

***DELEGATION OF DENMARK  
TO  
THE OSCE***

**Country report: trafficking in human beings: Denmark**

**1. Research / Media coverage**

**Monitoring**

In 2000 the National Commissioner of the Police began a systematic monitoring of the scale of trafficking in human beings.

Systematic police monitoring of the trafficking in women includes centralized collection, registration and crime analysis of all information accessible to the police on matters likely to be connected with the trafficking in women. Crime analysis is performed on both a strategic and an operational level. The purpose of strategic analysis is to be able to take a comprehensive view of criminal offences at an overall level. Operational analyses are made in order to throw some light on specific investigations, so as to make them more goal-directed.

The Danish Media is becoming more and more aware of the problem of trafficking in women. The coverage has also been increased after the disclosure of several cases of trafficking by the Danish Police.

There are no exact numbers on the trafficking of women to Denmark, but the Danish National Commissioner of Police has made 2 reports, 1 report on the efforts by the Danish Police to combat the trafficking in women in Denmark and 1 report on the trafficking situation in the Baltic States. The reports can be found at <http://www.politi.dk/Information.htm#Rapporter-undersøgelser>.

## **2. Awareness Raising**

In Denmark awareness of the problems related to trafficking in human beings, and especially women, has risen considerably during the last couple of years and the fight against trafficking in women is a high political priority both nationally and internationally.

### **Nordic-Baltic information campaign aimed at combat of trafficking in women**

At a meeting in Vilnius on 15 June 2001, the Nordic and Baltic ministers for gender equality decided to realise an information campaign concurrently in the Nordic and Baltic countries. In August 2001, the Nordic ministers for justice agreed to back up the campaign. The Nordic Council of Ministers will finance the Baltic part of the campaign while the national governments will finance the Nordic campaigns. The goal is to heighten knowledge on and awareness of trafficking in women and also kindle a discussion of the problems. A joint seminar held in Tallinn on 29 - 31 May 2002 launched the campaign. Subsequent joint conferences are scheduled for Vilnius, 20-22 October and Riga, 27-29 November 2002 (for more information, see [www.nordicbalticcampaign.org](http://www.nordicbalticcampaign.org))

### **Denmark's part of the information campaign:**

The activities of the Danish campaign are planned for November 2002. The campaign will be synchronised with a generally reinforced national effort to combat violence against women. Denmark applies a two-pronged approach.

First, Denmark focuses on strengthening the police's possibilities for prosecuting the backers. Just prior to the parliamentary summer recess, the Danish Government succeeded in passing a bill on human trafficking (L 118). The bill added human trafficking as an offence to the Danish penal code, thus improving the possibility of prosecuting backers by, for instance, allowing the police easier access to break the confidentiality of communication (see art. 3: Legal framework).

Second, through this information campaign Denmark wants to improve the support to the victims of trafficking. We are therefore considering the possibility of establishing a hotline and cultural

mediators in order to help and assist the victims with problems and questions related to language, social, health and judicial aspects.

Denmark is also planning a seminar where authorities and NGOs that may be contacted by victims of trafficking can exchange experience and develop cross-sector co-operation. The improved co-operation aims at strengthening the work on repatriating the women to their home countries.

The overall objective of the campaign is to disseminate concrete information to relevant players in the area while also increasing awareness about the entire trafficking problem.

The target groups are primarily victims of trafficking, authorities, NGOs and potential customers.

For more information on the Danish efforts regarding awareness raising, see Information Campaign on Trafficking in Women under art. 5. National Plan of Action.

### **3. Legal Framework / Legislative review and reform efforts**

In June 2002 the Danish Parliament adopted a bill adding a specific provision on trafficking in human beings to the Criminal Code. With the adoption of the bill, the Danish Parliament gave its consent to ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. The new provision further meets the obligations under the EU Framework Decision on combating trafficking in human beings.

The provision contains no new criminalizations but is a newly constructed provision on all aspects of trafficking in human beings. The maximum sentence for violation of this new provision, which is based on the said international instruments, is eight years imprisonment.

The provision reads as follows:

**Section 262 a.** (1) Any person who recruits, transports, transfers, harbours or subsequently receives a person by means, whether present or past, of

- (i) unlawful coercion pursuant to section 260;
- (ii) deprivation of liberty pursuant to section 261;
- (iii) threats pursuant to section 266;
- (iv) the unlawful creation, confirmation or exploitation of a mistake; or
- (v) any other undue method,

for the purpose of exploitation of that person by sexual immorality, forced labour or services, slavery or practices similar to slavery, or the removal of organs, shall be liable to imprisonment for any term not exceeding 8 years for trafficking in persons.

(2) The same penalty shall apply to any person who, for the purpose of exploitation of the victim by sexual immorality, forced labour or services, slavery or practices similar to slavery,

- (i) recruits, transports, transfers, harbours or subsequently receives a person under 18; or
- (ii) gives payment or other benefit to achieve the consent to such exploitation from a person having control over the victim, and to the person receiving such payment or benefit.

### **Victim protection**

Victims in cases concerning trafficking enjoy the same protection as other victims and witnesses with regard to rules and measures aimed at the protection of their interests.

As an example of this protection section 123 of the Criminal Code provides that any person, who, under threat, by violence, unlawful coercion of the kind described in section 260 of the Criminal Code, or threats of the kind described in section 266 or in any other way commits a criminal offence against a person or this person's closest relatives or friends or others connected to this person, in conjunction with this person's anticipated or already given explanation to the police or in court, shall be liable to simple detention or to imprisonment for any term not exceeding six years, and in mitigating circumstances, to a fine.

In addition the Administration of Justice Act contains several provisions concerning the protection of victims and witnesses. A lawyer can in certain cases – inter alia in sexual offence cases – be assigned to assist the victim. The lawyer has among his tasks to assist the victim during interrogation by the police and during the court hearings.

Another example of the protection measures provided for by the Administration of Justice Act is that the court can decide, that the defendant shall leave the court room while a witness or a victim is giving explanation in court and when there are reasons to believe, that the explanation will be affected by the presence of the defendant.

Finally it can be mentioned that the Director of Public Prosecutions in October 2001 issued guidelines to the police and the prosecution service concerning the introduction of a new scheme, where contact persons are to be appointed to help witnesses and victims. The contact person should be appointed as early as possible in cases where violent assault, intimidation, sexual offences and other forms of criminality affecting the physical and psychological integrity of persons have occurred. The contact person may be a police officer dealing with the investigation or a prosecutor working on the case. The scheme is supposed to facilitate communication between the police/prosecution service and the witness/victim and to help remove misunderstandings, which can occur because several law enforcement officers may address the person in question.

Concerning trafficking cases it should be noted, that it follows from the Aliens Act, that an alien who is unlawfully staying in Denmark must leave the country. The police or the prosecution service can however request that the alien is granted permission to stay in Denmark as long as their presence is needed in order to investigate and prosecute a case of trafficking in human beings.

Denmark has not yet ratified the Palermo Convention and its protocols but expects to do so.

#### **4. Government co-ordination**

Since spring 2000 a cross-ministerial working-group has been working with violence against women and trafficking in human beings. The group consists of representatives from the Ministry of the Interior and Health, Ministry of Justice, Ministry of Integration, Ministry of Social Affairs and Ministry of Gender Equality. The Deputy General Secretary from the Ministry of Gender Equality chairs the group. On the background of the recommendations from the group the Government launched a National Action Plan to combat Violence against Women on 8 March 2002. The group is currently preparing a similar action plan to combat trafficking in women (see art. 5.). For specific international contacts the different Ministries are responsible, but co-ordinated responses to international inquiries are dealt with by the Secretariat of the working-group.

## **5. National Plan of Action**

A national plan of action to combat trafficking in women will be launched October 2002. The plan will consist of measures to support the victims and prevent the trafficking in women. For the prosecution of the traffickers, the new paragraph on Trafficking in Human Beings in the Danish Criminal Code has given new and improved measures. The paragraph is described in art. 3: Legal framework.

As the concrete initiatives in the National Action Plan are subject to final negotiations, they can not be described at this point.

## **6. Co-operation with non-governmental and international organisations**

Co-operation with the ngo's in Denmark and between Danish ngo's and ngo's in the countries of origin are part of the initiatives in the national action plan regarding support for the victims and the safe repatriation of these victims. These initiatives will be implemented in close collaboration with the ngo's and for some part the ngo's will be the implementing partner, so that the activities will at the same time support the victims and strengthen the capacity of the ngo's.

## **International Police Co-operation**

It is not possible to combat trafficking in women solely at the national level. Trafficking in women has a transnational dimension and is often carried out by highly organised criminal groups. Consequently the investigation and prosecution of trafficking in women is complicated and requires a close cross-border co-operation between law enforcement authorities.

The Danish police take an active share in international police collaboration on the trafficking in women, within the framework of Interpol, Europol, and the Task-Force on Organised Crime in the Baltic Sea Region. The work of the Task-Force has among other things been concentrated on smuggling of human beings and trafficking in women, and accordingly the present Danish Chairmanship gives the achievement against trafficking in women high priority. The co-operation within the Task-Force is very operational and has resulted in the arrest and prosecution of several organised criminal rings both in Denmark and in the Baltic countries.

#### **7. Training of relevant state authorities**

As part of the national action plan seminars for ngo's and state authorities will be held to strengthen the co-operation and the prevention of trafficking in women. The initiatives to support the victims of trafficking will also sensitise the relevant personnel to the special needs of the victims.

#### **8. Aid and Development Programmes Abroad**

The Danish Ministry of Foreign Affairs supports "Coalition Against Trafficking in Women Asia-Pacific", a regional NGO based in Manila, which fights sexual exploitation of women and girls through a documentation system and advocacy. Contribution for 2001-02 DKK 500.000.

#### **9. International Commitments**

Denmark has not yet ratified the Palermo Convention and its protocols but expects to do so.

Safe repatriation is part of the National Action Plan, see art. 5: National Plan of Action.

For witness protection, see art. 3: Legal framework.