Hansen, the Head of the Danish Centre against Human Trafficking, Camilla Bugge, the Head of the Department of the Ministry of Children and Social Affairs, Anita Hørby, the Head of the Department of the Ministry of Employment, Vibe Westh, the Head of the Department of the Danish Working Environmental Authority, Katrine Wied Christensen, Judge at the Hillerød District Court, Association of Danish Judges, Susanne Skotte Wied, the Head of the Division of the Ministry of Immigration and Integration, Moya-Louise Lindsay-Poulsen, the Head of the Division of the Danish Immigration Service, Susanne Meyersahm, the Head of Section of the Danish Ministry of Justice, Sofie Marner, the Senior Prosecutor of the Danish Director of Prosecution, Jette Malberg, Senior Advisor of the Danish National Police, Grethe Albert Troelsen, Chief Prosecutor of the Copenhagen Police, Dorit Borggaard, the Head of the Unit of the Danish Customs and Tax Administration (SKAT), Hanne Nielsen and the Head of Section of the Danish Ministry of Taxation, Sarah Friis Maarupgaard.

Furthermore, the Special Representative held consultations with the anti-trafficking NGOs Hope Now, Pro West, Nest/Reden International and The Street Lawyers (Gadejuristen). The Special Representative also met with international partners based in Denmark, International Organization for Migration (IOM), the United Nation's Children Fund and the Nordic Council of Ministers.

4. The Special Representative wishes to thank the Danish authorities, and in particular, the Permanent Delegation of Denmark to the OSCE for their kind assistance in organizing and facilitating the visit. She also wishes to thank all interlocutors for their willingness to share their knowledge and insights, including national authorities, civil society and international organizations in Denmark.

¹ The Report was finalized on 11 November 2017

² The Special Representative was accompanied by the OSR CTHB Advisor Georgina Vaz Cabral and the OSR/CTHB Associate Officer, Tarana Baghirova.

5. Consultations during the visit were focused on the situation of trafficking in human beings (THB) in the country and the ongoing policy, legislative and practical responses to it. More specifically, discussions were focused on identification and assistance provided to victims of all forms of trafficking, in particular the victims of labour exploitation, child trafficking, the protection of victims' rights, especially among vulnerable migrants, efforts in the area of prevention, co-operation with NGOs, as well as prosecution and convictions of traffickers.
6. Over the course of the visit, the Special Representative noted with appreciation that Government officials and civil society representatives demonstrated significant awareness of human trafficking as a serious violation of fundamental rights, knowledge of new trends in human trafficking in the country and a readiness to tackle new threats.
7. The Special Representative stressed the importance of maintaining the prevention of the fight against THB as one of the main priorities on the Government's agenda. She notes that a decline in political attention to the problem could jeopardize the important results achieved.

International and national legal framework

8. The Special Representative commends Denmark for having become a party to major international instruments providing high standards in the fight against trafficking in human beings, such as the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children ratified in 2003 and the Council of Europe Convention on Action against Trafficking in Human Beings ratified on 1 February 2008.

The country also ratified a number of Conventions addressing slavery and forced labour such as the ILO Forced Labour Convention No.29, ratified in 1932, the ILO Convention on the Abolition of Forced Labour No.105, ratified in 1958, the ILO Convention on Worst Forms of Child Labour No.182, ratified in 2000, and the UN Convention on the Elimination of All Forms of Discrimination against Women, ratified in 1983.

The Special Representative welcomes the Danish ratification of the Protocol of 2014 to the Forced Labour Convention of 1930 on 14 June 2017, which saw Denmark become the seventeenth country to ratify the instrument in a move which, according to the ILO, gives new impetus to action against all forms of forced labour.

Denmark ratified the UN Convention on the Rights of the Child in 1991. The Optional Protocol on the involvement of children in armed conflict and on the Sale of Children, Child Prostitution and Child Pornography, were ratified in 2002 and in 2003, respectively.

9. The Special Representative was pleased to learn of the preparatory work in Denmark towards ratification of the ILO Convention 189 concerning Decent Work for

Domestic Workers,³ which entered into force on 5 September 2013 and serves as a powerful instrument for the prevention of THB for labour exploitation, especially for domestic servitude.⁴ It is the belief of the Special Representative that ratification of this Convention will guide Denmark in preventing and addressing potential cases of exploitation in domestic work.

10. The Special Representative recommends that Danish authorities sign and ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, which entered into force in 2003. The ratification of this Convention is of particular importance, taking into account the increasing number of migrants arriving in Denmark.
11. The Special Representative notes with regret that Denmark is the only Member State of the European Union (EU) not bound by the new Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.⁵ Similarly, Denmark is not bound by the EU Directive 2004/81/EC of 29 April 2004 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, and who co-operate with the competent authorities, as well as the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA.
12. Nevertheless, Denmark is bound by EU Directive 2004/80/EC relating to compensation to crime victims, as well as by Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings.
13. Likewise, as a participating State to the OSCE, Denmark has pledged to implement the commitments it has undertaken in the OSCE framework, in particular the 2003 Action Plan to Combat Trafficking in Human Beings, as well as its 2005⁶ and 2013⁷ Addendums.
14. In a national context, human trafficking was introduced to the Danish Criminal Code by the addition of Art. 262(a) in 2002, envisaging ten years of prison sentence for the crime, before being further amended in 2012 to align Danish legislation with EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. The Special Representative welcomes the inclusion of trafficking for committal of criminal acts as a form of exploitation in the definition of the crime. In addition, the Code criminalizes the illegal compulsion of a person into various actions, including forced marriage (Art. 260) and deprivation of liberty of a person (Art. 261). Falsification of identify documents is criminalized by Art 172. Art.

³ Information provided during the meeting with the Ministry of Employment and Danish Working Environment Authority held on 16 May 2017

⁴ OSCE, Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude, Occasional Paper Series No. 4, 2010. Available at <http://www.osce.org/cthb/75804>

⁵ On 3 December 2015 a referendum was held in Denmark on whether to “opt in” as regards EU legislation in the areas of justice and home affairs. Since the referendum produced a no-vote Denmark will not at this point formally join and transpose EU Directive 2011/36/EU.

⁶ OSCE Permanent Council Decision No. 685 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special needs of Child Victim of Trafficking for Protection and Assistance](#), PC.DEC/685

⁷ No.1107 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later](#), PC.DEC/1107/Corr.11

81 of the Criminal Code lists aggravating circumstances in the determination of the sentence which includes repeated committal of a crime, committal of the crime by an organized group, aiding the crime committed by a child under the age of 15, abuse of the position of vulnerability and committal of crime by abusing an official position. In this regard, the Special Representative shares the concern of international partners related to the omission from this list of the offence committed against a person under 18 years of age as an aggravated circumstance and recommends that authorities amend the legislation to ensure inclusion of the special provision criminalizing child trafficking.

The Special Representative notes the absence of a provision criminalizing illegal retention and falsification of identify documents in the Danish Criminal Code and recommends that authorities take appropriate measures to ensure the criminalization of these act, which are often used by traffickers as a means of control over victims' volition.

Other relevant articles include organization of prostitution i(Art. 228) and soliciting of prostitution (Art. 228), envisaging three to four years of imprisonment.

15. The Danish Aliens Consolidation Act of 2011 provides for the possibility of obtaining a residence permit outside the asylum procedure (Art. 9) and “delayed departure of foreign victims” of trafficking legally residing in the country (Art. 33(14) (15)). The latter Article was amended in 2013,⁸ thereby extending the duration of the delayed departure from 100 to 120 days. An amendment was also made to the Code adding a new section 9c(5) providing for a temporary residency permit for trafficking victims for the duration of the investigation or criminal proceedings if required by law enforcement. There is, however, no data available on the number of victims provided with this temporary residency permit.
16. While positively assessing the overall legal framework to prevent and combat human trafficking in Denmark, the Special Representative notes that the legal framework as it now stands does not provide a comprehensive and adequate victim centred approach to combating human trafficking and recommends that Danish authorities develop a dedicated anti-trafficking law which would address all issues related to identification, assistance and protection of trafficked persons and prevention and prosecution of trafficking in human beings in the country.
17. At policy level, since 2002, Denmark has adopted four National Action Plans (NAP) each covering a three year implementation period. The current (fourth) NAP was approved on 19 May 2015, covers the period from 2015-2018, and focuses on prevention, proactive identification and support to victims, prosecution and partnership. Similar to previous plans, trafficking for sexual exploitation is the prime focus of the current plan, which is expected to be implemented with 88 million DKK (11.8 million EUR) in funding, in addition to the international development assistance programmes available for Denmark.
18. The Special Representative notes that the second and third NAPs were evaluated by the international firms COWI and Ramboll, respectively, which identified challenges

⁸ Act 432 of 1 May 2013

in the identification of victims exploited in prostitution and foreign migrants exploited in labour.⁹ While positively noting the CMM initiative to conduct external evaluations of the NAPs, the Special Representative shares the concern of civil society organizations and international partners that NGOs were precluded from the evaluation process; nor were they involved in the elaboration of the current NAP. The Special Representative believes that this significantly disregards the potential and able assessment which civil society organizations can make in regard to efforts undertaken to combat and prevent human trafficking in the country.

19. With regard to the institutional anti-trafficking framework in Denmark, the Special Representative notes the establishment, in 2002, of the Inter-Ministerial Working Group on Human Trafficking (hereinafter referred to as Working Group) under the Ministry of Children, Education and Gender Equality and Chaired by the Department for Gender Equality. The Department was transferred to various ministries, and currently operates under the Ministry of Foreign Affairs. The Working Group comprises the members of the Ministries of Justice, Health, Taxation, Employment, Foreign Affairs, the Danish Centre against Human Trafficking (CMM), Danish Immigration Service (DIS), the Danish Customs and Tax Administration (SKAT) and the Danish Working Environment Authority (DWEA) and is mandated with inter-agency coordination of government's anti-trafficking action through conducting quarterly and *ad hoc* meetings. The Special Representative positively notes that trade unions are included in the Working Group, however, regrets that NGOs are not part of this Working Group.
20. The Special Representatives notes the establishment of the Danish Centre against Human Trafficking (CMM) in 2007 with the aim to co-ordinate anti-trafficking action between government and civil society agencies and facilitate their co-operation. The Special Representative highlights the important role of the CMM in providing victim assistance and protection, as well as integration and post repatriation integration. It also collects, analyses and disseminates data on human trafficking and conducts monitoring and evaluation of anti-trafficking action in the country and publishes annual reports. The CMM operates under the National Board of Social Services.
21. The Special Representative further notes the national referral group and six regional referral groups which were established by the Danish Centre against Human Trafficking to create a platform for co-operation between the government and civil society organizations. While the group is set to meet four times a year, the Special Representative regrets to learn that the group met only recently in 2017 after a two-year interruption since last meeting in December 2015. To this end, the Special Representative recommends the Danish Centre against Human Trafficking to facilitate regular meeting of the groups to ensure consistency of data exchange and co-ordination in victim referral and assistance.
22. The Special Representative positively notes the establishment by CMM of an expert group on the prevention of forced labour in 2012, which includes CMM, SKAT, DWEA, DIS and the Danish National Police. The purpose of the Group is to exchange knowledge on human trafficking for forced labour in sectors prone to

⁹ Amendment to the Action Plan to Combat Trafficking in Human Beings, 2015-2018 – strengthened outreach, Department of the Ministry for Children, Education and Gender Equality, November 13, 2015

exploitation and to establish procedures for victim identification and referral. This initiative has reportedly resulted in increased identification of victims subjected to forced labour in the country.

23. Furthermore, she notes that in Denmark, the CMM shares the role of the national rapporteur with Danish police, the latter which is responsible for collecting statistics on investigated cases, while the CMM maintains statistics on identified victims. The Special Representative notes that there is no data available on the number of victims assisted or who may have benefitted from social services. To this end, the Special Representative recommends that Danish authorities establish a unified database system with due regard to the confidentiality of data, and where it is possible to disaggregate statistics by age, sex, forms of exploitation and other relevant factors and criteria which may be appropriate and compatible. Data collection and the elaboration on and reporting thereof are critical for the development and review of anti-trafficking policies and measures.
24. The Special Representative also underlines the significant role of a National Rapporteur or equivalent national monitoring and reporting mechanisms as a means of obtaining the most realistic and evidence-based data on THB at the national level, to assess the scope of trafficking, the effectiveness of the anti-trafficking measures taken by the State, and, drawing from this data collection and analysis, to produce recommendations for the government and the parliament¹⁰. She encourages the Danish authorities to establish an independent National Rapporteur to ensure the independent monitoring and evaluation of anti-trafficking activities in the country and to improve research and the system of data collection and analysis, in order to develop effective and well-targeted policies on trafficking in human beings.¹¹

Identification, referral and assistance for victims of trafficking

25. In Denmark, anti-trafficking efforts mainly focus on trafficking for sexual exploitation. In the majority of these cases, the victims are women and girls from Nigeria, Southeast Asia and Eastern Europe who are forced to engage in prostitution on the streets and in brothels. Victims of sexual exploitation comprise 82 per cent of identified trafficked persons in Denmark. The CMM statistics provided during the visit indicate the identification of 507 victims of sexual exploitation for the period from 2007-2016. Nigerian women, who constitute 49 per cent of identified victims, are psychologically and spiritually coerced through voodoo oaths which make it difficult for them to self-identify and denounce their exploitation. According to the NAP, reviews from the National Board of Social Services indicate that in recent years there has been an increase in more subtle forms of prostitution, such as escort and private/discreet services, which are advertised on the internet through online ads and chatrooms.
26. The Special Representative notes that trafficking for labour exploitation has been increasingly involving citizens of EU countries, such as Romania, Italy and Spain. The share of forced labour victim identification amounts to 6 per cent, with these

¹⁰ OSCE [Action Plan for Combating Trafficking in Human Beings](#), Chapter IV, para 1, p17

¹¹ OSCE, [Ministerial Council Decision No. 14/06 “Enhancing Efforts to Combat Trafficking in Human Beings, including for Labour Exploitation, through a Comprehensive and Proactive Approach”](#), MC.DEC/14/06, 5 December 2006

victims exploited in the agricultural and cleaning sectors and in private households. According to CMM, from 2007 to 2016, the Danish authorities identified 39 victims of trafficking for the purpose of labour exploitation. In this regard, the Special Representative commends the number of surveys conducted by the CMM to study the working and living conditions of foreign workers in sectors prone to exploitation.¹² The CMM's first report "Au pair and trafficked – recruitment, residence in Denmark and dreams for the future" was published in 2010 and the reports focusing on exploitation in agriculture and the cleaning sectors were published in 2011, thereby providing evidence based data to measure the extent of labour exploitation in the aforementioned sectors.

According to the survey findings, the number of foreign workers has significantly increased in recent years. 30-50 per cent, or around one out of every three of paid workers in the agriculture and nurseries sectors were foreigners (both officially and unofficially employed). The vast majority of these workers come from Eastern European countries such as Poland, Estonia, Latvia, Lithuania, Ukraine, Romania, Bulgaria, Hungary and the Czech Republic.¹³

27. Trafficking for criminal activities is an increasing trend of exploitation in Denmark, comprising 11 per cent of all detected cases of human trafficking. The Special Representative recalls the case titled "Operation Hvepsebo" (Operation Hornet's Nest) which involved 300 Romanian citizens who were forced to claim social benefits, as well as other crimes. This case was presented by the CMM and the Danish National Police at the "[16th Alliance against Trafficking in Persons Conference: Combating Trafficking in Human Beings for the Purpose of Forced Criminality](#)", held in Vienna on 11-12 April 2016 and served as a good example for OSCE participating States in demonstrating effective multi-agency co-ordination and co-operation in detecting and investigating a human trafficking case. Furthermore, the Special Representative also learned of the recent detection by Copenhagen police of an alleged case of trafficking for drug dealing which is reportedly a new emerging form of exploitation in the country. The Special Representative recommends Danish authorities continue their efforts in identifying these emerging forms of human trafficking.

28. The Special Representative believes that child trafficking for various forms of exploitation, including for forced and organized begging, deserves particularly close attention. Child trafficking has been a priority focus of the Office of the Special Representative, having been the topic of the [17th Alliance against Trafficking in Persons](#) Conference held on 3-4 April 2017. In this respect, the Special Representative draws attention to the low number of identified child victims of trafficking in Denmark compared to other Nordic countries. According to UNICEF, only four child victims of trafficking were identified in Denmark between 2006-2010. Norway, on the other hand, which uses a broader definition of "potential victim", found 217 potential cases of child trafficking in the shorter period of 2007-2009.¹⁴ Although the statistics provided by the CMM do not provide a separate dataset on child victims of human trafficking, available data indicate that children are

¹² Human Trafficking for Forced Labour in Denmark? Danish Centre against Human Trafficking, The Danish National Board of Social Services, 2013

¹³ Ibid

¹⁴ Child trafficking in Nordic countries – Rethinking strategies and national responses, UNICEF 2011

trafficked to Denmark for the purpose of commercial sexual exploitation and involvement in minor criminal activities, such as pickpocketing and theft. The Special Representative notes that child trafficking was first addressed in the appendix made to the 2005-2007 Danish Action plan to combat trafficking in human beings, which was then incorporated in follow-up plans. Nevertheless, to date, there is no procedures and referral mechanism for identification and assistance to trafficked children. To mitigate any potential that the CMM and DIS are not adequately equipped to deal with child victims of trafficking, the Special Representative encourages the Danish authorities to develop a simple and clear procedure for the identification of child victims, including those in the asylum procedure. In this respect, she looks forward to receiving further information regarding the implementation of the project planned by CMM in co-operation with the Danish Red Cross to identify trafficked minors in the asylum system.

29. The Special Representative further notes that Art. 197 of the Criminal Code criminalizes begging, prescribing a prison term not exceeding six months and issuing a warning valid for five years. In this regard, she shares the concerns of civil society organizations and international partners met during the visit that potential cases of trafficking for forced begging are overlooked and are thus not addressed in Denmark. This not only leaves an emerging form of human trafficking unaddressed, but also results in criminalization of potential victims of forced begging. In this regard, she strongly recommends the Danish authorities to enhance its efforts to identify victims of forced begging.
30. Trafficking for domestic servitude manifests in the exploitation of *au pairs* which is reportedly a persistent form of exploitation in Nordic countries, primarily affecting women from the Philippines. According to a report published by the Danish Board of Social Services, the vast majority of *au pairs* come from the Philippines (73 per cent), followed by small groups from Ukraine, Russia, Brazil, Sri Lanka, Kenya and Thailand.¹⁵ The report further indicates that the number of work permits granted to *au pairs* has more than doubled, and it is estimated that around 4,400 foreigners were already working in 2012 as *au pairs* in Denmark. While there is no data available on this form of exploitation, according to the DWEA representatives met during the visit, EU citizens working as *au pairs* are particularly vulnerable as they do not require a residence or work permit. The ensuring difficulty to monitor them and access private households challenges the detection of this form of exploitation. Reportedly, these challenges led to a political decision to increase wages of *au pairs* in 2015. To this end, Special Representative recommends Danish authorities enhance the focus on trafficking of *au pairs* for the purpose of domestic work by regulating and monitoring the recruitment mechanisms of *au pairs* and their working conditions to prevent abuses and exploitation so that *au pair* programmes cannot be used to facilitate trafficking in human beings.¹⁶
31. The Special Representative is concerned to learn about trafficking for sham marriages in Denmark. According to civil society organizations, there are growing

¹⁵ Human Trafficking for Forced Labour in Denmark? – A summary report by Andres Lisborg. The National Board of Social Services, 2012

¹⁶ OSCE, *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, Occasional Paper Series No. 4, 2010 <<http://www.osce.org/cthb/75804>>

concerns that Denmark is being used as a transit route to traffic women for sham marriages, a practice also reportedly reflected in government statistics. There is no residence condition for marriage with an EU citizen. As stated in Para. 14, forced marriage is criminalized by the Criminal Code Art. 260(2) but is not considered as a form of exploitation in anti-trafficking Art. 262(a). The Special Representative was informed about an ongoing investigation into registration of marriages in four communities in Denmark which, according to initial analysis, demonstrates that in many cases Danish citizens are involved in the marriages. The Special Representative encourages Danish authorities to increase their attention on this emerging phenomenon, including through applying human trafficking definition, where applicable.

32. As regards the identification procedure, two agencies are responsible for granting the status of “victim” to trafficked persons in Denmark. While CMM is a prime agency in the identification of persons legally residing in the country, the Danish Immigration Service (DIS) is responsible for the identification of persons illegally present in the country, as well as foreigners with a residence permit who have committed an offence in Denmark and those seeking asylum. The victims are mainly identified through police raids and referred to CMM within 24 hours for initial screening, before the case is sent to DIS for final assessment in the case of irregular migrants. In cases when a victim is sentenced with a criminal offence, the court can also grant the status to the person.

The Special Representative notes the concern of international and civil society organizations regarding identification procedure conducted by the DIS which can lead to 72 hours detention of a person irregularly present in the country for interviewing. This time can also be prolonged if required by the police upon court decision. In this regard, the Special Representative shares the recommendations of the GRETA reports on Denmark and the 2015 concluding observation of the United Nations Committee on Elimination of Discrimination against Women (CEDAW) to improve the practice of subjecting potential victims of trafficking, especially those who lack regular migration status, to confinement by law enforcement authorities for up to 72 hours while identification process are carried out.¹⁷

33. Another channel of identification is the hotline established in 2002 to improve the outreach and reporting of human trafficking. Since then, this has been used mostly by frontline actors, such as police, medical personnel and service providers who are likely to come in contact with a trafficked person. While positively noting the overall purpose of the hotline and its use by professionals to report on potential cases, the Special Representative shares the concern of civil society organizations met during the visit that the hotline is only operational until 16:00 disabling any outreach and counselling to persons who may need urgent assistance after the defined working hours. In this regard, the Special Representative encourages the Danish authorities to establish a 24/7 hotline in the languages of victims who comprise the largest numbers of identified victims such as Nigerians, Romanians and Thais, to ensure that any potential cases receive effective and timely assistance.

¹⁷ CEDAW Concluding Observations on Denmark, 2015, p5

34. In terms of the overall identification rate, the Special Representative is pleased to observe a gradual increase in the number of identified victims in Denmark. According to statistics provided by the CMM, Danish authorities identified 17 victims in 2007, 28 in 2008, 47 in 2009, 53 in 2010, 60 in 2011, 66 in 2012, 76 in 2013, 71 in 2014, 93 in 2015 and 121 in 2016. From 2012 to 2016, the DIS identified 347 victims of human trafficking among irregular migrants, among whom 317 were women, while 30 were male victims. The Special Representative reiterates that identification and assistance to victims of trafficking remains among the main challenges in the OSCE region and strongly recommends that Danish authorities strengthen efforts ensuring the early and proactive identification of victims of trafficking for labour exploitation and other forms of human trafficking, including among irregular migrants and asylum seekers.
35. As regards assistance and protection to trafficked persons, CMM is the key agency that co-ordinates victim assistance and protection measures through its staff and facilities, which comprises a co-ordinator, four programme officers/experts, eight social workers, two midwives and a part time lawyer. The Centre also runs two health clinics (one in relation to the drop-in centre in Copenhagen together with the Nest/Reden International and one in Aarhus) and a mobile health service covering the middle and northern part of Jutland and the south and west part of Zealand. According to authorities, all victims of trafficking are offered individually tailored and co-ordinated support regulated by the Aliens Act and National Action Plan to Combat Trafficking in Human Beings. The array of assistance is not dependent on the victim's co-operation with the investigation and includes special accommodation arrangements, extended access to medical services, access to free legal counselling, psychological support, a contact person from the CMM and preparation of return and reintegration ties in the country of origin.
36. Nevertheless, the Special Representative notes with regret that in Denmark, the reflection period as provided by the Aliens (Consolidation) Act Art. 33(14) does not serve its core purpose of providing a period for a trafficked person's recovery from a trauma endured and give a decision whether or not to cooperate with law enforcement, but rather is used to prepare the person to return regardless of the person's decision to co-operate with the investigation. Those wishing to return voluntarily are offered an assisted voluntary return (AVR) operated by the IOM. AVR is an individually prepared offer which runs over a six-month period after arrival at destination. It consists of counselling and preparation regarding the return process and reintegration process, support regarding return, arrival assistance and onward transportation, a reintegration plan and follow-up and monitoring. According to DIS, few victims accept the voluntary return programme and many disappear during the preparation stage. From 2012 to 2016, 55 victims accepted the AVR, yet only 33 completed it. To this end, while commending the follow-up visits conducted by the CMM to the country of return to check on the welfare of the person, the Special Representative takes a view that a proper risk assessment should be conducted prior to returning the person to ensure that the person is not re-victimized and does not face retaliation from traffickers.
37. The Special Representative regrets to learn that persons subjected to trafficking and returned under Dublin II regulations are deprived of the reflection period and thus all assistance and support. She therefore, strongly recommends that Danish authorities

take serious measures to ensure that all potential and actual victims of trafficking are provided with the reflection period and assistance.

38. Shelters for female victims of trafficking have been provided through three non-governmental organizations (NGOs): NGO Reden/The Nest International, the Red Cross and by LOKK, the national organisation of women's shelters. In addition, there are also drop-in centres across the country which provide medical care to vulnerable women and can help in the identification of victims. Female victims identified by the DIS as illegally residing in the country are placed in asylum centres and private accommodation while accommodation for children illegally residing in the country is arranged by the Danish Red Cross and municipality of Copenhagen. The Special Representative regrets to learn that the shelter operated by the Red Cross has been dysfunctional and is on the verge of closure, an issue which may result in overcrowding of Nest International and other shelters, or increase the risk that trafficked persons are placed in non-specialized accommodation. Furthermore, Denmark lacks a specialized shelter for male and child victims of trafficking, something reportedly also due to the fact that the Danish referral and assistance mechanism is tailored to serve female victims. In this regard, she strongly encourages the Danish authorities to establish safe accommodation for male and child victims and allocate sustainable financial and human resources for this.
39. According to Section 56(a) 1 of the Aliens (Consolidation) Act, all unaccompanied minors are considered a particularly vulnerable group and are appointed with legal guardian. The children are placed in special accommodation under the specialized personnel managed by the DIS.
40. Victims' access to justice and remedies, including compensation, has been a priority for the Special Representative both as a preventative and protective measure, as it empowers victims and deters exploitation. She also recognizes that a precondition for access to justice is the provision of free and qualified legal assistance. The Special Representative emphasizes that ensuring free and specialized legal counselling and representation, as well as making compensation a reality for every trafficked and exploited person, is a critical aspect of an empowerment strategy that enables trafficked persons to move forward with their lives and prevents re-trafficking. In this respect, the Special Representative takes note that the Danish legislation provides for legal aid to victims during criminal proceedings. Although CMM does not have an in-staff lawyer, it has a temporary Italian lawyer who provides legal aid to victims who have Italian residency and who accept assisted voluntary return. The Special Representative notes the concern of civil society organizations met during the visit who take a view that legal aid is provided at a later stage of the victim support programme and has proved ineffectual in many cases. In this regard, the Special Representative calls on the Danish authorities to enhance concrete measures to foster victims' early access to free legal aid.
41. Regarding compensation and legal redress, the Special Representative notes the availability of a legislative framework in Denmark for victims to claim compensation through criminal proceedings or a civil claim. However, the Special Representative was not provided with information on the number of claims, nor on the number of victims who received compensation. In this regard, the Special Representative notes that guaranteeing effective access to compensation, either from the offender or

through State funds, as well as through granting the victims a residency permit for the duration of the criminal proceedings, was an overarching recommendation of the GRETA's first and second reports, something which was also echoed by civil society organizations during the Special Representative's visit. If implemented, this recommendation would be in accordance with the obligations of Denmark with respect to remedies under the Palermo Protocol and Council of Europe Convention.

Investigation and prosecution of human trafficking

42. The investigation process is conducted by the National Centre for Investigation of the Danish National Police. The Danish National Police is divided into twelve police districts, with each having a key person specialized on human trafficking. The Special Representative notes the publishing in 2014 of an internal guide for police to fight human trafficking. Police use a number of proactive investigation techniques, including wiretapping and surveillance without victim testimonies so as to prove the credibility of testimonies. According to police, a language barrier is the main impediment in almost all cases, especially when the case involves a victim from Nigeria who uses different existing dialects inside the community. To analyse and interpret wiretapping data, so far Germany has been the only country to share its interpreters with Denmark to assist the investigation. In this regard, the Special Representative strongly recommends Danish police to enhance their efforts to make the best use of Joint Investigation Teams (JITs) with countries from which the majority of victims originate, i.e. Nigeria.
43. With regard to investigation and prosecution of human trafficking and related crimes, the Special Representative notes that from 2004 to 2014, Danish authorities filed 76 reports, 161 charges and prosecuted 113 persons, resulting in conviction of 47 traffickers.¹⁸ While the Special Representative observed an increasing awareness of trafficking for the purpose of labour exploitation during the meeting with the authorities, to date there were only two cases of labour exploitation which were reportedly effectively prosecuted. The Special Representative further notes that penalties imposed on convicted persons from 2010 to 2014 range from one to three years, which she believes to be disproportionate compared to the gravity of the crime. To this end, the Special Representative recommends the Danish authorities to enhance their efforts to effectively prosecute and convict perpetrators of human trafficking.
44. In the context of judicial proceedings, Art. 29(1) of the Administration of Justice Act provides for closed hearings at the request of the victim. The Act¹⁹ was amended in 2016 to allow persons less than 18 years of age to be video interviewed. As a special protective measure, a trafficker can be removed from the room and a remote interviewing testimony can be made. The Public Prosecution Service must inform the court should witness protection be required.
45. Regarding financial investigation and the confiscation of proceeds of trafficking, the Special Representative is pleased to note Denmark's practice of tracking and confiscating proceeds of crime. Pursuant to the Criminal Code, both the proceeds of crime and objects used or produced by a criminal act can be confiscated. The Special

¹⁸ Statistics provided by the CMM on 15 May 2017

¹⁹ Administration of Justice Act was amended on 11 February 2016 and entered into force on 1 April 2016.

Representative commends the Director of Public Prosecutions of Denmark for developing, in 2015, a comprehensive set of guidelines for police officers and prosecutors on the handling of cases of human trafficking which also included specific measures to confiscate offenders' assets. In this regard the Special Representative recommends that Danish authorities use the confiscated assets to compensate victims.

46. The Special Representative notes that Danish legislation does not contain a specific non-punishment clause which is fundamental for exempting victims of trafficking from civil, administrative or criminal liability for offences committed under coercion or intimidation. As a follow-up to the GRETA's first round evaluations, in 2012, the Director of Public Prosecutions issued binding guidelines to members of the prosecution service on handling cases of victims of human trafficking who had committed a criminal offence. In February 2015, these guidelines were incorporated into the Guidelines on the Handling of cases of human trafficking. Criminal Code Art. 82(6)²⁰ on mitigating circumstances and Art. 83²¹ on reduced sentences provide for a reduced penalty for trafficked person prosecuted for serious crimes. According to a judge met during the visit, application of the non-punishment principle as defined by the Guidelines is the responsibility of prosecutors. To this end, the Special Representative strongly recommends that the Danish authorities apply the principle included in the Guidelines and consider amending existing legislation to include explicit reference to application of non-punishment of trafficked persons for crimes committed as a direct result of trafficking.

Prevention of human trafficking

47. The Special Representative positively notes the sustained and continued efforts of Danish authorities to prevent trafficking in human beings, in particular for sexual exploitation. While public awareness activities have mostly targeted prevention of trafficking for sexual exploitation, according to the Danish Working Environment Authority, cleaning, construction and various service sectors (restaurants, newspaper distribution, and manicure saloons) are at high risk of human trafficking and forced labour. In this regard, the Special Representative commends the development by the CMM of a Guide to Companies and Employers on Managing the Risk of Hidden Forced labour which also provides a seven-step guide on actions to be taken, checklists and indicators to identify human trafficking and forced labour in work places.
48. Furthermore, she positively notes the important role of the Danish Working Environment Authority (DWEA), which is mandated to conduct inspections of workplaces, regarding both employees and the working environment. According to the Danish Working Environment Authority, since 2013, country wide inspections are held annually, with the efforts of the tax authority (SKAT), police and the DWEA joined at regional and national levels. Although the labour regulation does not contain provisions on human trafficking, the DWEA uses the CMM developed list of indicators to identify human trafficking and/or forced labour during inspections.

²⁰ That the offence results from use of force, deceit or from taking advantage of the offender's young age or considerable financial or personal troubles, lack of knowledge, irresponsibility or an existing state of dependence;

²¹ The penalty may be reduced within the prescribed statutory range when information about the offence, the offender or other circumstances conclusively supports it. In particular mitigating circumstances, the penalty may be remitted.

Inspections are conducted according to a pre-developed plan as well as randomly based on information provided by social partners, information received through a hotline, as well as in case of suspicious activity. While all foreign enterprises delivering services in Denmark must notify the RUT (Register for Udenlandske Tjenesteydelser), the Foreign Service Register, on the plan to contract a foreigner labourer, Denmark faces challenges with tracing and checking all foreign companies, as in many cases these company employees are not members of trade unions nor are they bound by collective agreements. In this regard, the Special Representative notes that from 2010 to 2017 DWEA inspected 34,399 workplaces and identified 7263 violations of Working Environment Act. However, there is no data available on forced labour. To this end, the Special Representative strongly recommends Danish authorities to take preventive measures, aimed at eradicating deceptive and exploitative practices regarding the recruitment of migrant workers in sectors which are prone to exploitation and wishes to reiterate the crucial role of labour inspectors in providing regular inspection of work places as well as the benefits of joint operations and investigations with other relevant agencies.

49. In conclusion, while positively noting the commitment and numerous steps taken in the prevention and countering of trafficking by the Danish Government, the Special Representative encourages the authorities to continue their efforts and invites them to consider the following recommendations to enhance the implementation of OSCE anti-trafficking commitments, in particular the OSCE Action Plan to Combat Trafficking in Human Beings and its Addendums²². The Special Representative and her Office stand ready to provide technical assistance, if requested, by national and local authorities, as well as civil society, and welcomes further dialogue and co-operation to promote an appropriate follow-up of these recommendations.

Recommendations

1. Enhance legal, policy and institutional framework by:

- Ratifying ILO Convention 189 concerning Decent Work for Domestic Workers.
- Ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families of 2003.
- Amending the Criminal Code to include child trafficking as aggravated circumstances.
- Developing a dedicated anti-trafficking law which would address all issues related to identification, assistance, protection of trafficking persons and prevention and prosecution of trafficking in human beings in the country.
- Developing the next National Action Plan (NAP) in close co-operation with civil society, based on solid empirical evidence of the features of THB in Denmark and of the

²² OSCE Permanent Council, Decision No. 557/Rev.1 *OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005); OSCE Permanent Council, Decision No. 1107 *Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later* (Vienna, 6 December 2013).

impact of measures previously taken, as well as on an analysis of the specific challenges that must be met in order to enhance the effectiveness of the country's response.

- Consider establishing an independent National Rapporteur to ensure the independent monitoring and evaluation of counter-trafficking activities in the country.

- Establishing a unified database with due regard to the confidentiality of data, and where possible, to disaggregate statistics by sex, age, forms of exploitation and other relevant factors as appropriate. In addition, this database should include compatible criteria for data collection, elaboration and reporting, which are critical for the development and review of anti-trafficking policies.

- Facilitate regular meetings of the national and regional referral groups to ensure consistency of data exchange and co-ordination in victim referral and assistance.

2. Enhance victim identification, assistance and protection by:

- Enhancing concrete measures to identify and assist victims of labour exploitation including among irregular migrants, asylum seekers and persons returned under Dublin II regulations.

- Placing increased attention on child trafficking for various exploitative purposes with a view to developing targeted responses and providing equal relief measures as available for female victims of trafficking. Strengthening the current system of child protection and the overall childcare strategy and tackling any type of exploitation of children; prioritizing care and protective measures for children in reception and temporary protection centres.

- Developing formal identification and referral procedure for child victims of trafficking together with civil society.

- Enhancing the focus on emerging forms of human trafficking, i.e. trafficking for forced criminality and forced begging.

- Enhancing the focus on trafficking of *au pairs* for the purpose of domestic work by regulating and monitoring the recruitment mechanisms of au pairs and their working conditions to prevent abuses and exploitation so that au pair programmes cannot be used to facilitate trafficking in human beings..²³

- Establishing a 24/7 hotline in the languages of victims who comprise the largest number of identified victims.

- Ensuring that the reflection period serves the interest of the victim and is not used solely to return the person.

- Conducting a proper risk assessment prior to arranging the trafficked person's assisted voluntary return to the country of origin.

²³ [Handbook on how to prevent human trafficking for domestic servitude in diplomatic households and protect private domestic workers](#), OSCE, 2014

- Establishing safe accommodation for male and child victims of trafficking.
- Enhancing concrete measures to foster early access of victims to free legal assistance and representation, as well as developing simple and effective procedures to enable trafficked persons' access to compensation.
- Providing temporary residence permits to trafficked persons to claim compensation for pecuniary and non-pecuniary damages caused as a direct result of trafficking.
- Supporting the delivery of specific training for lawyers representing victims of trafficking on human trafficking.

3. Enhance prevention of human trafficking by:

- Conducting targeted qualitative research to analyse features and trends of the phenomenon of trafficking for forced criminality, forced labour and trafficking of children for the purpose of sexual exploitation, forced marriage and begging.
- Conducting training for the staff of temporary protection centres and reception facilities, in particular, social workers and law enforcement officials working in these facilities on how to detect indicators of abuse and exploitation and to refer presumed victims for assistance to service providers.
- Take preventive measures, aimed at eradicating deceptive and exploitative practices regarding the recruitment of migrant workers in sectors which are prone to exploitation through providing regular inspection of work places as well as using joint operations and investigations with other relevant agencies.

4. Enhance the criminal justice response to all forms of human trafficking by:

- Prioritizing proactive investigations and prosecutions of cases of trafficking for labour exploitation, forced criminality and trafficking for sham marriages.
- Investigating all allegations or suspicions of abuse and exploitation of children, including in temporary protection centres and reception facilities, with due diligence. It is essential to ensure that the best interests of the child are the primary consideration in all actions, including those urged by immigration policy.
- Ensuring the broader application of the Guidelines developed by the Danish Public Prosecution team on handling cases of victims of human trafficking who have committed a criminal offence, including those bridging immigration rules.
- Enhancing efforts of Danish National Police to make the best use of Joint Investigative Teams (JIT) with countries from which the majority of victims originate, i.e. Nigeria.

APPENDIX I

RESPONSE OF DENMARK TO THE REPORT DEVELOPED FOLLOWING THE VISIT OF THE OSCE SPECIAL REPRESENTATIVE AND CO-ORDINATOR FOR COMBATING TRAFFICKING IN HUMAN BEINGS

(received on 12 January 2018)

General remarks:

Para 21: CMM facilitates and hosts meetings in all seven groups under the national referral system (six regional and one national group). All groups meet on a regular basis twice a year. As an exception one regional group did not meet in 2016.

Para 23: CMM gathers information on all identified victims of human trafficking. This includes data of victims assisted or who may have benefitted from social services as part of support under the National Action Plan.

Para 28: CMM gathers information and data on child victims of human trafficking.

The statistics from CMM published annually provides a section with data on child victims of human trafficking, disaggregated into gender, age, exploitation and nationality.

According to statistics from CMM, four children were identified as victims of human trafficking until 2010; two in 2009 and 2010 respectively.

In addition to CMM and DIS, the courts can also grant a person status as a victim of human trafficking.

Para 35: The Danish Centre against Human Trafficking comprises one coordinator; four programme officers/experts; eight social workers; two midwives and a part-time lawyer. The Centre runs two health-clinics (one in Copenhagen together with the Nest/Reden International and one in Aarhus) and a mobile health service covering the middle and northern part of Jutland and the south and west part of Zealand.

Para 36: According to official statistics from IOM reported to CMM, 88 victims of trafficking accepted a prepared voluntary return in the period 2012-2016 (13 in 2012, 11 in 2013, 12 in 2014, 40 in 2015 and 12 in 2016).

Part 40: Please note, that under Danish law a victim in a criminal case regarding human trafficking has a right to have a free of charge support attorney appointed upon request. Furthermore, the police have an obligation to provide guidance to such victims regarding the right to have a support attorney appointed. This guidance must be provided prior to the first questioning of the victim and must be reiterated prior to subsequent questioning. In addition to guidance on the right to have a support attorney appointed, the police, when necessary, provides guidance on the legal position of the victim, which among other includes the possibility of seeking damages.

The Danish Centre against Human Trafficking employs a lawyer working part time providing legal aid to all victims of human trafficking in contact with the Centre with a need for juridical assistance.

Para 43: Please note that on 8 November 2013 the High Court of Western Denmark sentenced a defendant with 4 years of prison for i.a. human trafficking. Furthermore, in the “Hvepsebo-case” sentences of up to almost 8 years were passed in 2016 and 2017 for i.a. human trafficking.

Para 46: It is up to the Public Prosecution Service and the defense attorney to plead for non-punishment under the Criminal Code. However, it is ultimately up to the judge to decide whether non-punishment should be granted.

Para 47: The Ministry of Employment is not aware of any evidence that the sectors mentioned are ”at high risk of human trafficking and forced labour”. The Ministry therefore suggests to adjust the text as follows (changes in italic): “[...], according to the Danish Working Environment Authority, cleaning, construction and various service sectors (restaurants, newspaper distribution and manicure saloons) may also have a higher risk of human trafficking and forced labour.”

Para 48: The Ministry of Employment notes that companies are organised in employer’s organisations, not in trade unions.

Comments on the specific recommendations in the report:

1. Enhance legal, policy and institutional framework by:

1a) Ratifying ILO Convention 189 concerning Decent Work for Domestic Workers:

After thorough tripartite consultations on the subject of a possible Danish ratification of the Domestic Workers Convention, the Minister for Employment has decided that Denmark will not ratify Convention no. 189 at this stage. This decision is based on a joint recommendation from the Danish Permanent ILO-Committee which is established in accordance with ILO Convention no 144. The members of the Danish ILO-Committee are: The Local Government Denmark (KL), The Confederation of Danish Employers (DA), The Danish Confederation of Trade Unions (LO), The Confederation of Professionals in Denmark (FTF) and The Salaried Employees' and Civil Servants' Confederation (AC).

1b) Ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families of 2003:

Denmark has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990. Currently, Denmark has no intention of ratification. Denmark has ratified all ILO core conventions on workers’ rights, which also apply to foreign nationals legally residing in Denmark.

1c) Amending the Criminal Code to include child trafficking as aggravated circumstances and criminalization of illegal retention and falsification of identity documents:

Please note that illegal retention is criminalized in section 261 of the Criminal Code regarding deprivation of liberty. Furthermore, falsification of identity documents is criminalized as document fraud in section 172 of the Criminal Code.

With regards to the recommendation on including child trafficking as an aggravated circumstance in the Criminal Code, please note that the list of aggravating circumstances in section 81 of the Danish Criminal Code is not exhaustive. Furthermore, the fact that a child is the victim of a crime will in general constitute an aggravated circumstance.

1d) Developing a dedicated anti-trafficking law which would address all issues related to identification, assistance, protection of trafficking persons and prevention and prosecution of trafficking in human beings in the country:

Trafficking in human beings is a criminal offence sanctioned in the Danish Criminal Code. Victims of trafficking who are staying in Denmark irregularly or as asylum seekers are protected within the scope of the Danish Immigration Act. Thus, the present legislation in combination with the National Action Plan against Human Trafficking is considered to be sufficient in the protection of victims of human trafficking.

1e) Developing the next National Action Plan (NAP) in close co-operation with civil society, based on solid empirical evidence of the features of THB in Denmark and of the impact of measures previously taken, as well as on an analysis of the specific challenges that must be met in order to enhance the effectiveness of the country's response:

The Danish Parliament has just agreed on allocating 8.5 million Euros to a new Action Plan against Human Trafficking for 2019-2021. The civil society has been consulted during the drafting of the Action Plan.

1f) Consider establishing an independent National Rapporteur to ensure the independent monitoring and evaluation of counter-trafficking activities in the country:

The equivalent mechanisms to a national rapporteur on Human Trafficking in Denmark is conducted partly by the Danish Center against Human Trafficking (CMM) and partly by the National Police Investigation Center (NEC). There are significant disadvantages connected to appointing a national rapporteur in Denmark. Human trafficking occurs relatively rarely in Denmark and there is therefore a risk that knowledge and skills regarding action against and support of victim of human trafficking will be lost if the efforts are spread to new institutions.

1g) Establishing a unified database with due regard to the confidentiality of data, and where possible, to disaggregate statistics by sex, age, forms of exploitation and other relevant factors as appropriate. In addition, this database should include compatible criteria for data collection, elaboration and reporting, which are critical for the development and review of anti-trafficking policies:

CMM collects data on all identified victims of human trafficking, disaggregated by sex, age, forms of exploitation and factors such as point of contact, accommodation, assistance and status after being granted the status of a victim. CMM continually coordinates data with the DIS, to ensure that all victims are registered and relevant data shared in accordance with the confidentiality of data.

1h) Facilitate regular meetings of the national and regional referral groups to ensure consistency of data exchange and co-ordination in victim referral and assistance:

CMM facilitates and hosts meetings in all groups under the national referral system (six regional and one national group). All groups meet on a regular basis twice a year.

2. Enhance victim identification, assistance and protection by:

2a) Enhancing concrete measures to identify and assist victims of labour exploitation including among irregular migrants, asylum seekers and persons returned under Dublin II regulations:

Denmark does already have a well-functioning identification process – both regarding persons staying in Denmark legally and irregularly as well as asylum seekers.

Furthermore, enhancing victim identification is a part of the Danish Government's plan for combatting human trafficking in 2019-2021. In this context, the Ministry of Immigration and Integration will encourage victims to cooperate by making available more information from victims who have already returned to their country of origin with financial assistance. This includes positive stories and examples of reintegration.

Regarding labor exploitation, the Danish Government will continue to offer education to groups of professionals who work in areas where such exploitation can occur, thus, increasing the possibility for correct and a more swift identification.

Since 2012 the Danish Centre against Human Trafficking facilitates and hosts a governmental interdisciplinary task force to strengthen efforts to combat Human Trafficking for forced labour as well as to improve identification and referral of victims. Furthermore, there is an agreement that the Danish Centre against Human Trafficking will be advised when eg. Tax Administration, the police or the Danish Working Environment Authority conducts inspections into areas or workplaces where they might get in contact with victims of trafficking.

Regarding Dublin-transfers, please be informed that asylum seekers who are being transferred from Denmark in accordance with the Dublin III Regulation can be identified as victims of human trafficking and receive assistance during their stay in Denmark. However, since they are being transferred to another EU Member State they will not be offered a prepared return to their country of origin by the Danish Government. This responsibility lies with the Member State responsible for processing the asylum application in its substance, cf. the ruleset set out in the Dublin III Regulation.

2b) Placing increased attention on child trafficking for various exploitative purposes with a view to developing targeted responses and providing equal relief measures as available for female victims of trafficking. Strengthening the current system of child protection and the overall childcare strategy and tackling any type of exploitation of children; prioritizing care and protective measures for children in reception and temporary protection centres:

The Danish Ministry of Immigration and Integration recognizes the importance of paying particular attention to children who are victims of human trafficking.

According to article 2 of the act on social services any person who is lawfully staying in Denmark is entitled to assistance under this act. Access to assistance does not require residency in Denmark. The Act on Social Services provides a general framework of support for marginalised adults and for children and young persons who are in need of special assistance. Denmark has chosen a decentralised approach to social services. Therefore, it is the municipalities that are responsible for providing social services.

The Act on Social Services does not provide any special measures aimed exclusively at children who are victims of trafficking. Rather, the general framework enables the municipalities to initiate the support which meets the needs of the specific child or young person in question. The support has to be based on and provided in accordance with the best interests of the child.

A municipal social worker who becomes aware of a child or young person who may be a victim of trafficking can contact CMM - The Centre against Human Trafficking.

If the child or young person is staying lawfully in Denmark, the municipality must conduct a child protection examination in order to clarify the needs and the situation of the child. The examination includes all relevant aspects of the life of the child, such as the development and health of the child as well as family relations. The child protection examination forms the basis of a reasoned decision as to whether special support measures shall be put in place and if so which support is needed. The municipality has to choose the support measures which meet the needs of the child in the best possible way.

When a child without legal residence is in need of social protection, for instance due to abuse or neglect, the Danish authorities may implement social measures pursuant to the principles of the Act on Social Services. The Immigration Service is responsible for providing the necessary support measures for a child or young person who is not staying lawfully in Denmark.

Unaccompanied minors who are considered as victims of human trafficking will get a personal representative (asylum seekers and irregular migrants) or a legal guardian (legal migrants). An individual plan for the child is developed with the participation of the personal representative/guardian. The accommodation process is already both individual and flexible in order to accommodate the child's needs. However, as a part of the Danish Government's plan for combatting human trafficking in 2019-2021 the Ministry of Immigration and

Integration will work on increasing the individuality and flexibility when accommodating victims of human trafficking including the possible use of different types of accommodation.

2c) Developing formal identification and referral procedure for child victims of trafficking together with civil society:

A formalised cooperation already exists between authorities in terms of identification and referral procedure – also regarding children victims. A number of active NGOs are also operating in civil society.

2d) Enhancing the focus on emerging forms of human trafficking, i.e. trafficking for forced criminality and forced begging:

The new Action Plan against Human Trafficking for 2019-2021 comprises all forms of human trafficking.

2e) Enhancing the focus on trafficking of au pairs for the purpose of domestic work by regulating and monitoring the recruitment mechanisms of au pairs and their working conditions to prevent abuses and exploitation so that au pair programmes cannot be used to facilitate trafficking in human beings:

The Danish Government takes note of the recommendation.

2f) Establishing a 24/7 hotline in the languages of victims who comprise the largest number of identified victims:

CMM hosts the national hotline for victims, the public, police and other actors potentially in contact with persons subjected to trafficking. To align with resources CMM conducted a minor user survey in 2016 covering a two-year period and focusing on number of users of the hotline, characteristics of users and daily load times. In accordance with the results CMM decided to limit the daily opening hours. CMM follows up on this decision by registering any call outside official opening hours.

2g) Ensuring that the reflection period serves the interest of the victim and is not used solely to return the person:

The reflection period (30 days with the possibility of extension to 120 days) gives victims of human trafficking the possibility of restitution and the possibility of being strengthened on a personal level, thereby, increasing the possibility of starting a life free of human trafficking. In the reflection period victims are provided with support and assistance, including accommodation, extended possibility of healthcare and psychological assistance. These services are all adapted to the need of the individual victim.

2h) Conducting a proper risk assessment prior to arranging the trafficked person's assisted voluntary return to the country of origin:

The Danish Center against Human Trafficking takes the recommendation into further account noting that all victims accepting a voluntary return under the Danish Government's plan for

combatting human trafficking are appointed a contact person from the Center against Human Trafficking. When planning the assisted voluntary return the contact person covers any special needs of the returnee relating to any risk factors and reports this to International Organization for Migration.

2i) Establishing safe accommodation for male and child victims of trafficking:

Male victims of human trafficking are already offered accommodation in Denmark as well as offered the same support and assistance as women and children. If a male victim is an asylum seeker or staying illegally in Denmark and under the provision of the Immigration Service accommodation will typically be offered within the asylum system. However, if a male victim is in need of protection and such protection cannot be offered within the asylum system, a different type of accommodation may be used depending on the individual needs of the victim. However, sometimes practical issues can occur when an asylum seeking male victim is to be accommodated outside the asylum system. Thus, the Danish Government's plan for combatting human trafficking in 2019-2021 focuses on adequate and safe accommodation for all victims of trafficking in human beings.

2j) Enhancing concrete measures to foster early access of victims to free legal assistance and representation, as well as developing simple and effective procedures to enable trafficked persons' access to compensation:

The recommendation is noted.

As soon as CMM gets in contact with persons who might be subjected to trafficking the lawyer in CMM will assist that person on legal matters if needed. The upcoming action plan will focus on measures to strengthen information and procedures on victims access to compensation.

2k) Providing temporary residence permits to trafficked persons to claim compensation for pecuniary and non-pecuniary damages caused as a direct result of trafficking:

The recommendation is noted.

2l) Supporting the delivery of specific training for lawyers representing victims of trafficking on human trafficking:

The recommendation is noted.

3. Enhance prevention of human trafficking by:

3a) Conducting targeted qualitative research to analyse features and trends of the phenomenon of trafficking for forced criminality, forced labour and trafficking of children for the purpose of sexual exploitation, forced marriage and begging:

The recommendation is noted.

3b) Conducting training for the staff of temporary protection centres and reception facilities, in particular, social workers and law enforcement officials working in these facilities on how to detect indicators of abuse and exploitation and to refer presumed victims for assistance to service providers:

As a mandatory task under the national action plan the CMM are conducting training of the staff at asylum centers. CMM takes the recommendation into further account.

3c) Take preventive measures, aimed at eradicating deceptive and exploitative practices regarding the recruitment of migrant workers in sectors which are prone to exploitation through providing regular inspection of work places as well as using joint operations and investigations with other relevant agencies:

As a part of the efforts on combatting social dumping, The WEA, the Danish Customs and Tax Administration and the police has since 2012 performed joint inspections in sectors most at risk, e.g. construction, farming and service. Furthermore the WEA performs inspections on a daily basis in both foreign and Danish companies, where the authorities suspects problems with the working conditions. To ensure an effective co-operation, permanent lines of communication have been established in order for the authorities to notify each other, if infringements are suspected in other areas. This means that if the WEA find signs of trafficking, a notification is made immediately to the police or to CMM. Labour inspectors are trained to identify signs of trafficking and guidelines have been made to help the labour inspectors in this respect.

4. Enhance the criminal justice response to all forms of human trafficking by:

- **Prioritizing proactive investigations and prosecutions of cases of trafficking for labour exploitation, forced criminality and trafficking for sham marriages.**
- **Investigating all allegations or suspicions of abuse and exploitation of children, including in temporary protection centres and reception facilities, with due diligence. It is essential to ensure that the best interests of the child are the primary consideration in all actions, including those urged by immigration policy.**
- **Ensuring the broader application of the Guidelines developed by the Danish Public Prosecution team on handling cases of victims of human trafficking who have committed a criminal offence, including those bridging immigration rules.**
- **Enhancing efforts of Danish National Police to make the best use of Joint Investigative Teams (JIT) with countries from which the majority of victims originate, i.e. Nigeria.**

The recommendation is noted.

APPENDIX II

**PROGRAMME
OF THE VISIT OF THE OSCE SPECIAL REPRESENTATIVE AND CO-
ORDINATOR FOR COMBATTING, AMBASSADOR MADINA JARBUSSYNOVA
TRAFFICKING IN HUMAN BEINGS TO DENMARK**

15-17 May 2017

Monday, 15 May	
09:00-10:00	<p>Meeting with the Nordic Council of Ministers</p> <ul style="list-style-type: none"> - Anders Geertsen, Head of Department - Søren Stokholm Thomsen, Senior Adviser
10:00-11:30	<p>Meeting with civil society organizations</p> <ul style="list-style-type: none"> - Hope Now Michelle Mildwater, Founder and Traumatherapist - Pro West Vibeke Nygaard Nielsen - Nest/Reden International Malene Muusholm - The Street Lawyers (Gadejuristen) Maja Løvbjerg Hansen and Nanna W. Gotfredsen, lawyers
12:00 - 13:00	<p>Lunch hosted by the Ministry of Foreign Affairs</p> <ul style="list-style-type: none"> - Ms. Mette Kaae Hansen, Under Secretary, Department of Gender Equality, MFA - Ms. Trine Ingemansen, Special Advisor, Department of Gender Equality, MFA - Ms. Louise Skovdal, Head of Section, Department of Gender Equality, MFA - Mr. Teis Tonsgaard Andersen, Head of Section, Legal Department, MFA - Ms. Camilla Bugge, Head of Danish Centre against Human Trafficking - Ms. Martine Grasso, Special Advisor, Danish Centre against Human Trafficking - Mr. Anders Lisborg, Senior Advisor, Danish Centre against Human Trafficking
13:00 - 15:00	<p>Danish Centre against Human Trafficking and Ministry of Foreign Affairs</p> <ul style="list-style-type: none"> - Ms. Mette Kaae Hansen, Under Secretary, Department of Gender Equality, MFA - Ms. Trine Ingemansen, Special Advisor, Department of Gender Equality, MFA - Ms. Louise Skovdal, Head of Section, Department of Gender Equality, MFA - Mr. Teis Tonsgaard Andersen, Head of Section, Legal Department, MFA - Ms. Camilla Bugge, Head of Danish Centre against Human Trafficking - Ms. Martine Grasso, Special Advisor, Danish Centre against Human Trafficking

	<ul style="list-style-type: none"> - Mr. Anders Lisborg, Senior Advisor, Danish Centre against Human Trafficking
15:15 - 16:15	<p>Ministry of Children and Social Affairs</p> <ul style="list-style-type: none"> - Ms. Anita Hørby, Head of Department, Ministry of Children and Social Affairs - Ms. Jane Vinther, Head of Section, Ministry of Children and Social Affairs - Ms. Rikke Wagner, Head of Section, Ministry of Children and Social Affairs - Ms. Maria Schultz, Head of Section, Ministry of Children and Social Affairs
Tuesday, 16 May	
9:00-10:30	<p>Ministry of Employment and Danish Working Environment Authority</p> <ul style="list-style-type: none"> - Ms. Vibe Westh, Head of Department, Ministry of Employment - Ms. Katrine Wied Christensen, Head of Department, Danish Working Environment Authority - Ms. Dorte Harning, Special Adviser, Danish Working Environment Authority - Ms. Karen Thormann, Special Adviser, Ministry of Employment - Ms. Lise Trane-Møller, Head of Section, Ministry of Employment
10:30 - 12:00	<p>Danish Association of Judges and The Danish Court Administration</p> <ul style="list-style-type: none"> - Ms. Susanne Skotte Wied, Judge at Hillerød District Court, Association of Danish Judges - Ms. Laila Lindemark, Head of Legal Department, Danish Court Administration
12:00 - 13:30	<p>Working lunch hosted by OSCE PA</p> <ul style="list-style-type: none"> - Mr Roberto Montella, PA Secretary General
13:30 - 15:00	<p>Danish Immigration Service and Ministry of Immigration and Integration</p> <ul style="list-style-type: none"> - Ms. Moya-Louise Lindsay-Poulsen, Head of Division, Ministry of Immigration and Integration - Ms. Lea Harild, Head of Section, Ministry of Immigration and Integration - Ms. Susanne Meyersahm, Head of Division, Danish Immigration Service - Ms. Kristina Rosado, Deputy Head of Division, Danish Immigration Service - Ms. Mette Bech Lorentzen, Special Legal Advisor, Danish Immigration Service - Ms. Camilla Bloch-Egental, Head of Section, Danish Immigration Service
16:00 - 17:30	<p>Meeting with International Organizations</p>
Wednesday, 17 May	
09:00 - 12:00	<p>Ministry of Justice, National Centre for Investigation (Danish National Police) and Public Prosecution Service</p> <ul style="list-style-type: none"> - Ms. Sofie Marner, Head of Section, Danish Ministry of Justice - Ms. Jette Malberg, Senior Prosecutor, Danish Director of Prosecutions - Ms. Grethe Albert Troelsen, Senior Advisor, Danish National Police, National Investigation Centre - Ms. Kit Andersen, Police Sergeant, Danish National Police, National Investigation Centre - Mr. Martin Lindholdt, Police Sergeant, Danish National Police, National Investigation Centre

	<ul style="list-style-type: none"> - Ms. Dorit Borgaard, Chief Prosecutor, Copenhagen Police - Mr. Carsten Ahrends, Police Superintendent, Copenhagen Police
13:00 - 14:00	<p>Danish Customs and Tax Authority (SKAT)</p> <ul style="list-style-type: none"> - Ms. Hanne Nielsen. Head of Unit, Danish Customs and Tax Administration (SKAT) - Mr. Jørgen Olsen, Expert Adviser, Danish Customs and Tax Administration (SKAT) - Ms. Sarah Friis Maarupgaard, Head of Section, Danish Ministry of Taxation