



FRA
Thematic Study on Child Trafficking

Denmark

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Executive Summary

- [1]. Trafficking in children with the purpose of sexual exploitation and for other purposes has been addressed only in the context on trafficking in human beings and in particular as part of the effort to combat trafficking of women for prostitution.
- [2]. Within this framework, however, specific measures in the form of an appendix to the report *Regeringens handlingsplan til bekæmpelse af kvindehandel 2002* [National Action Plan on Combating Trafficking in Women 2002]¹ was introduced in 2005. The appendix stresses the need for structures and cooperation between relevant actors rather than a focus on the rights and needs of trafficked children.
- [3]. The Danish approach to trafficking in children should primarily be understood as part of the general problem of trafficking in women. with the purpose of sexual exploitation
- [4]. The number of prostituted women in Denmark is estimated to amount to approximately 6,000, which includes 2,500 women and girls with a foreign background.² There is no official data on the prevalence of trafficked women and girls among the number of foreign prostituted women. However, during the period from October 2003 to October 2007, social organisations operating in the field of prostitution with outreach activities, health services, housing services, etc. had contact with close to 1,500 women with a foreign background of whom there was reason to believe that they were victims of human trafficking or activities involving pimping. In 2007, social organisations were in contact with approximately 250 women and girls who might be victims of human trafficking.
- [5]. The most recently published figures for minors being trafficked to Denmark relate to the period from December 2005 to December 2006. The authorities registered seven children believed to have been trafficked during this period.³
- [6]. The approach to child victims of trafficking as an integrated issue in the general trafficking context is exemplified by the statement in the 2007 Action Plan to Combat Trafficking in Human Beings (Denmark/Regeringen (2007) *Handlingsplan til bekæmpelse af handel med mennesker 2007-2010*): ‘Children

¹ Appendix (in Danish) from 2005 Denmark/ Regeringen (2005) *Tillæg til regeringens handlingsplan til bekæmpelse af kvindehandel to Denmark/ Regeringen (2002) Regeringens handlingsplan til bekæmpelse af kvindehandel 2002*.

² Denmark/ Den tværministerielle arbejdsgruppe til bekæmpelse af menneskehandel (2008) *Statusrapport for 2007/2008*. Available (in Danish) at: http://www.lige.dk/files/PDF/status2008_hp_menneskehandel.pdf

³ Seventh Periodic Report by the Government of Denmark on Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (May 2008), Ministry of Foreign Affairs and Department of Gender Equality (In English).

constitute a separate action area because this is a group that needs special protection. Because of their age, they are not yet in a position to tend fully to their own needs. And therefore there is an obligation to give special consideration to this group. However, there will be cases in which it will be most expedient for girls who are minors and who have been trafficked into prostitution to make use of the services provided to adult women trafficked into prostitution.⁴

- [7]. Other forms of child trafficking to Denmark include trafficking for the purpose of criminal exploitation. So far no example of forced labour is known in Denmark.

General anti-child trafficking framework

- [1]. Criminalisation of trafficking in human beings was introduced in Denmark in 2002 as part of the implementation of the Palermo Protocol to the United Nations Convention against Transnational Organized Crime and led to the insertion of section 262a into the Criminal Code (Denmark/Straffeloven Lovbekendtgørelse no. 126023-10-2007).⁵
- [2]. The official number of children subjected to trafficking covers only children with a foreign background and may as such include both EU-citizens and third-country citizens who have been trafficked into Denmark. Internally trafficked children are not mentioned in the Danish Action Plan.
- [3]. Moreover, internal trafficking is not documented as a problem. However, surveys reveal a significant number of unaccompanied minors disappearing from the reception centre.⁶ This may indicate either trafficking or the use of Denmark as a transit country. Despite this, no initiatives have been taken to investigate the disappearances further.
- [4]. Children trafficked to Denmark are considered illegal migrants if their country of origin is outside the EU. As such they are treated as foreigners under the

⁴ Denmark/ Regeringen (2007) *Action plan to combat trafficking in human beings 2007-2010*, page 7. The Action Plan is available in English at:
http://ligeuk.itide.dk/files/PDF/Handel/Menneskehandel_4K.pdf

⁵ Section 262a was inserted in the Criminal Code by Act no. 380 of 06.06.2002.

⁶ Det Nationale Forskningscenter for Velfærd: *Uledsagede asylansøgerbørn* [Unaccompanied minors applying for asylum] SFI: 06:34 of 20.12.2006, financed by the Ministry of Social Affairs, available (in Danish) at:
<http://www.sfi.dk/graphics/SFI/Pdf/Rapporter/2006/0634%20Uledsagede%20asylans%F8gerb%F8rn.pdf>

Aliens Act (Denmark/Udlændingeloven Lovbekendtgørelse no. 1044 (06-08-2007) and the auspices of the Danish Immigration Service (Udlændingetjenesten). Victims of trafficking, including children, are thus to leave the country within 30 days and may be subjected to detention until departure.

- [5]. A prolonged stay of 100 days may be awarded if the trafficked child agrees to cooperate with the authorities on his/her prepared repatriation⁷ and/or to cooperate with the police. This prolonged stay is described as a reflection period in the Action Plan, but cannot be seen as fulfilling the requirement set up for such period in the Council of Europe Convention on Action against Trafficking in Human Beings.⁸
- [6]. The protection of victims of trafficking is guided by two National Plans of Action covering trafficking in general, but with specific initiatives aimed at providing reception, assistance and support to rehabilitation and repatriation for trafficked children.
- [7]. The Danish legislative framework which has been set up in order to handle and provide assistance and support to victims of trafficking does not as such reflect a rights-based approach, but rather an approach with the purpose of managing migration. By addressing victims of trafficking as illegal migrants who are to leave the country either as expelled or deported, the overall purpose of the Aliens Act to manage the number of immigrants can be fulfilled.⁹ By choosing this approach, an effective protection of child victims of trafficking along the lines of the Council of Europe Convention on Action against Trafficking in Human Beings is not fully obtained.¹⁰

Prevention of child trafficking

- [8]. The human rights approach as required by the Council of Europe Convention on Trafficking in Human Beings is only vaguely reflected in relation to children in the 2007 Action Plan to Combat Trafficking.¹¹ Thus, the actions to be taken are related to the principles stated in the UN Convention on the Rights of the Child and to the need for individual support. As part of this paradigm, for example, individual action plans are to be developed by the social authorities for the child, and a personal representative appointed.

⁷ Denmark/Udlændingeloven Lovbekendtgørelse nr. 1044 (06-08-2007) Aliens Act, section 33, subsection 14.

⁸ CETS 197, 16.05.2005, Art. 13.

⁹ Denmark/Institut for Menneskerettigheder (2004) *Ægtefællesammenføring i Danmark*. Danish Institute for Human Rights (2004), *Spouse reunification in Denmark, Report No. 1*, which contains an analysis of the Danish Aliens Act and its implication for family reunification (in Danish).

¹⁰ Denmark ratified the Convention on 19.09.2007.

¹¹ See the specific part of the Action Plan concerning children, p. 18.

- [9]. Even though the principles underlying the rights of the child are mentioned, the primary aim of the measures listed in the Action Plan may, however, be seen as setting up structures for the education of professionals and communication among relevant professionals, as well as division of mandates and roles of the actors involved. As such a systemic approach seems to prevail.
- [10]. Preventive measures introduced in Denmark cover awareness campaigns, information, and training programmes, plans of action as well as the collection and dissemination of information and sharing of knowledge on human trafficking. Most initiatives are focused on human trafficking, but with an integrated specific focus on child victims of trafficking

Appointment of legal guardian

- [11]. The appointment of a legal guardian for child victims of trafficking is governed by the Aliens Act and the legal framework set up to handle the situation of unaccompanied children who are unlawfully in Denmark.¹²
- [12]. The representative is appointed after an introductory interview with the child if indications of trafficking are established. The representative is not as such a legal guardian, but a professional with the competence to act as a care-giving person who will look after the child's interests in a broad sense.¹³ The representative is, together with the relevant organisations, responsible for working out an individual action plan as well as placing the child in a suitable temporary institution. The representative supports and provides guidance to the child in connection with the consideration of his or her application for a residence permit and will attend all integration meetings and interviews conducted by the immigration authorities. The representative is also responsible for escorting the trafficked child back to his/her native country, if a decision on repatriation is taken.¹⁴
- [13]. Legal counsel is assigned to the child in cases concerning manifestly unfounded asylum applications.¹⁵

¹² For specific information see main section, 3. Appointment of legal guardian.

¹³ For specific information see main section, 3. Appointment of legal guardian.

¹⁴ See the appendix to the Government's action plan for combating trafficking of women, September 2005.

¹⁵ Denmark/ Lovbekendtgørelse (06-08-2007) nr. 1044 Udlændingelov. The Aliens Act Section 56a, subsection 7.

Coordination and cooperation

- [14]. An inter-ministerial¹⁶ working group was set up in 2000 to develop initiatives to combat trafficking in human beings. In December 2002, the Danish government presented a three-year action plan for 2003-2006 to combat trafficking in women. The Action Plan deals with trafficking in women, whereas an appendix from 2005 deals with trafficking in children. A new Action Plan was launched in 2007 to cover the period from 2007 to 2010. This Action Plan deals with trafficking in human beings, thus including both women and children.
- [15]. With the purpose of exchanging information among relevant actors in the field of anti-trafficking, a network was set up in 2000, with representatives from the NGOs, the *Serious and Organised Crime Agency (SOCA)*, the police, the *Justitsministeriet* [Ministry of Justice], the *Udlændingetjenesten* [Danish Immigration Service] and the *Ligestillingsafdelingen* [Department for Gender Equality].¹⁷ The working group meets four times a year with the aim of exchanging information and discussing current problems and how to solve them.¹⁸
- [16]. The *Center mod Menneskehandel* [Centre against Human Trafficking (CMM)] was established in 2007 by the inter-ministerial working group and is hosted by the *Velfærdsministeriet* [Ministry of Welfare]. The Centre has entered into agreements with NGOs and social organisations such as *Reden International*, *Pro Vest*, *Kompetencecenter Prostitution*, *Krisecenter Odense* and *Landsorganisationen af Krisecentre* [National Association of Crisis Centres], Danish Red Cross Women's Centres and Asylum Centres. The Danish Red Cross has, in agreement with the Danish Immigration Service,¹⁹ the responsibility for unaccompanied minors in Denmark (please refer to 3. Appointment of legal guardian). CMM has a contract with Save the Children Denmark on monitoring, participation in networks and assistance on education assignments.
- [17]. Udenrigsministeriet [the Ministry of Foreign Affairs] of Denmark implements a programme to combat human trafficking in Eastern Europe for the period 2006-2008 with a total allocation of DKK 29.4 million.

¹⁶ The inter-ministerial working group consists of public servants from the Ministry of Gender Equality, the Ministry of Justice, the Ministry of Development and the Ministry of Integration.

¹⁷ Information received from the Department of Equal Treatment, 31.07.2008.

¹⁸ Denmark/ Regeringen (2006) *the Danish Government's Responses to the list of issues and questions for consideration of the sixth periodic report; CEDAW/C/DEN/Q/6/Add.1; 8.06.2006.*

¹⁹ The Immigration Service is a directorate under the Ministry of Refugee, Immigration and Integration Affairs.

Care and protection

- [18]. Assistance and protection programmes for trafficked children are in place as part of the prolonged stay, cf. above. It is described by the Action Plan as an extended reflection period that allows for the provision of health care, education and other forms of relevant support. If the child victim of trafficking has the status of illegal migrant, the assistance and support is arranged by the asylum centres run by the Danish Red Cross. However, as mentioned, the prolonged stay is dependent on the child's cooperation with the authorities on a voluntary return to the country of origin and on cooperation with the police.
- [19]. There are no legal provisions ensuring a right for trafficked children (or other trafficked persons) to a renewable residence permit. This will also be the case if the child appears as a witness, or if charges against traffickers in a case reported by the child lead to conviction.
- [20]. Attempts will be made to trace the parents of the trafficked child if it is decided by the Danish Immigration Service that the child should be enrolled in a prepared repatriation.²⁰ In such cases contact will be made with a family member or social organisation in the home country. The investigation is carried out by the Danish Immigration Service, unless there are specific reasons against this.²¹ The investigation to trace the parents can be carried out in cooperation with the Danish Red Cross or another similar organisation approved for this purpose by the *Integrationsministeriet* [Minister of Refugee, Immigration and Integration Affairs].

Best interests determination and durable solutions, including social inclusion/return

- [21]. Victims of trafficking will be offered assistance for voluntary return to their home country. The assistance is linked to the prolonged stay and includes activities during the stay in Denmark and activities in the home country upon return. During this so called reflection period in Denmark the assistance and support programmes include legal and psychological assistance, health treatment and social and pedagogical support as well as job training or the starting up of a small business, or assistance to begin education or vocational training. Such assistance is given both in order to help victims of trafficking to

²⁰ Denmark/ Regeringen (2007) *Action plan on combating trafficking in human beings 2007-2010*. The Action Plan is available in English at:

http://ligeuk.itide.dk/files/PDF/Handel/Menneskehandel_4K.pdf

²¹ Guidelines for the assessment of 'specific reasons' are not available on the website of the Danish Immigration Service.

handle their experiences and for the purpose of strengthening each individual and making them less vulnerable for renewed exposure to trafficking when they return to their home country.

- [22]. Illegal immigrants who are identified by NGOs as victims of trafficking, but have not been granted this status by the Danish Immigration Service, are only entitled to receive the same provision as other illegal immigrants regarding accommodation, health care, counselling etc. In such cases assistance will be offered in asylum centres run by the Danish Red Cross. Also, the NGOs providing assistance to victims of trafficking offer, for example, visits and advice during the period in which the victims of trafficking stay in the asylum centres and during detention.
- [23]. The victim of trafficking may be escorted by the police when leaving the country, and may upon arrival have access to rehabilitation and re-integration programmes. Thus, the Danish Immigration Service in cooperation with the International Organization for Migration (IOM), as well as Danish NGOs and their networks in the receiving countries, seek to provide support for the returning victims of trafficking. It is, however, not established in all countries. In many African countries in particular, there are no receiving structures and organisations in place.

Prosecution

- [24]. According to official statistics, only a few children have been trafficked to Denmark. Moreover, the Action Plan explains that it has proved difficult to identify conclusively if women and children have indeed been trafficked for prostitution, since they often neither wish to contribute to uncovering their cases nor want the Danish authorities and organisations to help and support them.²²
- [25]. According to the *Rigspolitichefen* [National Commissioner of Police] 14 charges have been brought under section 262(a) of the Danish Criminal Code concerning trafficking in human beings since the provision was introduced in June 2002 and until late December 2005. From 2006 to 2007 a total number of 66 cases on trafficking were prosecuted and led to convictions in 13 cases on the basis of section 262(a).²³

²²Denmark/ Regeringen (2007) *Action plan on combating trafficking in human beings 2007-2010*, p. 5. The Action Plan is available in English at:

http://ligeuk.itide.dk/files/PDF/Handel/Menneskehandel_4K.pdf

²³Cf. <http://gvnet.com/humantrafficking/Denmark-2.htm>. (10.06.2008) (Extracted from U.S. State Dept. Trafficking in Persons Report, June 2008)

- [26]. Concern may be raised that prosecution of network ringleaders will only lead to a sentence for pimping or human smuggling and not for trafficking, due to difficulties in obtaining evidence and testimonies.
- [27]. Cases against traffickers are reviewed by the district courts. As decisions from the district courts are not published, no official statistics are available on case law on convictions for child trafficking. Victims of child trafficking will receive compensation according to the normal regulation of compensation to victims of crime

Miscellaneous

- [28]. There has been a significant public debate on the treatment of and access to assistance and support for trafficked women and women in prostitution, including a debate on the criminalisation of the purchase of sex services.
- [29]. The increased visibility of especially African and East European women in street prostitution gave rise to a newspaper campaign with the purpose of disseminating knowledge and raising awareness of the problem of trafficking in Denmark. A specific requirement for access a residence permit for trafficked women was spelled out as a specific goal of the campaign. The debate also led to a public hearing with participation of all relevant actors, including members of Parliament.

Good practice

- [30]. The focus on establishing transparent structures for the coordination of measures and initiatives taken by the different ministries has led to a firm and effective system for coordinating the efforts of the relevant ministries. It does not as such ensure the rights of victims of trafficking, but creates a permanent platform for dialogue, development and evaluation of measures that may, in the long term, contribute to and effectively accommodate the needs of trafficked children in Denmark, and thereby slowly enhance their rights. The inter-ministerial working group launched the 2007 Action Plan on Combating Trafficking²⁴, including the establishment of a Centre against Human Trafficking, and issued an annual status report²⁵ on the progress of the activities listed in the Action Plan.

²⁴Denmark/ Regeringen (2007) *Action plan on combating trafficking in human beings 2007-2010*, p. 7. The Action Plan is available in English at: http://ligeuk.itide.dk/files/PDF/Handel/Menneskehandel_4K.pdf

²⁵Denmark/ Den tværministerielle arbejdsgruppe til bekæmpelse af menneskehandel (2008), *Status Report 2007/2008*.

- [31]. The 2007 Action Plan highlights the requirement for the Danish Immigration Service to draw up, in collaboration with the personal representative of the trafficked child, an **individual action plan**²⁶ for the continued work for the benefit of the child or young person who has fallen victim to trafficking.

²⁶See Denmark/ Regeringen (2007) *Action plan on combating trafficking in human beings 2007-2010*, p. 18.

A. General anti-child trafficking framework

- [32]. The protection of victims of trafficking is guided by two National Action Plans covering trafficking in general, but with specific initiatives aimed at providing reception and support for trafficked children.
- [33]. As trafficked children encompasses children who have been trafficked into Denmark, trafficked children are, as other victims of trafficking, perceived as illegal migrants. As such they are treated as foreigners under the Udlændingeloven [the Aliens Act] and under the auspices of the Udlændingetjenesten [Danish Immigration Service]. Victims of trafficking are thus to leave the country within 30 days and may be subject to detention until departure.
- [34]. A prolonged stay of 100 days may be awarded if the trafficked child agrees to cooperate with the authorities on his/her prepared repatriation²⁷ and/or to cooperate with the police. The prolonged stay is described in the Action Plan as a reflection period and does contain core elements of support and assistance as prescribed in the Council of Europe Convention on Action against Trafficking in Human Beings. However, since the prolonged stay is made conditional, it cannot be seen as fulfilling the requirement for a reflection period that gives room for consideration and reflection on the future of the child victim of trafficking, including assistance to make an informed decision on cooperation with the authorities, as set out in Article 13 of the Convention.
- [35]. According to section 31, subsection 1 of the Adoptionsloven [Adoption Act]²⁸ providing children for adoption is a punishable offence if carried out by persons other than the authorised private agencies.
- [36]. There exists no published case law on child trafficking.
- [37]. The Danish legislative framework which has been set up in order to provide assistance and support to victims of trafficking does not reflect a rights-based approach, but rather an approach with the purpose of managing migration. By addressing victims of trafficking as illegal migrants who are to leave the country either as expelled or deported, the overall purpose of the Aliens Act to

²⁷Denmark/ Lovbekendtgørelse no. 1044 (06.08.2007)
Udlændingelov [Aliens Act], section 33, subsection 14.

²⁸ Denmark/ Lov no. 928 (14.09.2004), cf. section 34 subsection 1 and 2.

manage the number of immigrants can be fulfilled.²⁹ By choosing this approach, an effective protection of child victims of trafficking is not obtained.

[38]. Denmark has ratified all United Nations human rights conventions (except the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families), which are thus legally binding. The Danish Government decided in 2004 not to incorporate into law the UN human rights conventions, with reference to the fact that incorporation was legally unnecessary and thus only carried symbolic value. This should be seen as contrasting to the choice made in 1992 to incorporate the European Convention on Human Rights into Danish domestic legislation. A statement from Folketingets Ombudsmand [Parliamentary Ombudsman] demonstrates the continued need for increased attention to the protection which derives directly from international conventions and their efficient implementation. The statement stresses that it is part of the ordinary duties of administrative authorities to contribute to the fulfilment of the international obligations which the State has undertaken. The Ombudsman stated that the administration on its own initiative shall include human rights obligations relevant to the case when administering justice in specific cases.³⁰

[39]. Seen against this background, legal protection against child trafficking ought to be in place, as all relevant human rights provisions may be invoked before the courts and should be applied by the judges. Effective protection also embracing specific measures aimed at enhancing and ensuring the human rights protection of victims of trafficking in practice does not, however, seem to have been achieved (FRA) Headings 1 should always start on top of a page. All other headings are preceded by two blank lines. All headings are followed by one blank line.

A.1. Legislation

Ratification of international legal instruments:

[40]. In addition to the Optional Protocol of 25.05.2000 to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography³¹, Denmark has ratified the Council of Europe Convention on Cybercrime and the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking

²⁹ Institut for Menneskerettigheder [Danish Institute for Human Rights] (2004) *Spouse reunification in Denmark, Report no. 1*, which contains an analysis of the Danish Aliens Act and its implications for family reunification.

³⁰ Denmark/Opinions of the Parliamentary Ombudsman Case 2003-0244-658 Opinion of 20.05.2005.

³¹ Ratified 24.07.2003.

in Persons, especially Women and Children (Palermo Protocol).³² Moreover, Denmark is bound by the EU Council Framework Decision 2004/68/JHA of 22.12.2003 on combating the sexual exploitation of children and child pornography, and the EU Council Framework Decision 2002/629/JHA of 19.07.2002 on combating trafficking in human beings. On 14.08.2000, Denmark ratified the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182). Denmark has ratified the Council of Europe Convention on Action against Trafficking in Human Beings (2005),³³ and has signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007).³⁴ There has not yet been a proposal to ratify this convention.

- [41]. Upon ratification of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Denmark made a territorial exclusion in respect of the Faeroe Islands and Greenland.
- [42]. Act No. 380 of 6 June 2002 implemented the amendments to Danish law that are necessary to ensure that the United Nations Protocol on Trafficking can be applied in Denmark. This Act has not yet been brought into force in respect of the Faeroe Islands and Greenland.
- [43]. Denmark has ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoptions of 29.05.1993. According to Article 4 of the Convention, inter-country adoption may only take place if consent to the adoption has been given by the individuals, institutions and authorities required to give such consent under the legislation of the child's country of origin. Depending on the child's age and maturity, the child must also give consent. The consent must be given voluntarily and not be provoked by payment.

A.1.1. Criminal code

- [8]. Trafficking in human beings is mainly covered by Section 262 of the Denmark/Straffeloven Lovbekendtgørelse (23-10- 2007) no. 1260.
- [9]. Straffeloven [the Criminal Code]. Migrant smuggling is covered by Section 59 subsection 7 of the Aliens Act no. 826 of 24.08.2005; and under particularly aggravating circumstances, for the purpose of profits, by Section 125a of the Criminal Code.

³²Ratified (ratification date 30.09.2003).

³³Ratified (ratification date 19.09.2007, date of entry into force 01.02.2008).

³⁴Signed 20.12.2007, not ratified.

- [10]. Sexual exploitation, including sexual exploitation of children is covered by Chapter 24 of the Criminal Code.

A.1.2. Main provisions on trafficking

- [44]. In 2002, a new provision, section 262a on trafficking in human beings was inserted into the Criminal Code by Act No. 380 of 06.06.2002. The provision is worded on the basis of the Protocol to the United Nations Convention against Transnational Organized Crime (Palermo Protocol) to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the European Council Framework Decision 2002/629/JHA of 19.07.2002 on combating trafficking in human beings³⁵.
- [45]. Section 262a of the Danish Criminal Code (Act no. 1260 of 23.10.2007) criminalises human trafficking. According to the provision, anyone who recruits, carries, transfers, houses or subsequently receives a person, resorting to or having resorted to illegal coercion under section 260, deprivation of liberty under section 261, threats under section 266, unlawful inducement, consolidation or exploitation of a deception or any other undue method will be punished with imprisonment for a term of up to eight years, where the act was committed with a view to exploitation of the victim by sexual indecency, forced labour, slavery or conditions similar to slavery or removal of organs. If the victim is a person below the age of 18 years, an offender may be punished for human trafficking under section 262a subsection 2, even if the means of coercion referred to in section 262a subsection 1 have not been used. This will also apply if, by providing payment or any other benefit, the perpetrator obtains consent from a person with custody rights over the victim, according to subsection 2 (2). In such cases the maximum penalty is also imprisonment for a term of up to eight years.

A.1.3. Supplementary provisions in the Criminal Code

- [46]. Section 223a contains a prohibition against sexual intercourse with a person under the age of 18, when it is based on payment.
- [47]. In March 2003, the Danish Parliament adopted an amendment to the Criminal Code. The amendment to section 223a criminalises any person who, as a client, has sexual intercourse with a person under the age of 18, based on payment or

³⁵ European Council Framework Decision 2002/629/JHA of 19.07.2002 on combating trafficking in human beings was proposed by the European Commission in 2000. The proposal was adopted in 2002.

promise of payment. The maximum sentence for this offence is two years' imprisonment.

A.1.4. Prohibition against procuring

- [48]. Section 228 of the Criminal Code states that any person who 1) induces another to seek a profit by sexual immorality with others, or 2) for the purpose of gain, induces another to indulge in sexual immorality with others or prevents another who engages in sexual immorality as a profession from giving it up, or 3) keeps a brothel shall be guilty of procuring and liable to imprisonment for up to four years.
- [49]. The same penalty shall apply to anyone who incites or helps a person below the age of 21 to engage in sexual immorality as a profession, or to anyone who aids in bringing a person out of the country in order to engage in sexual immorality as a profession abroad, or to be used for such immorality, where that person is below the age of 21 or at the time ignorant of the purpose.
- [50]. According to section 228 subsection 2 it is prohibited to assist in bringing a person below 21 years of age out of the country for the purpose of prostitution. The maximum penalty is four years.
- [51]. Section 220 prescribes that any person, who by grave abuse of the subordinate position or economic dependence of another person, has extramarital intercourse with that person shall be liable to imprisonment for a term not exceeding one year or, if the person is under 21 years of age, to imprisonment for a term not exceeding three years.
- [52]. Section 260 subsection 2 of the Criminal code criminalises forcing someone to marry by up to four years of prison.

A.1.5. The Aliens Act

- [53]. Children trafficked to Denmark are considered illegal migrants if their country of origin is outside the EU and are thus to be treated in accordance with the provision in section 26a and section 33, subsection 14 of the Aliens Act, regulating, amongst other things, expulsion and deportation as well as the access to prolonged stay for victims of trafficking.

- [54]. Due to her or his status as an illegal migrant, a child victim of trafficking is as a point of departure to be expelled from Denmark. According to the Aliens Act, section 26a it must, however, be taken into consideration whether the circumstance that could justify expulsion, e.g. criminal conduct, is a consequence of the foreigner having been exposed to trafficking and whether this circumstance speaks against expulsion.³⁶
- [55]. A victim of trafficking may upon request be granted a 30-day deadline for departure, provided there are no specific grounds against it. Thus, the Aliens Act in section 33, subsection 14 provides the Danish Immigration Service with the discretion to assess whether the victim should be deported immediately or after 30 days.
- [56]. The granting of a postponed departure date is conditional upon identification of the child as a victim of trafficking,³⁷ and not on the principle that there is a 'reasonable ground to believe'³⁸ that the child is a victim of trafficking.
- [57]. The identification as a victim of trafficking is made by the Danish Immigration Service on the basis of information from the police and the police assessment of the child, his or her background, the circumstances under which the child is detained (typically in connection with theft or petty crimes or police raids against brothels or street prostitution), the child's whereabouts and contact persons in Denmark.
- [58]. The deadline for departure can on request be fixed to a later time or be prolonged to a maximum of 100 days, if specific grounds support this, or if the trafficked child cooperates on her or his prepared repatriation.
- [59]. In the National Action Plan of 2007 it is explicitly mentioned that obtaining a 100-day reflection period is dependent on the willingness not only to cooperate on prepared repatriation, but also to cooperate with the police. ³⁹
- [60]. The prolonged stay is perceived and described by the Danish authorities as a reflection period, and is used to document the fulfilment of obligations contained in the UN Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings.
- [61]. As the reflection period must be seen as conditional upon cooperation, it must however be seen as contrary to the requirement set out in the Council of Europe Convention on trafficking in Human Beings. Article 13 of this Convention

³⁶ No official guidelines are found that explain under which circumstances victims of trafficking can be expelled.

³⁷ Denmark/ Den tværministerielle arbejdsgruppe til bekæmpelse af menneskehandel (2008) *Status report 2007/2008*, p. 5.

³⁸ The principle of reasonability is laid down in the Council of Europe Convention on Action against Trafficking in Human Beings, Art. 13.

³⁹ *Action plan*, 2007, p. 4.

stipulates that the purpose of the reflection period is to allow the victim to come to a decision on cooperating with the competent authorities.^{40 41}

- [62]. If a victim of trafficking is expelled by a court decision, which may be the case if the person is convicted of a crime covered by the Criminal Code, he or she may in any case be granted a prolonged deadline for departure in line with section 33, subsection 14, cf. section 33, subsection 15.
- [63]. As child victims of trafficking are under the age of 18 and often unaccompanied, they will, according to the Aliens Act, section 56a, subsection 1, be offered a personal representative to attend to their interests while staying in Denmark. Unless exceptional reasons make it inappropriate, an unaccompanied alien under the age of 18 who is staying in Denmark and submits an application for a residence permit pursuant to section 7 will have a representative⁴² appointed to safeguard his or her interests. At the request of the Udlændingetjeneste [Danish Immigration Service] an organisation approved for the purpose by the Integrationsministeriet [Minister of Refugee, Immigration and Integration Affairs] shall recommend a person to the office as a representative for safeguarding the interests of the child. The representative will be appointed by the county government office.
- [64]. If a child falling within subsection 1, meaning that the child is under 18 and unaccompanied, has attained the age of 12, section 56a, subsection 2 stipulates that a conversation about the appointment of a representative to safeguard the interests of the child, cf. subsection 143, must be conducted with the child before a decision is made to appoint such a representative. The conversation may be omitted if it is assumed it might be harmful to the child or of no importance to the case. If the child is under the age of 12, a conversation as mentioned above must be conducted if the child's maturity and the circumstances of the case so dictate.
- [65]. Section 56a, subsection 8 of the Aliens Act demands that the Danish Immigration Service carries out a search for the parents of a child who is covered by subsection 1, unless there are specific reasons against it. The search for the parents can be carried out in cooperation with the Danish Red Cross or another similar organisation approved for this purpose by the Minister of Refugee, Immigration and Integration Affairs.

⁴⁰ See Art. 14 of the Convention (CETS No. 197) and the explanatory report, para. 174.

⁴¹ The non-compliance issue has been raised by the Danish Institute for Human Rights (DIHR) on several occasions, including hearings in Parliament, the public debate and in articles see e.g. DIHR, *Status report on Denmark 2006 and 2007*, and Birgitte Kofod Olsen (2007), '*Handlede mennesker som rettighedshavere*' ['The rights of trafficked persons'], in the law journal *EU-ret og Menneskeret*, No. 6, 2007. It has not yet led to acknowledgement of the problem by ministries or politicians.

⁴² See 3. Appointment of legal guardian, for specific information regarding the representative.

⁴³ There are no guidelines available about the conversation mentioned in section 56a, subsection 2.

- [66]. The Danish Immigration Service and the organisations mentioned can, in connection with the search for the child's parents, exchange information regarding the child's personal affairs without consent from the child or the appointed personal representative of the child. There is no explicit legal basis for this practice. In order to conduct the practice in accordance with the Persondataloven [Act on Personal Data Protection]⁴⁴, it presupposes a concrete assessment in each individual case of the societal interest in exchanging the information vis-à-vis the interest of the child in protecting the information.
- [67]. A specific provision in the Criminal Code criminalises the provision of assistance to foreigners who are unlawfully entering or staying in Denmark. This provision is relevant vis-à-vis prosecution of traffickers and other persons exploiting the trafficked child. Thus, according to section 59 subsection 7, any person is liable to a fine or imprisonment for up to two years, if s/he: (i) intentionally assists an alien in unlawfully entering or transiting Denmark; (ii) intentionally assists an alien in unlawfully staying in Denmark; (iii) intentionally assists an alien in entering Denmark for the purpose of entering another country unlawfully from Denmark; (iv) intentionally assists an alien in unlawfully entering or unlawfully transiting another country; (v) for the purpose of financial gain assists an alien in staying unlawfully in another country; or (vi) by making shelter or means of transport available to an alien, intentionally assists the alien in working in Denmark without the requisite permit.⁴⁵
- [68]. Act No. 429 of 09.06.2004 amending the Aliens Act introduced the possibility of expulsion by judgment for duress in connection with contracting a marriage, child abduction or human trafficking.

A.1.6. Other relevant legislation

- [69]. Through Act No. 288 of 02.04.2003 (Act no. 117) to amend the Straffeloven [the Criminal Code], Adoptionsloven [the Adoption Act] and Retsplejeloven [the Administration of Justice Act] (on child pornography, sexual exploitation of children and criminal prosecution of sexual abuse of children, etc.), a provision has been inserted into the Adoption Act to the effect that anyone who pays a fee as a middleman in order to obtain consent for adoption may be punished (section 34 subsection 2).
- [70]. In addition, according to section 31 subsection 1 of the Adoption Act (act no. 928 of 14.09.2004), cf. section 34 subsection 1 & 2, providing children for

⁴⁴ Denmark/Lov No. 429 (31.05.2000), implementing the EU Personal Data Directive 95/46.

⁴⁵ Denmark/The Aliens Act, Consolidation Act No. 945 of 01.09.2006, section 59 (7).

adoption is a punishable offence if carried out by persons other than the authorised private agencies.

- [71]. The Administration of Justice Act has been amended to make it possible to assign a lawyer to the victim in proceedings on human trafficking cf. section 741a in the Act on the Administration of Justice. According to section 741a the court has to assign a victim an advocate in certain types of cases, including cases falling within section 262a of the Criminal Code, if the victim so requests, including the child victim. Assignment of a victim advocate may only be refused if the offence is not very grave and his/her assistance must be considered obviously unnecessary.
- [72]. According to section 15, subsection 1(7), in the Administrative Order regarding the use of force on children and young people who are placed outside the home⁴⁶ foreigners under the age of 15 who do not have a legal residence can be placed in a secure institution.
- [73]. Section 19 states that placement in a secure institution of a foreigner under the age of 15 can take place if the police have decided to detain the person according to section 36 cf. section 37 of the Aliens Act. The provision is relevant to children who have been unofficially identified as victims of trafficking by NGOs, but have not obtained the official status of victims of trafficking from the Danish Immigration Service. In such cases, the child may be detained due to charges of e.g. theft or petty crimes.
- [74]. According to section 20, the stay must be as short as possible. A detention that is initiated by the police must not last more than three days after the detention was initiated. If the person has been before a court with regard to the legality of the detention and its upholding it will be the court's decision on the length of the stay that is valid. The detention must however not exceed two months.
- [75]. No legal provisions or case law establish the direct applicability of international standards on child trafficking. However, the Parliamentary Ombudsman, as stated above, has pointed out that it is part of the ordinary obligations of the administrative authorities to contribute to the fulfilment of the international obligations into which the state has entered. When applying the law in specific cases, authorities should thus on their own initiative observe international obligations which are relevant to the case. In the area of trafficking in children, the statement has not led to the setting up of procedures ensuring compliance with international standards or other follow-up initiatives.
- [76]. There is no constitutional or other general legal provision establishing the principle of the best interest of the child as a general principle (except in specific acts – see below). However, as stated above, international obligations

⁴⁶ Denmark/ Bekendtgørelse [Administrative Order] no. 893 (07.09.2007).

including the UN Convention on the Rights of the Child should be observed in all relevant cases.

- [77]. The principle of the best interests of the child is, however, stipulated as a mandatory consideration in specific acts. As an example, the principle of best interest is laid down in the Adoptionsloven [Act on Adoption (act no. 928 of 14.09.2004)] section 9 and the Serviceloven Act on Social Service section 46 (act no. 1117 of 26.09.2007) subsection 5.
- [78]. As such, the legal provision criminalizing all forms of trafficking in human beings, including trafficking in children, also covers trafficking within Denmark.

A.2. National Action Plans

- [79]. As a point of departure, the national effort primarily focused on combating trafficking in women, secondarily on combating trafficking in children and thirdly on combating trafficking in human beings in general. Hence, the first national Action Plan from 2002 deals with trafficking in women and the appendix to the Action Plan from 2005 deals with the trafficking in children and an Action Plan from 2007 deals with trafficking in human beings in general, thus including both women and children, and also continues some of the initiatives initiated in the previous action plans.
- [80]. The objective of the first Action Plan from 2002 was to test various methods and models to prevent trafficking of women and to support the victims. The core of the Action Plan was to establish outreach work where the women were staying and working and to ensure that the victims were as well-prepared for repatriation as possible. The 2002 Action Plan focused exclusively on women who were trafficked for sexual exploitation.
- [81]. A supplement to the 2002 Action Plan launched in 2005 contained a number of initiatives aimed at providing the reception for children trafficked to Denmark. The initiatives mainly concerned the development of structures and procedures to ensure cooperation among the actors relevant in the combating of trafficking, including ministries, NGOs and the police, as well as the upgrading of the qualifications of the professionals who take care of children who may have been trafficked.

- [82]. In October 2006, the 2002 Action Plan was evaluated by an independent consultancy agency⁴⁷ with the purpose of assessing the effectiveness of the structures set up for providing protection to victims of trafficking. No thorough evaluation was made of the supplement to the 2002 Action Plan launched in 2005 on children trafficked to Denmark, since this part had only been in operation for one year at that point. The assessment led to a few changes, including an expansion of the hotline to give advice to victims of trafficking, but also to buyers of sex services of trafficked persons, as well as researchers and others with an interest in or information on trafficking activities. It also led to the setting up of a centre for trafficking in 2007, with the purpose of collecting data on trafficking and strengthening the cooperation among relevant actors.
- [83]. As such, the assessment did not identify problems concerning compliance with international obligations and did not address the issue of effective protection of the rights of trafficked persons in Denmark.

A.2.1. Action Plan to Combat Trafficking in Human Beings 2007-2010

- [84]. In March 2007, the government launched a new action plan for the fight against human trafficking 2007-2010. The objective of the 2007 Action Plan is to ensure that all women, men and children who are identified as victims of human trafficking are offered the right kind of support in their present situation and to provide them with an alternative to being trafficked again.⁴⁸
- [85]. According to the Action Plan: ‘Children constitute a separate action area because this is a group that needs special protection. Because of their age, they are not yet in a position to tend fully to their own needs. And therefore there is an obligation to give special consideration to this group. However, there will be cases in which it will be most expedient for girls who are minors and who have been trafficked into prostitution to make use of the services provided to adult women trafficked into prostitution.’⁴⁹
- [86]. The 2007 Action Plan focuses on the following four action areas:

⁴⁷ COWI (2006) *Evaluering af Handlingsplanen til Bekæmpelse af Kvindehandel* [Evaluation of the action plan to combat trafficking in human beings].

⁴⁸ For more information, see the *Seventh periodic report by the government of Denmark on implementation of the Convention on the Elimination of All Forms of Discrimination against Women* (May 2008), Ministry of Foreign Affairs and Department of Gender Equality.

⁴⁹ Denmark / Regeringen (2007) *Action plan to combat trafficking in human beings 2007-2010*, p. 7. The Action Plan is available in English at: http://ligeuk.itide.dk/files/PDF/Handel/Menneskehandel_4K.pdf

[87]. Strengthening investigation efforts in order to identify and bring traffickers before justice;

- Supporting the victims by improving the social services in Denmark;
- Preventing human trafficking by limiting demand and increasing the population's knowledge of trafficking; and
- Preventing human trafficking by improving international cooperation, including improving preventive work in the sending countries.

[88]. The 2007-2010 Action Plan comprises a number of goals:

- In 2007, a knowledge and coordination centre for human trafficking (Center mod Menneskehandel (CMM) [Centre against Human Trafficking]) shall be established;
- In 2007, three shelters will be operating and ready to receive victims of human trafficking;
- In 2007, Denmark will have put the social consequences of human trafficking on the agenda in international fora, such as the EU and the Nordic Council of Ministers;
- In 2008, a scheme will have been established to the effect that all registered victims of human trafficking shall be offered assistance for voluntary return;
- By 2009, at least ten per cent of the population must be aware of the issues of human trafficking and must know how to react on learning of human trafficking;
- By 2009, all children and at least 40 per cent of the women who are registered as victims of human trafficking shall receive social assistance and support for assisted return to their home country in collaboration with local NGOs; and
- By 2009, at least 50 per cent of victims shall have received help in their home country for rehabilitation.

[89]. By 2007, only the goal on establishing the Centre against Human Trafficking has been attained.

[90]. Even though a considerable discrepancy exists between the number of trafficked children as assessed by the NGOs and the Danish Immigration Service and other public authorities, including the police, an efficient scheme of identification of victims of trafficking that takes its point of departure in the

specific circumstances and rights of the individual person, has not been developed.

- [91]. Moreover, the knowledge and awareness of the rights of child victims of trafficking are not internalised in the structures and procedures set up to handle the problem of trafficking in Denmark. This may explain the very unambitious goal set with regard to ensuring victims of trafficking social assistance and support to return to their country of origin.
- [92]. A total of DKK 80 million (1,072,113 Euro) has been allocated for domestic activities and supplemented by aid funds to be used for projects involving the prevention of human trafficking in the developing world, in addition to financing from the Udenrigsministeriets Naboskabsprogram [Danish Ministry of Foreign Affairs Neighbourhood Programme].⁵⁰
- [93]. The Danish Action Plan for 2007-2010 involves four ministries responsible for implementing the initiatives in relation to children: Integrationsministeriet [the Ministry of Refugee, Immigration and Integration Affairs]; Justitsministeriet [the Ministry of Justice]; Velfærdsministeriet [the Ministry of Social Welfare] and Ministeren for Ligestilling [the Minister for Gender Equality].
- [94]. According to the chapter on children trafficked into prostitution, forced labour or other exploitation in the Action plan to combat trafficking in human beings 2007-2010, ‘Children who are victims of trafficking are subjected to a gross violation of their rights, and they are entitled to individual support. They constitute a particularly vulnerable group because of their lack of development and maturity, and because they are being forced to leave their families and usual surroundings in their countries of origin’. Furthermore, the Action Plan stipulates that: ‘Trafficked children have special needs and rights as compared to trafficked adults. This action plan is, among other documents, based on the United Nations Convention on the Rights of the Child and the particular rights described therein’.
- [95]. In the chapter⁵¹ on prevention and support the Action Plan lists the following focus areas in relation to trafficked children:

a. Development of methods for identification

Indicators will be developed to ascertain when there is a risk that a child might have been trafficked. Those indications shall function as a joint reference frame

⁵⁰ Denmark/ Den tværministerielle arbejdsgruppe til bekæmpelse af menneskehandel (2008) *Regeringens Handlingsplan til bekæmpelse af menneskehandel 2007-2010 Statusrapport for 2007/2008*, p. 2.

⁵¹Denmark/ Regeringen (2007) *Regeringens Handlingsplan til bekæmpelse af menneskehandel 2007-2010*, pp. 18-21. The Action Plan is available in English at: http://ligeuk.itide.dk/files/PDF/Handel/Menneskehandel_4K.pdf

to ensure that each individual child will receive uniform treatment regarding identification

b. Education of professionals

Professionals (social workers, case workers and police officers etc.) who might come into contact with trafficked children shall receive education based on social and pedagogical methods for building confidence, so that the children dare to tell their stories, and providing methods to determine age and trafficked children's special rights.

c. Communication

The problem of trafficking in human beings needs to be communicated to the relevant professional groups, e.g., through seminars.

d. Mandate and division of roles

According to the evaluation of the first action plan there was some confusion about mandates regarding social organisations and authorities. A list of mandates will be drawn up.

e. Safe stay

As a point of departure, unaccompanied minors will be accommodated in an asylum centre in which there are specially trained staff to deal with this group of children. The child may be subject to increased staff monitoring or placement in accordance with the principles laid down in the Danish Social Services Act. A child can be placed in a secure environment (if at risk of self-harm) or detained in accordance with the Danish Aliens Act (securing a person's presence). It is mentioned that the present system of facilities is vulnerable if several trafficked children are admitted at short notice.

f. Personal representative

Once it is established that the child is an unaccompanied minor seeking asylum, a personal representative will be appointed to take care of the child's interests while the case is being processed. All unaccompanied children will be assigned a personal representative. In respect of trafficked children, efforts will be made to ensure that the representative is a professional. At the moment no formal criterion as such exists for being appointed as a personal representative.

g. Collaboration and individual action plan

A cooperation committee consisting of social organisations will provide advice on individual cases concerning trafficked children. The Danish Immigration Service will, in collaboration with the personal representative, draw up an

action plan for the continued work for the benefit of the child or young person. If the municipality has implemented support measures, the municipality is, under the principles laid down in the Danish Social Services Act, obliged to draw up an action plan.

h. Return

Children's applications for asylum must be processed speedily and the children will be accommodated in special asylum centres with specially trained personnel. If a child's asylum application is rejected, the child will still, in certain cases, be granted a residence permit, if returning the child to the country of origin would be unsafe. The Danish Immigration Service, as the child's representative, can also make a referral to have the International Red Cross tracing service search for the child's parents. The Danish Immigration Service will ensure that all trafficked children who are not granted a residence permit in Denmark will be offered a well-planned return home in collaboration with organisations in the country of origin.

i. International network expanded

The awareness of organisations and authorities in the countries of origin need to be strengthened in order to improve the assistance to trafficked children.

- [96]. In June 2008 a status report was published for 2007/2008 by the inter-ministerial working group⁵² on the government's Action Plan on human trafficking 2007-2010.⁵³ The report also includes a chapter on children trafficked for criminality, prostitution or begging.
- [97]. According to the report there exist significant difficulties in assessing whether a child is a victim of trafficking or a victim of human smuggling with the aim of exploitation.
- [98]. No specific incidents of trafficking of children for forced labour or sale of organs have been reported in Denmark as yet. Documentations or surveys on these issues are also non-existent. Both trafficking in relation to forced labour and sale of organs are, however, criminalised in section 262a of the Criminal Code.
- [99]. A general prohibition against discrimination does not exist in Danish law and a specific prohibition on discrimination of children who are victims of trafficking has not been introduced into Danish legislation as part of the establishment of

⁵² The Inter-ministerial Working Group to Combat Trafficking in Human Beings is a cooperation between the Minister of Justice, the Minister of Refugee, Immigration and Integration Affairs, the Minister of Development and the Minister of Gender Equality and consists of public servants from these ministries.

⁵³ Denmark/ Den tværministerielle arbejdsgruppe til bekæmpelse af menneskehandel (2008) *Statusrapport for 2007/2008*.

structures to combat trafficking. Neither the Action Plans nor non-discrimination polices have been introduced to protect trafficked children against discrimination. This implies that children who have not obtained status as a victim of trafficking, but who are considered to be so by NGOs, may be detained for criminal activities under the same conditions as other juvenile perpetrators and be expelled according to the conditions laid down in the Alien Act, see above.

- [100]. The present action plan for trafficking in human beings (i.e. not just children) (2007) is a result of the 2007 Rate Adjustment Pool Compromise Agreement and is financed with funds from the rate adjustment pool scheme. It will run until 2010. A total of DKK 70 million (approx. 9, 33 million €) has been allocated for domestic activities.
- [101]. According to the Appendix to the government's Action Plan for Combating Trafficking of Women from 2005, it is stated that professionals will receive training in the identification and assessment of age, so that trafficked children receive help as soon as possible. *Dansk Røde Kors* [The Danish Red Cross] has established a position in Center Gribskov where it is the task of the specially trained employee to identify trafficked children among the unaccompanied children.
- [102]. Education of trafficking issues for new police officers will be an integrated part of the education at *Politiskolen* [The Police Academy].
- [103]. Children who arrive at *Center Gribskov* are all interviewed and if they show indications of trafficking the child is referred to a so called "trafficking conversation" that takes place within 24 hours of the referral.⁵⁴ This interview is conducted by The Danish Red Cross who informs the child about what trafficking is and what rights the child has.⁵⁵ The children are all explained that they are in a highly exposed situation and that they might have been exposed to trafficking.⁵⁶
- [104]. Unaccompanied minors, including children who are trafficked, receive health care provision through the Danish Red Cross, which runs Center Gribskov.
- [105]. As such, no existence of a policy of non-criminalisation of children victims of trafficking exists. However the Government states in the Action Plan (2007) that children who are victims of trafficking are subjected to a gross violation of their rights, and they are entitled to individual support.

⁵⁴ Telephone conversation 04.07.2008 with Casper Smidt, employee at Center Gribskov.

⁵⁵ Telephone conversation 04.07.2008 with Casper Smidt, employee at Center Gribskov.

⁵⁶ Telephone conversation 04.07.2008 with Casper Smidt, employee at Center Gribskov.

B. Prevention of child trafficking

- [106]. Preventive measures introduced in Denmark cover awareness campaigns, information and training programmes, plans of action as well as collection and dissemination of knowledge on human trafficking. Most initiatives are focused on human trafficking, but with an integrated specific focus on child victims of trafficking.
- [107]. The human rights approach, as required in the Council of Europe Convention on Action against Trafficking in Human Beings, Article 5, subsection 3, is somewhat reflected in relation to children in the 2007 Action Plan.⁵⁷ Thus, the actions to be taken are related to the rights of children as stated in the UN Convention on the Rights of the Child and to the need for individual support. This paradigm includes, for example, the development of individual action plans by the social services for the child and the appointment of a personal representative.
- [108]. Even though there is a focus on the rights of the child, the primary aim of the measures listed in the Action Plan may, however, be seen as setting up structures for the education of professionals, communication among relevant professionals, as well as the division of mandates and roles of the actors involved, for instance which ministry has what responsibilities.
- [109]. The Roma community in Denmark is relatively small and no specific initiatives directed at this group have been taken.
- [110]. Awareness campaigns, debates and public hearings have been initiated by both ministries, NGOs and the Institut for Menneskerettigheder [Danish Institute for Human Rights (DIHR)], as well as by trade unions and individual politicians who are involved in or share an interest in combating the trafficking and sexual exploitation of children.
- [111]. Thus, awareness-raising campaigns directed at adults who are potential users of the services of trafficked children have been launched by the Ministry of Welfare⁵⁸. They should be seen as part of the general efforts to combat sexual exploitation of children. As such the campaigns coincide with the prevention of sexual exploitation or abuse of children in Denmark and abroad, including so-called child sex tourism.

⁵⁷ See the specific part of the Action Plan concerning children, p. 18.

⁵⁸ http://www.social.dk/ministeriets_omraader/udsatte_grupper/prostituerede/generelt_om_prostitution.html

- [112]. As Denmark is perceived as belonging to the category of receiving countries and/or transit countries for trafficked children, awareness-raising campaigns directed at children in Denmark, who might fall victim to promises of income in another place or country, has not been a political priority.
- [113]. The NGO Red Barnet [Save the Children Denmark] has initiated several campaigns and published material on sexual exploitation of children encompassing sex tourism, child trafficking and sexual abuse in all its forms. The work has a high priority within the organisation, and is sponsored by the International Association of Internet Hotline Providers (INHOPE), the EU Safer Internet Programmes and Velfærdsministeriet [the Danish Ministry for Social Affairs].⁵⁹
- [114]. In relation to sex tourism the campaign Stop Child Sex Tourism⁶⁰ is financed by the Danish Ministry of Foreign Affairs, the Danish Ministry of Justice (the Danish Police), Det Kriminal Præventive Råd [the Danish Crime Prevention Council], Danmarks Rejsebureau Forening [the Union of Danish Travel Agencies (DRF)], Save the Children Denmark and Scandinavian Airlines (SAS).
- [115]. The Danish Institute for Human Rights, together with two art curators, launched a campaign against trafficking in women, ‘Trading and Using Bodies’ 5-25 March 2007. The message of the campaign was that trafficking in women is a social problem and a responsibility which everyone must shoulder. The campaign included a number of events in Copenhagen, including screening of art videos in public spaces, exhibitions, debate and the poster ‘SexSlave – fight trafficking in women’ created by the artist HuskMitNavn [RememberMyName] which was displayed all over the city of Copenhagen.⁶¹
- [116]. The Centre against Human Trafficking (CMM) has entered into agreements with NGOs and social organisations such as Reden International, Pro Vest, Kompetencecenter Prostitution, Krisecenter Odense and Landsorganisationen af Krisecentre [National Association of Crisis Centres], the Danish Red Cross Women’s Centres and asylum centres. The Danish Red Cross has an agreement with the Danish Immigration Service⁶² on the responsibility for unaccompanied minors in Denmark (please refer to chapter: 3. Appointment of legal guardian). CMM has a contract with Save the Children Denmark on monitoring, participation in networks and assistance in education assignments.

⁵⁹ More information available at: http://www.redbarnet.dk/Our_Work/Sexual_Abuse.aspx (02.07.2008)

⁶⁰ More information available at: <http://www.stopsexturisme.dk/> (02.07.2008)

⁶¹ See

<http://menneskeret.dk/Nyheder/ARKIV/Nyheder+2007/Kvindehandel+er+alles+ansvar>

⁶² The Immigration Service is a directorate under the Ministry of Refugee, Immigration and Integration Affairs.

- [117]. A network of NGO's and relevant government agencies focusing on trafficking in children has functioned well and received support in the previous action plan. The network continues to meet and exchange experiences concerning domestic and international developments, and it is used more actively as a resource base in relation to development of initiatives. The network will be collaborating with the CMM in the future.
- [118]. As part of the 2002 Action Plan a hotline was launched in 2002⁶³ with the purpose of providing assistance to victims of trafficking. The hotline is at the moment primarily used by collaboration partners, such as for instance the police.⁶⁴ The 2007 Action Plan broadened the scope of the hotline to include customers of the services of trafficked persons and others with information on suspicious behaviour or knowledge of victims of trafficking. The hotline also provides information on websites⁶⁵ and advice to victims as well as sex buyers.
- [119]. Reden – STOP Kvindehandel [Reden-Stop Trafficking] and the Soroptimist International in Denmark have a hearing in the Danish Parliament on trafficking in women on 25.09.2008, with a particular focus on the increase in the number of young Romanian women, among whom there is an undocumented number of minors, in the Danish sex market, especially in street prostitution.
- [120]. Information is exchanged and disseminated mainly via reports drafted by NGOs and public authorities.
- [121]. In 2003, Save the Children Denmark published the report, Trafficking of children to Denmark, informing about the situation regarding trafficking of children to Denmark with the purpose of criminal and sexual exploitation.⁶⁶ The report recommended an intensified identification scheme in relation to children which would integrate a trafficking aspect, a prolonged reflection period and improvement of cooperation and investigation regarding the repatriation, rehabilitation and re-integration of the child.
- [122]. As a follow-up to the Action Plan from 2005 dealing with trafficking in children, a cooperation agreement was drawn up between the Ministry of Social Affairs, Save the Children Denmark, the Danish Red Cross and Reden – STOP Kvindehandel [Reden-Stop Trafficking] . Even though the agreement was never officially approved by the Ministry, some activities have been launched e.g. a report on child trafficking in Denmark.⁶⁷ The report deals with five topics,

⁶³ The number for the hotline is (+45) 70 20 25 50.

⁶⁴ Denmark/ Den tværministerielle arbejdsgruppe til bekæmpelse af menneskehandel (2008) *Status Report for 2007/2008*.

⁶⁵ E.g. www.kvindehandel.dk (trafficking in women).

⁶⁶ The report is available in English at:

<http://www.redbarnet.dk/Default.aspx?ID=5232&M=Shop&PID=15009&ProductID=667>

⁶⁷ Red Barnet (2006) *Red Barnets rapport om handel med børn i Danmark 2006 - Kortlægning og praksis* [Report on trafficking of children by Save the Children, Denmark, 2006].

namely identification, assessment of age, the role of the representative, safe havens and return and reception.

- [123]. In 2004, the Ministry of Refugee, Immigration and Integration Affairs, the Ministry of Justice and the Ministry of Social Affairs submitted a mapping study on the scope and problems of the trafficking of children to Denmark to the standing committee on social affairs in the Danish Parliament.⁶⁸ According to the mapping study, it is the government's opinion that the problems concerning trafficked children should be discussed in a proper forum such as the inter-ministerial working group.
- [124]. The inter-ministerial working group launched a status report⁶⁹ on the progress of the 2007 Action Plan in June 2008 which describes key areas of the Action Plan and lists activities between 2007 and 2008.⁷⁰ Concerning trafficked children, the personal representative requirement and the new investigation scheme concerning prepared repatriation is highlighted.
- [125]. Furthermore, all police districts have appointed a special representative for cases on trafficking in human beings and prostitution. The representatives are charged with facilitating efficient relations between the police and the relevant NGOs in cases involving trafficking in human beings. In connection with the introduction of the representative scheme a seminar was held in March 2005 with participation by the representatives of cases on trafficking in human beings from each police district and representatives from social authorities and organisations.
- [126]. Training on trafficking in women has been offered to the police since 2005 and will be expanded from 2008. The planned courses cover eight sessions as part of the curriculum at the Police Academy and focus, amongst other things, on the identification of victims of trafficking. NGOs participate in the development of material for the curriculum at the Police Academy.
- [127]. A research survey⁷¹ reveals that a significant number of unaccompanied asylum-seeking children disappear from the asylum centres.⁷² The problem is

⁶⁸ The report is available in Danish at

<http://www.folketinget.dk/samling/20041/almudel/SOU/Bilag/52>

⁶⁹ Denmark/ Den tværministerielle arbejdsgruppe til bekæmpelse af menneskehandel (2008) *Status Report for 2007/2008*.

⁷⁰ Such as the establishment of the Centre against Trafficking in 2007, the establishment of a hotline, teaching of professionals within the area such as the police and people working in crisis centres.

⁷¹ Det Nationale Forskningscenter for Velfærd (2006) *Uledsagede asylansøgerebørn* [Unaccompanied minors applying for asylum] SFI: 06:34 of 20.12.2006 financed by the Ministry of Social Affairs, available (in Danish) at: <http://www.sfi.dk/graphics/SFI/Pdf/Rapporter/2006/0634%20Uledsagede%20asylans%F8gerb%F8rn.pdf>

⁷² The total number of unaccompanied children disappearing from the Gribskov Asylum Centre amounted to 605 in 2008 and was reported in the Danish newspaper *Information* 17.06.2008,

not elaborated further and no information is available concerning the circumstances of the disappearances, the children's background and arrival in Denmark, their plans or contacts. In spite of the graveness of these disappearances and the lack of information, no political or practical initiatives have been taken to track the children or prevent others from disappearing.

- [128]. There is no specific participation of local communities or ethnic minorities.
- [129]. According to the Aliens Act section 56a, subsection 1, unaccompanied foreigners under the age of 18 (including those who have not been victims of trafficking) will be offered a personal representative while staying in Denmark.
- [130]. There is no evidence for appropriate time for preparation of cases for the legal guardian.

see also <http://menneskeret.dk/Nyheder/IMR+-Uledsagede+flygtningeb%c3%b8rn+skal+beskyttes>

[131].

C. Appointment of legal guardian

- [132]. According to the Aliens Act section 56a, subsection 1,⁷³ unaccompanied foreigners under the age of 18 (including those who have not been victims of trafficking) will be offered a personal representative while staying in Denmark if there are no specific reasons against it. The Act does not mention what is meant by specific reasons. In order to implement the Council of Europe Convention on Action against Trafficking in Human Beings Article 10, (4) (a), it was introduced in section 56a, subsection 1, that at the selection of the representative account must be taken of whether the unaccompanied foreigner under the age of 18 has been a victim of trafficking. This means that there is a difference in the qualifications of the persons who are assigned as the representative of a trafficked child and those who are assigned as the representative of a non-trafficked child.
- [133]. According to section 56a, subsection 1, an organisation approved for the purpose by the Minister of Refugee, Immigration and Integration Affairs shall, at the request of the Danish Immigration Service, recommend a person to the office as a representative for safeguarding the interests of the child. The representative will be appointed by the county government office. In Denmark it is the Danish Red Cross which is in charge of the representation arrangement for unaccompanied children, both those assumed trafficked and those non-trafficked.
- [134]. When there is an assumption that a child is a victim of trafficking the recommendation given by the Red Cross of a specific representative is put forward as being an urgent matter to the county government office. In practice this means that an appointment will often happen within a day⁷⁴.
- [135]. The representative is not a legal guardian as such but can to some extent assist the child in legal matters due to the representative's experience within this field. The representative is a care-giver who will look after the child's interests in a broad sense. Together with the relevant organisations, the representative is responsible for working out an individual action plan as well as placing the child in a suitable temporary institution. The representative supports and provides guidance for the child in connection with the consideration of his or

⁷³ Denmark/Udlændingeloven Lovbekendtgørelse no. 1044 (06.08.2007).

⁷⁴ Telephone interview with Casper Smidt employee at Centre Gribskov on 02.07.2008

her application for a residence permit and will attend all integration meetings and interviews conducted by the immigration authorities. The representative is also responsible for escorting the child (if the child is a victim of trafficking) back to his/her native country, if this is considered necessary.⁷⁵ According to the government's Action Plan on Combating Trafficking in Human Beings 2007-2010 it will be ensured that the representative is a professional if the child is a victim of trafficking.

- [136]. According to section 56a, subsection 7, if the Danish Immigration Service submits a case concerning a residence permit under section 7 for a child (both victims of trafficking and non-victims) falling within subsection 1 to the Dansk Flygtningehjælp [Danish Refugee Council], cf. section 53b, the Danish Immigration Service shall at the same time assign legal counsel to the child, unless the child has retained one him or herself. This is, however, only applicable in cases that are manifestly unfounded cf. section 53b, which covers cases where it is very unlikely that asylum will be granted. Cf. section 55, subsection 1 Flygtningenævnet [The Refugee Board]⁷⁶ may if necessary assign legal counsel to act for the foreigner – regardless whether the foreigner is a minor or an adult – except where the alien has already retained counsel.
- [137]. An unaccompanied child will receive a representative until the child turns 18 cf. section 56a, subsection 1.
- [138]. According to the Appendix to the government's Action Plan for Combating Trafficking of Women from 2005, it is stated that professionals will receive training in the identification and assessment of age, so that trafficked children receive help as soon as possible.
- [139]. In Denmark a three-way approach to age assessment is used. It consists of a somatic assessment, together with an assessment of the calcification of the left carpal bone and an assessment of the development of the teeth.⁷⁷ It is the doctor on duty at Retsmedicinsk Institut [the Medico-Legal Institute] who assesses the results of the three different examinations and synthesises these in a report which is handed over to the Danish Immigration Service, where a decision will

⁷⁵ See Trafficking in Children - Appendix to the government's *Action plan for combating trafficking of women*, September 2005.

⁷⁶ *Dansk Flygtningehjælp* [The Danish Refugee Council] is a private, humanitarian organization covering all aspects of the refugee cause while *Flygtningenævnet* [The Refugee Board] is an independent quasi-judicial body.

⁷⁷ Red Barnet (2006) *Red Barnets rapport om handel med børn i Danmark 2006 - Kortlægning og praksis* p. 59.

be made.⁷⁸ Such a decision can be appealed to the Ministry of Refugee, Immigration and Integration Affairs. But it means, for instance, that if a person is assessed to be an adult he/she will not have the right to a representative unless the decision by the Danish Immigration Service is overruled by the Ministry. In the period where the complaint is handled the person is still treated as an adult.

- [140]. In its 2006 report regarding trafficking of children Save the Children Denmark recommended that an examination of all cases where children have been age-assessed is conducted, in order to see whether the uncertainty of age assessment has been taken into consideration in the decisions regarding asylum. Furthermore the organisation recommends an overview of how many people have complained about the result of the age assessment and how many of these have received a positive decision from the Ministry. This is to ensure that any uncertainty connected to the age assessment will benefit the child.⁷⁹
- [141]. The professional representatives are all employed by the Danish Red Cross and they all have many years of experience with trafficked children and unaccompanied children who are not trafficked. This is in contrast to the representatives for non-trafficked children who are volunteers and who might not have any experience within the field.⁸⁰
- [142]. According to section 741a of the Administration of Justice Act, the court has to assign a victim an advocate in certain types of cases, including cases falling within section 262a of the Criminal Code, if the victim so requests. Assignment of a victim advocate may only be refused if the offence is not very grave and his/her assistance must be considered obviously unnecessary. This advocate is not the same person as the representatives mentioned above.
- [143]. There is no evidence supporting that there are allocated appropriate time for preparation of cases for personal representatives.

⁷⁸ Red Barnet (2006) *Red Barnets rapport om handel med børn i Danmark 2006 - Kortlægning og praksis* p. 59.

⁷⁹ Red Barnet (2006) *Red Barnets rapport om handel med børn i Danmark 2006 - Kortlægning og praksis* p. 59.

⁸⁰ Telephone interview with employee Casper Smidt at the Danish Red Cross on 02.07.2008.

[144].

D. Coordination and cooperation

- [145]. An inter-ministerial⁸¹ working group was set up in 2000 to develop initiatives to combat trafficking in human beings. In December 2002, the Danish government presented a three-year action plan for 2003-2006 to combat trafficking in women. The Action Plan from 2002 deals with trafficking in women and the appendix to the Action Plan from 2005 deals with the trafficking in children. The Action Plan from 2007 deals with trafficking in human beings in general, thus including both women and children.
- [146]. In 2007, a knowledge and coordination centre for human trafficking (Centre against Human Trafficking) was established, in accordance with the 2007 Action Plan on Trafficking. The aim is that the Centre against Human Trafficking shall serve several purposes. The Centre coordinates and contributes to improving social activities in the area, also with respect to cross-sectoral efforts, and constitutes a knowledge collection base in the area by developing methods, drawing up annual situation reports and managing ongoing upgrading of employees skills. The Centre has set up both regional reference groups and a national reference group with a view to ensuring exchange of experience between actors in the area, such as the police, social organisations, authorities etc. and between the local teams throughout the country.⁸² The Centre cooperates and has established procedures with the Immigration Service on the identification of trafficked persons. Furthermore, the Centre cooperates with the police Rigspolitiets Nationale Efterforskningscenter [National Investigation Centre (NEC)].
- [147]. As chair of the inter-ministerial working group to combat trafficking, the Department of Gender Equality holds the steering role regarding the implementation of the Action Plan. The inter-ministerial working group monitors its implementation and publishes an annual status report on this implementation.⁸³ The status report is submitted to, among others, the Folketing [Parliament].

⁸¹The inter-ministerial working group consists of public servants from the Ministry of Gender Equality, the Ministry of Justice, the Ministry of Development and the Ministry of Refugee, Immigration and Integration Affairs.

⁸²According to the *Seventh periodic report by the government of Denmark on implementation of the Convention on the Elimination of All Forms of Discrimination against Women*, May 2008 (in English).

⁸³Inter-ministerial Working Group to Combat Trafficking in Human Beings (June 2008) *Government action plan to combat trafficking in human beings 2007-2010. Status report for 2007/2008*. The report also includes information on trafficked children for criminality, prostitution or begging. According to the report there exist

- [148]. The Centre against Human Trafficking (CMM) has entered into agreements with NGOs and social organisations such as Reden International, Pro Vest, Kompetencecenter Prostitution, Krisecenter Odense and the National Association of Crisis Centres, Danish Red Cross Women's Centres and asylum centres. The Danish Red Cross has, in agreement with the Danish Immigration Service,⁸⁴ the responsibility for unaccompanied minors in Denmark (please refer to chapter 3. Appointment of legal guardian). The CMM has a contract with Save the Children Denmark on monitoring, participation in networks and assistance in education assignments.
- [149]. With the purpose of exchanging information among relevant actors in the field of anti-trafficking, a network with representatives from the NGOs, the Serious and Organised Crime Agency (SOCA), the police, the Ministry of Justice, the Danish Immigration Service and the Department for Gender Equality was set up in 2000.⁸⁵ The network meets four times a year with the aim of exchanging information and discussing current problems and how to solve them.⁸⁶
- [150]. The Danish Immigration Service and the organisations mentioned can, in connection with the search for the child's parents, exchange information regarding the child's personal affairs without consent from the child or the appointed personal representative of the child. There is no explicit legal basis for this practice. In order to conduct the practice in accordance with the Persondataloven [Act on Personal Data Protection]⁸⁷, it presupposes a concrete assessment in each individual case of the societal interest in exchanging the information vis-à-vis the interest of the child in protecting the information.
- [151]. In 2005, a human trafficking programme was launched by the Ministry of Foreign Affairs under the Neighbourhood Programme with the overall aim of supporting national authorities, international organisations and NGOs in Moldova, Ukraine and Belarus to combat human trafficking. This aim will be achieved by strengthening and promoting the judicial system and the prevention of human trafficking and by protecting and helping victims. The programme runs from 2005 to 2007 and the total budget is DKK 26.5 million (approximately 3.557 million €).
- [152]. The Ministry of Foreign Affairs of Denmark is implementing a programme to combat human trafficking in Eastern Europe for the period 2006-2008 with a total allocation of DKK 29.4 million (approximately 3.946 million €).

significant difficulties in assessing whether a child is a victim of trafficking or a victim of human smuggling with the aim of exploitation. The report has been used as a source throughout this report, see e.g. footnote 54 and 59.

⁸⁴ The Immigration Service is a directorate under the Ministry of Refugee, Immigration and Integration Affairs.

⁸⁵ Information received from the Department of Equal Treatment, 31.07.2008

⁸⁶ The Danish government's Responses to the list of issues and questions for consideration of the sixth periodic report; CEDAW/C/DEN/Q/6/Add.1; 08.06.2006.

⁸⁷ Denmark/Lov No. 429 (31.05.2000), implementing the EU Personal Data Directive 95/46.

- [153]. Geographically, the programme primarily focuses on Belarus, Ukraine and Moldova, but Bulgaria and Romania are included as well in regional activities. Taking a human-rights-based agenda as the point of departure, the overall objective of the programme is to support the efforts of national authorities, international organisations (IOs) and non-governmental organisations (NGOs) to combat human trafficking.⁸⁸
- [154]. The Neighbourhood Programme also provides support for NGO projects focusing on the prevention of trafficking. Subsidies were granted in 2003-2005 through the Danish Red Cross, Danish Doc Production and the International Organization for Migration.
- [155]. The Ministry of Foreign Affairs has concluded a framework agreement with Save the Children Denmark for the years 2003-2005 on implementation of projects intended to improve the conditions and rights of vulnerable children in accordance with the Convention on the Rights of the Child.
- [156]. NGO projects receiving aid from Dansk International Udviklingsbistand [Danish International Development Assistance (DANIDA)] provide direct support to street child prostitutes and children who have been subjected to sexual abuse and trafficking, including awareness-raising programmes about children's rights, and support for projects intended more generally to improve the living conditions of children through improved educational opportunities.

⁸⁸For more information see: <http://danatip.org/home> and <http://www.um.dk/en/menu/developmentpolicy/danishdevelopmentpolicycountries/theneighbourhoodprogramme/programmes/programmeagainsthumantrafficking>

E. Care and protection

- [157]. To ensure respect for a reflection period of a minimum of 30 days, section 33 in the Aliens Act was expanded with subsection 14 and 15 in order to implement Article 13 of the Council of Europe Convention on Action against Trafficking in Human Beings.⁸⁹ According to subsection 14, a foreigner who has been a victim of trafficking can, on request, be granted a 30-day deadline for departure if no specific grounds speak against it. Furthermore, the deadline for departure can, on request, be fixed to a later time or be prolonged if specific grounds support this or if the foreigner cooperates on a prepared repatriation. Subsection 15 states that subsection 14 is equally applicable in a case where a foreigner has been the victim of trafficking and has been expelled by a judgment.
- [158]. The implementation of the requirement for a reflection period cannot be seen as fulfilled by the access to a prolonged stay, cf. above under A.1.1. 4.
- [159]. There are no legal provisions ensuring the right of trafficked children (or other trafficked persons) to a renewable residence permit. Thus, the child will be sent back to the country of origin even if his or her report to the police leads to bringing charges against human traffickers and to their conviction.
- [160]. If a trafficked child seeks asylum the child is under the scope of the provisions in the Aliens Act regarding unaccompanied minors.
- [161]. There is no specific legal framework concerning administrative detention pending deportation for trafficked children. There are, however, in the Aliens Act provisions creating the legal basis for detention of foreigners who are waiting to be deported in general. Thus, children over 15 years of age who are waiting for deportation can be placed in the same detention with adults but this is very seldom used.⁹⁰ Furthermore, consideration should be taken of the fact that it is often difficult to know to a child's correct age.⁹¹
- [162]. Children under the age of 15 who do not have a legal residence can be placed in a secure institution cf. section 15, subsection 1(7), in the Administrative Order regarding the use of force on children and young people who are placed outside the home.⁹² Only children are placed in such institutions.⁹³

⁸⁹ Denmark/*Udlændingeloven* was amended by Act no. 504, 06.06.2007 (entered into force on 01.08.2007).

⁹⁰ Telephone conversation with department manager and personal and security consultant from Ellebæk Prison, Niels Etlard on 29.07.2008.

⁹¹ Telephone conversation with department manager and personal and security consultant from Ellebæk Prison, Niels Etlard on 29.07.2008.

⁹² Denmark/ *Bekendtgørelse* no. 893 (07.09.2007).

- [163]. Attempts will be made to trace the parents of the trafficked child if it is decided that the child should be enrolled in a prepared repatriation.⁹⁴ In such cases contact will be made with a family member or social organisation in the home country. According to section 56a, subsection 8 of the Aliens Act, which was introduced to implement the Council of Europe Convention on Action against Trafficking in Human Beings, the Danish Immigration Service carries out an investigation of the parents of a child (covered by section 56a, subsection 1) unless there are specific reasons against this. The act does not specify what such specific reasons may be. The investigation of the parents can be carried out in cooperation with the Danish Red Cross or another similar organisation approved for this purpose by the Minister of Refugee, Immigration and Integration Affairs.
- [164]. It is problematic in the light of protection of the private life of the child is the access to exchanged information. According to section 56a, subsection 8, the Danish Immigration Service and the above-mentioned organisations can, in relation to the investigation of a child's parents, exchange information regarding the child's personal affairs without consent from the child or the appointed personal representative of the child.
- [165]. The assisted return that might follow the investigation is voluntary for a victim of trafficking. As such the assisted return should be seen as an offer to the child victim of trafficking which can be accepted or rejected by him or her.
- [166]. There are no specialised shelters exclusively for trafficked children or children assumed to have been trafficked. Most unaccompanied children, both trafficked and non-trafficked, are placed at Center Gribskov, which is the receiving centre for unaccompanied children and young people who are applying for asylum in Denmark. The Centre is run by the Danish Red Cross. Only children who do not have legal residence in Denmark are placed at Center Gribskov.⁹⁵ A reason for the children's placement at this centre is that the support to unaccompanied children who are victims of trafficking is given within the framework of the aliens legislation.⁹⁶ At Center Gribskov one staff member has the responsibility to ensure that trafficked children receive adequate assistance and support. ⁹⁷
- [167]. According to the organisation Save the Children, one child suspected of being a victim of trafficking was registered as staying at the shelter of Reden-Stop Kvindehandel (now Reden International) and receiving support and assistance

⁹³ Telephone conversation on 04.07.2008 with Gitte Nielsen, Director at Center Gribskov (see para 165 for information on Center Gribskov).

⁹⁴ Denmark/Regeringen (2007) *Regeringens Handlingsplan til bekæmpelse af menneskehandel 2007-2010*

⁹⁵ Telephone conversation on 04.07.2008 with Gitte Nielsen, Director at Center Gribskov.

⁹⁶ Denmark/ Regeringen (2007) *Regeringens Handlingsplan til bekæmpelse af menneskehandel 2007-2010*.

⁹⁷ Denmark/ Den tværministerielle arbejdsgruppe til bekæmpelse af menneskehandel (2008) *Statusrapport for 2007/2008*.

- under its protection schemes.⁹⁸ In 2003 Reden International established a crisis centre for women who have been victims of trafficking. At this centre, which is located at an unpublicised address, the women are given counselling on health, social and legal issues.⁹⁹
- [168]. Other children are placed in the municipality of Copenhagen's acute institutions by the social services which are open both day and night.¹⁰⁰
- [169]. Children who arrive at Center Gribskov are all interviewed and if they show indications of trafficking the child is referred to a so called "trafficking conversation" that takes place within 24 hours of the referral.¹⁰¹ This interview is conducted by The Danish Red Cross who informs the child about what trafficking is and what rights the child has.¹⁰² The children are all explained that they are in a highly exposed situation and that they might have been exposed to trafficking.¹⁰³
- [170]. Unaccompanied minors, including children who are trafficked, receive health care provision through the Danish Red Cross, which runs Center Gribskov.
- [171]. Children who are staying at Center Gribskov attend the Danish Red Cross School or one of the local state schools.¹⁰⁴
- [172]. The Danish Red Cross has its own team of interpreters which is used when children arrive at Center Gribskov. All the interpreters are approved by the Danish Red Cross and it is a very flexible system.¹⁰⁵ The Danish Red Cross informs the children of the services that are available at the centre and through the Danish Red Cross.
- [173]. In the report *Uledsagede asylansøgerbørn* published by Det Nationale Forskningscenter for Velfærd [the Danish National Centre for Social Research (SFI)],¹⁰⁶ the living conditions for unaccompanied children were assessed to be good.

⁹⁸ Red Barnet (2006) *Red Barnets rapport om handel med børn i Danmark 2006 - Kortlægning og praksis*.

⁹⁹ <http://www.redeninternational.dk/?pid=46&sub=30#>

¹⁰⁰ Note from the Ministry of Social Affairs, 05.11.2004.

¹⁰¹ Telephone conversation 04.07.2008 with Casper Smidt, employee at Center Gribskov.

¹⁰² Telephone conversation 04.07.2008 with Casper Smidt, employee at Center Gribskov.

¹⁰³ Telephone conversation 04.07.2008 with Casper Smidt, employee at Center Gribskov.

¹⁰⁴ <http://drk2.inforce.dk/sw39775.asp>

¹⁰⁵ Telephone conversation on 04.07.2008 with Gitte Nielsen, Director at Center Gribskov.

¹⁰⁶ Det Nationale Forskningscenter for Velfærd (2006) *Uledsagede asylansøgerbørn* [Unaccompanied minors applying for asylum] SFI: 06:34 of 20.12.2006 financed by the Ministry of Social Affairs available (in Danish) at: <http://www.sfi.dk/graphics/SFI/Pdf/Rapporter/2006/0634%20Uledsagede%20asylans%F8gerb%F8rn.pdf> (7.7.2008).

- [174]. As part of the 2002 Action Plan a hotline was launched in 2002¹⁰⁷ with the purpose of providing assistance to victims of trafficking. The hotline is at the moment primarily used by collaboration partners, such as for instance the police.¹⁰⁸ The 2007 Action Plan broadened the scope of the hotline to include customers of the services of trafficked persons and others with information on suspicious behaviour or knowledge of victims of trafficking. The hotline also provides information on websites¹⁰⁹ and advice to victims as well as sex buyers. As such there are no other similar instruments.
- [175]. There is no specific evidence as such that the special needs for children coming from different ethnic backgrounds and needs of children with disabilities have been taken into consideration

¹⁰⁷ The number for the hotline is (+45) 70 20 25 50.

¹⁰⁸ Denmark/ Den tværministerielle arbejdsgruppe til bekæmpelse af menneskehandel (2008) *Status Report for 2007/2008*.

¹⁰⁹ E.g. www.kvindehandel.dk (trafficking in women).

F. Best interests determination and durable solutions, including social inclusion/return

- [176]. Victims of trafficking will be offered assistance for voluntary return to their home country. This offer is connected with the so-called prolonged stay in Denmark, which is described by the Danish government and the Action Plan as an extended reflection period. The granting of the prolonged stay is made dependent on the willingness of the victim of trafficking to cooperate with the authorities on voluntary return. See also above under A.1.1.4.
- [177]. The assistance programmes include activities during the stay in Denmark and activities in the home country. During the prolonged stay (the so-called 'reflection period') in Denmark the assistance and support programmes include legal and psychological assistance, health treatment and social and pedagogical support, as well as job training or the starting up of a small business and assistance to begin education or vocational training. These offers are given both in order to help victims of trafficking to handle their experiences, but also for the purpose of strengthening each individual and make them less vulnerable for renewed exposure to trafficking when returning to their home country.
- [178]. Reden – Stop Kvindehandel [Reden International], which carries out the outreach work in Copenhagen, also runs a safe house. As of 30.04.2006, 72 women have stayed at the safe house, whereas 86 women have declined the offer. There is no record of the presence of trafficked children in the safe house. It is the experience that the women do not come to the shelter by themselves but are referred by the police when encountered as victims of trafficking during police raids at brothels. While staying at the safe house the women receive medical, psychological and social help, if needed, and their return to their home country is prepared. Reden International has a network of NGOs in countries of origin and the relevant NGO is contacted in order to prepare for the return of the woman.¹¹⁰
- [179]. The Danish authorities have made an agreement with the NGO Tjek-punkt111 (a street outreach project amongst the disadvantaged youth of Copenhagen) and have established an emergency plan making it possible to accommodate a small number of trafficked children in Copenhagen. The project is open to minors only.

¹¹⁰ More information available at <http://www.redeninternational.dk/#> (02.07.2008) and <http://www.soroptimist-danmark.dk/> (02.07.2008).

¹¹¹ More information available at: <http://www.tjek-punkt.dk/> (03.07.3008).

- [180]. From January 2006 there is also the possibility for victims to stay at a women's crisis centre, including minors. This is offered to victims for whom it is assessed that their need for protection is not so high. At the women's crisis centre the women can move around more freely, but it is still not possible for anyone to get in.¹¹²
- [181]. Illegal immigrants who are identified by NGOs as victims of trafficking, but have not obtained granting of this status from the Danish Immigration Service, are only entitled to receive the same services as other illegal immigrants regarding accommodation, health care, counselling etc. In such cases the assistance will be offered in asylum centres run by the Danish Red Cross. Also, the NGOs providing assistance to victims of trafficking offer visits and advice during the period when the victims of trafficking are living in the asylum centres and during detention.
- [182]. The assistance in the victims' home country will be a continuation of the psychological and social care received in Denmark, and includes reception by local NGOs or social authorities, rehabilitation and reintegration. The implementation of these programmes is left to the local partners and is not under ongoing and in-depth monitoring. Assessments of the results, effectiveness and impact of the programmes are, however, made at the end the programme periods.
- [183]. For unaccompanied minor children the initiatives also include children who have not been exposed to trafficking. They will be offered a personal representative while staying in Denmark, attempts will be made to trace their parents and, in the case of assisted return, contact will be made with a family member or social organisation in their home country.
- [184]. The NGO Reden International, which offers assistance to trafficked women and children in Denmark, is in contact with about 100 organisations worldwide, mainly in Eastern Europe. This cooperation has been set up to help the trafficked women to a good rehabilitation result. Some of these organisations have gained experience in rehabilitating children who have been trafficked into a foreign country and it is expected that the network should be able to help children and young people returning from Denmark.
- [185]. The Ministry of Social Affairs participates in the working group of the Baltic Council which has trafficking in children as one of its focus areas. The working group is seeking to coordinate the existing efforts in the field of repatriation and re-integration of trafficked children returning from Denmark to their country of origin.

¹¹²Denmark/ Regeringen (2006) *The Government's Responses to the list of issues and questions for consideration of the sixth periodic report; CEDAW/C/DEN/Q/6/Add.1; 08.06.2006.*

- [186]. In March 2008, the Danish Immigration Service entered into a contract with the International Organization for Migration (IOM), on assistance in connection with prepared repatriation, i.e. with the reception in the home countries of victims who have been deported from Denmark and with reintegration activities.¹¹³
- [187]. Despite the efforts in this field, cf. 131-133, an effective network of NGOs, authorities and other actors with the competence and resources to receive victims of trafficking returning from Denmark is not in place in Africa. As Nigerian and Kenyan women, in particular, are visible in street prostitution and are identified by NGOs as victims of trafficking, the lack of adequate and reliable re-integration assistance in these countries represents a major threat to the children who are returned to these countries.¹¹⁴ Incidents of women returning to Nigeria and left there without support have been the focus of a number of television documentaries, but have not yet led to Danish initiatives to introduce re-integration programmes in collaboration with local partners.¹¹⁵
- [188]. It is a police task to take care of the return of foreigners who are not entitled to reside in Denmark. If the foreigner has no travel documents, the police assist the foreigner in obtaining them. To do so, the police may contact the mission of the relevant country in Denmark or the authorities of the foreigner's country of origin through a Danish mission abroad. The police may also assist in arranging the actual return by planning the travel route and buying and possibly paying for the ticket and other travel expenses.
- [189]. In addition, the police may escort the foreigner on the actual trip if warranted by circumstances. Before a return the police are prepared to notify the foreigner's relatives, social authorities or others in the relevant country of the time of arrival in that country. This presupposes that relevant contact addresses are available to the police.
- [190]. There is no evidence of initiatives taken that special needs for children coming from different ethnic backgrounds, needs of children with disabilities have been taken into consideration.

One of the jobs of the representative that is appointed to the child is to speak the child's case in all relevant legal procedures.

¹¹³ Denmark/ Den tværministerielle arbejdsgruppe til bekæmpelse af menneskehandel (2008) *Statusrapport for 2007/2008*.

¹¹⁴ Documentaries on trafficking, such as 'The Dark Side of the Moon; by Anja Dahlhoff, show examples of trafficked women returning to Nigeria from Denmark where they are left without assistance and support. The film was broadcast on BBC and CNN in June 2008.

¹¹⁵ See, for example, 'The Dark Side of the Moon', by Anja Dalhoff, 2006. The documentary was broadcast in June 2008 on BBC and CNN.

- [191]. No evidence of access to integration programmes. However children who are presumed to be trafficked but who obtain a refugee status on other grounds have access to the same integration programmes etc.

G. Prosecution

- [192]. Combating trafficking in children is part of the police action to combat trafficking in human beings.
- [193]. According to the Action Plan, in recent years it is estimated that a few children have been trafficked to Denmark. It has proven difficult to identify conclusively whether women and children have indeed been trafficked for prostitution, since they often do not wish to contribute to uncovering their cases and do not want the Danish authorities and organisations to help and support them.¹¹⁶
- [194]. Trafficking in human beings is one of the criminal areas which are subject to police monitoring by the Rigspolitiets Nationale Efterforskningsstøttecenter (NEC) [National Centre for Investigative Support to the National Police]. As part of the police monitoring, the police districts have to report, on a continuous basis, all data available that may be of importance to combating trafficking in human beings for sexual exploitation or other purposes.
- [195]. For any investigation within the criminal areas subject to systematic monitoring by the Rigspolitichefen [National Commissioner of Police], including trafficking in human beings, the police districts may obtain information from the National Centre for Investigative Support to the National Police and the Centre will also, on its own initiative, pass on information deemed of interest to the work of the police districts to counter and clear up relevant crime or otherwise deemed of importance to the tasks of the police districts.
- [196]. The National Centre for Investigative Support passes on relevant information and analyses as soon as possible to the relevant police district for its further considerations on initiation of a concrete police action. In relevant cases, the police district and the Centre together prepare operative and tactical plans based on the information gathered by the Centre.
- [197]. It should be noted that the National Commissioner of Police has only once received a report within the monitoring system from the police districts of a case where the victim was under the age of 18.¹¹⁷
- [198]. In cases of human trafficking, the National Centre for Investigative Support also provides assistance through its serious crime squad to the police districts for the investigation of specific cases.

¹¹⁶Denmark/Regeringen (2007) Handlingsplan til bekæmpelse af handel med mennesker 2007-2010, p. 5.

¹¹⁷Denmark / Regeringen (2005) *Denmark's initial report on the implementation of the Optional Protocol of 25.05.2000 to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, August 2005.*

- [199]. In addition, the National Centre for Investigative Support (NEC) provides assistance to the police districts for the purpose of witness protection, agent activities, observations and the use of technical monitoring and tapping equipment. The Centre also has a special task force and a negotiating group for the resolution of hostage situations, etc. These kinds of assistance may also be relevant in cases concerning trafficking in human beings. Hence, no specific witness protection programme exists for trafficked children, but a case can fall within the ordinary witness protection programme as stipulated in the Act on Administration of Justice cf. Section 856.
- [200]. Furthermore, contact persons have been appointed in the police districts in relation to exploitation in connection with prostitution. The contact person scheme was established to ensure efficient cooperation with relevant NGOs.
- [201]. The National Commissioner of Police has no knowledge of cases where it has been relevant in Denmark to take special measures to protect individuals or organisations involved in the prevention of child prostitution, exploitation or labour or in the protection and rehabilitation of victims of such crimes.
- [202]. According to the National Commissioner of Police, 14 charges have been brought under section 262(a) of the Danish Criminal Code concerning trafficking in human beings since the provision was introduced in June 2002 and until late December 2005. The National Commissioner of Police is of the impression that the majority, or possibly all, of these charges relate to the exploitation of women into prostitution.¹¹⁸ From 2006 to 2007 a total number of 66 cases of trafficking were prosecuted and led to convictions in 13 cases on the basis of section 262(a)¹¹⁹
- [203]. Cases against traffickers are reviewed by the district courts. As decisions from the district courts are not published, no official statistics are available on case law on convictions for child trafficking and awarded compensation. Victims of child trafficking will receive compensation according to the normal regulation of compensation to victims of crime (see below).
- [204]. An unpublished district court decision¹²⁰ on the trafficking of four adult women resulted in compensation to one of the four. The amount was DKK 40,000 (approx. 5,300 Euro). The court found that the woman had been the victim of an illegal violation of her person and freedom, including her self-determination.

¹¹⁸Denmark/ Regeringen (2006) *the Danish Government's Responses to the list of issues and questions for consideration of the sixth periodic report; CEDAW/C/DEN/Q/6/Add.1; 08.06.2006.*

¹¹⁹ <http://gvnet.com/humantrafficking/Denmark-2.htm>

¹²⁰Denmark/ District Court Case SS 3-6771/2007 (02.07.2007) (unpublished).

- [205]. Of legal provisions offering child-sensitive procedures in front of police/prosecutor/court, allowing for alternatives to direct confrontation with the trafficker victim/witness security and protection, the following can be mentioned:
- [206]. Act No. 228 of 2 April 2003 inserted express authority into the Administration of Justice Act to use video interviews of children as evidence in a trial as well as a provision stipulating that the suspect or the person charged is not to be allowed to attend the video interview of the child, but will have an opportunity to familiarise himself with the contents thereof subsequently and to request a re-interview of the child. In such cases – before the video interview – counsel must be assigned to the person who is suspected or charged at the time or later. Counsel must be present during the video interview.
- [207]. This procedure prevents the child from becoming nervous and unable to give a statement about the incident or afraid of doing so because it is aware of the presence of the suspect or the person charged. The child also avoids the potential mental stress of knowing that the suspect or the person charged is attending the interview about the abuse.
- [208]. In his Notice No. 2/2003, the Director of Public Prosecutions laid down guidelines for video interviews of children in cases about sexual offences.
- [209]. According to the guidelines, the police must notify the social authorities when a person under the age of 15 is to be interviewed as a victim or a witness in a case concerning sexual abuse, as a representative of the social authorities must attend the interview in such cases. During the interview with the police, the representative will support the child and ensure that the interview is conducted with the consideration suitable to the nature of the case and the child's age.
- [210]. Video interviews of children in cases concerning sexual abuse must be conducted by specially trained police officers.
- [211]. The police officer who will conduct the video interview must be thoroughly briefed about the case and the child's personal circumstances and must have access to the documents of the case. The police officer should visit the child in its home before the interview to get an impression of the child and its language development and to present himself to the child and tell the child where and under what circumstances the interview will take place. The question of who is to accompany the child in the interview room may also be discussed. The specific contents of the interview may not be discussed with the child before the video interview.
- [212]. During a video interview, normally only the child to be interviewed, the interviewer and either the representative of the social authorities or another "interview supporter" capable of generating security should be present in the interview room. In addition, an interpreter may be present if interpretation

assistance is needed. If an older child has expressed a wish not to have a companion present in the interview room or if another interview supporter is present together with the child in the interview room, the representative of the social authorities should monitor the interview from the monitoring room and ensure from this position that the interview is conducted with the requisite consideration.

- [213]. The social authority representative or the interview supporter to be present in the interview room should be counselled in advance on the need to remain neutral during the interview.
- [214]. The National Commissioner of Police has prepared a witness protection programme proper which may include, in addition to moving and setting up a new home and arranging for a new job, a complete change of identity with a new name and new telephone number.

G.1. Victim advocate and compensation

- [215]. According to section 741a of the Administration of Justice Act, the court must assign a victim advocate in certain types of cases, including cases on certain sexual offences and cases falling within section 262a of the Criminal Code, if the victim so requests. Assignment of a victim advocate may only be refused if the offence is not very grave and his or her assistance must be considered obviously unnecessary. If the case concerns rape, including the rape of children, or incest, etc., a victim advocate is assigned unless the victim declines it after having been counselled on his or her right to assignment of a victim advocate.
- [216]. Before the victim is interviewed the first time, the police must inform the him or her about the rules on assignment of a victim advocate. The information must be repeated in connection with and before the second interview.¹²¹ If the victim does not request assignment of a victim advocate, a victim advocate may be assigned to the victim during the investigation at the request of the police.
- [217]. The victim advocate, who is remunerated by the Treasury, must safeguard the victim's interests during the proceedings, including any claim for compensation against the offender. The victim advocate is entitled to attend interviews of the victim conducted by the police and in court and has the right to ask additional questions of the victim. The victim advocate also has the right to make him or her self acquainted with the material procured by the police.¹²²

¹²¹ The reason for this information being repeated is that, after the victim has recovered from a state of shock or the like, s/he will have a new opportunity to make a decision on the need for legal counselling cf. Karnov remark 3035 to the Administrative Act section 741b, subsection 1.

¹²² Denmark/ Retsplejeloven section 741c, subsection 1, 2 and 3.

- [218]. If a claim for compensation is not adjudicated during the criminal proceedings, the victim may institute civil proceedings and may apply for legal aid to cover the associated legal costs.¹²³
- [219]. Pursuant to the *lov om erstatning fra staten til ofre for forbrydelser* [State Compensation to Victims of Crime Act], a victim who has suffered personal injury as a consequence of a criminal offence committed in Denmark may be awarded compensation and damages from the Treasury.¹²⁴ Submission of an application is free.
- [220]. This scheme is subsidiary and the Treasury does not pay out compensation if the injury or damage is covered by the offender or by insurance moneys. Compensation may be awarded, even though the offender is unknown or cannot be found.¹²⁵ The amount of compensation is determined according to the general Danish rules on damages.
- [221]. Concern may be raised that prosecution of network ringleaders will only lead to a sentence for pimping or human smuggling and not for trafficking, due to difficulties in obtaining evidence and testimonies.

¹²³ Denmark/Bekendtgørelse [on free legal aid], no. 1468 (12.12.2007).

¹²⁴ Denmark/Lov no. 688 (28.06.2004) [on damages from the government to victims of a crime], section 1.

¹²⁵ Denmark/Lov no. 688 (28.06.2004) [on damages from the government to victims of a crime], section 6.

H. Miscellaneous

- [222]. A tabloid newspaper launched a news campaign, ‘Slave in Denmark’, in May 2008, uncovering the story and background of women and girls trafficked to Denmark for sexual exploitation. The campaign ran for approximately one month with the purpose of protection for victims of trafficking by pushing the authorities to grant residence permits to such victims. A concert was held and a campaign ‘Stop Kvindehandel Nu’ was established on the social network Facebook. The campaign supported the NGO SAFE AND ALIVE.¹²⁶
- [223]. As part of a publication by the Council of Europe Directorate General of Human Rights and Legal Affairs,¹²⁷ a Danish police report highlighted the issue of internet recruitment and trafficking. The report noted that links between the internet and trafficking can take several forms in so far that victims may fall prey to traffickers via websites and other internet services. Trafficked victims may thus be traded or their services ‘advertised’ to clients via the internet; and victims recruited in traditional ways may be forced to contact clients online, for example, via suspect advertisements for nannies, waitresses and dancers on websites.
- [224]. Reden – Stop Trafficking and the Soroptimist International in Denmark will host a hearing in the Danish Parliament on trafficking in women on 25.09.2008, with a particular focus on the increase in the number of young Romanian women in the Danish sex market, especially in street prostitution.

¹²⁶More information available at: <http://www.safe-and-alive.org/> (06.07.2008).

¹²⁷Directorate General of Human Rights and Legal Affairs Council of Europe (2007) *Trafficking in human beings: internet recruitment; misuse of the internet for the recruitment of victims of trafficking in human beings*, prepared by Athanassia P. Sykiotou, Lecturer in Criminology, Faculty of Law, Democritus University of Thrace (Greece).

I. Good practices

- [225]. The focus on establishing transparent structures for coordination of measures and initiatives taken by the different ministries has led to a firm and effective system for coordinating the efforts of the relevant ministries. It does not as such ensure the rights of victims of trafficking, but creating a permanent platform for dialogue, development and evaluation of measures may, in the long term, contribute to an effective accommodation of the needs of trafficked children in Denmark and thereby enhance their rights.
- [226]. The structure facilitates coordination and cooperation between all relevant public authorities and is made operational via an inter-ministerial working group consisting of representatives of *Justitsministeren* [Minister of Justice], *Ligestillingsministeren* [the Minister for Gender Equality], *Udviklingsministeren* [the Minister of Development] and *Integrationsministeren* [the Minister of Refugee, Immigration and Integration Affairs].
- [227]. The working group launched the 2007 Action Plan to Combat Trafficking in Human Beings,¹²⁸ including the establishment of a Centre against Human Trafficking, and issued an annual status report¹²⁹ on the progress of the activities listed in the Action Plan.
- [228]. The 2007 Action Plan highlights the requirement for the Danish Immigration Service to draw up, in collaboration with the personal representative, an individual action plan for the continued work for the benefit of the child or young person who has fallen victim to trafficking. This enhances the focus on the specific needs and rights of the individual. The 2007 Action Plan is relatively new and it remains to be seen what long-term effects might be concluded in relation to the implementation of the plan and whether children trafficked obtain effective protection.

¹²⁸Denmark/ Regeringen (2007) *Handlingsplan til bekæmpelse af handel med mennesker 2007-2010*. The Action Plan is available in English at:

http://ligeuk.itide.dk/files/PDF/Handel/Menneskehandel_4K.pdf

¹²⁹Denmark/ Den tværministerielle arbejdsgruppe til bekæmpelse af menneskehandel (2008) *Statusrapport for 2007/2008*, available (in Danish) at

http://www.lige.dk/files/PDF/status2008_hp_menneskehandel.pdf

Annex 1 - Tables and Statistics

	2000	2001	2002	2003	2004	2005	2006	2007
Number of children being granted temporary stay on grounds of trafficking	No data							
Number of trafficked children receiving full health care services, including psychosocial care and rehabilitation (e.g. not just emergency treatment)	No data							
Number of trafficked children receiving education/training, in particular secondary education and vocational training	No data							
Number of trafficked children receiving legal assistance (e.g. for claiming compensation)	No data*							
Number of final convictions based on child trafficking cases, per year						1	2	

Total of amount of compensation paid to trafficked children, per year	No data*							
Average of amounts of compensation paid to trafficked children, per year	No data*							
Range of amount of compensation paid to trafficked children, per year	No data*							

Any other tables or statistics relevant for child trafficking

*Please note that the required data is not available in the *Udlændingedatabasen i Danmarks Statistik* [database on foreigners in Statistics Denmark], the national bureau of statistics.¹³⁰

Other tables or statistics relevant for child trafficking

Number of trafficked children 2000-2007:

There is limited information concerning the number of trafficked children in Denmark. The statistical information concerning trafficked children is thus based on several sources:

*Save the Children (Denmark)*¹³¹

Save the Children (Denmark) has produced a report on foreign children trafficked to Denmark in the period from 01.12.2005 to 01.12.2006. The report estimates the following number of trafficked children in Denmark from 2000 to 2006:

¹³⁰ Statistics Denmark <http://www.dst.dk/HomeUK.aspx> (06.08.2008)

¹³¹ Red Barnet (2006) *Red Barnets rapport om handel med børn i Danmark 2006*, p. 24.

Year	Number	Country of Origin	Stated age	Sex	Assumed abuse
2000	16-20	Eastern Europe	Minors	Boys	Criminality
2001	1	Lithuania	17	Girl	Prostitution
2003	8	Poland, Eastern Europe, Africa, Latvia and Romania	3 16-year-olds and 5 minors	4 girls and 4 boys	Prostitution, other kinds of commercial sexual abuse and criminality
2004	1	Unknown	Minor	Boy	Sexual abuse
2004	1	Chile	Minor	Boy	Criminality
2004	2	Roma	14, 15	Girls	Criminality
2004	3-4	Romania	13-14	Girls	Criminality
2004	App. 10	Macedonia or Romania	10-14	Boys and girls	Criminality
2004	2	Nigeria	Minors	Girls	Prostitution
2003-2004	5	Nigeria	Minors	Girls	Prostitution
2004	26-28	Mainly Romania	Mainly 12-14	Mainly boys	Theft
2005	1	Ecuador	17	Girl	Prostitution
2005	1	Slovakia	17	Girl	Prostitution
March 2006	1	Slovakia	17	Girl	Prostitution
May 2006	1	Nigeria	17	Girl	Prostitution
June 2006	1	Nigeria/Liberia	16	Girl	Prostitution
July 2006	1	Nigeria	16	Girl	Prostitution
March 2006	1	Lithuania	17	Boy	Criminality
March 2006	1	Lithuania	16	Boy	Criminality

May 2006	1	Bulgaria	15	Girl	Criminality
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Criminal cases:¹³²

Sentence has been passed in three of the above mentioned cases.

On 06.04.2005 two Romanian men were convicted for having organised thefts in Copenhagen during summer 2004. In the verdict it was emphasised that the accused had been part of a criminal network where transport and residence was arranged for young Romanians who were supposed to commit theft and hand over part of the loot to the convicted men. The youths might have been minors.

On 13.07.2006 Copenhagen City Court passed sentence in a case concerning section 262 a of the Criminal Code. A victim aged under 18 testified against the men behind organised crime.

Sentence was also passed in another case from 2006.

*POLSAS*¹³³

In the light of information from POLSAS, the Danish Police file management system, the following survey was made of the number of complaints, charges and decisions in connection with violations of section 262 a. of the Criminal Code (human trafficking).

It should be noted that POLSAS does not specify the extent to which the trafficking was in respect of minors, cf. article 262 a. subsection 2 & 1 of the Criminal Code, but it is the opinion of the National Police that the vast majority, if not all, of the complaints/ charges related to the sale of women over the age of 18 with a view to exploitation within the framework of prostitution.

The number of charges and decisions is based on the actual complaints made within the specified year ('the year of complaint'). In this regard, please note that one complaint may lead to several charges being brought against one or more persons.

As regards the statement of the number of decisions, it should be noted that some of the cases reported in 2003, 2004 and 2005 have not yet been decided. Please also note that *prima facie* some decisions (cases closed) appear to have been erroneously recorded in POLSAS.

Section 262 a			
Year	2003	2004	2005

¹³² Red Barnet (2006) *Red Barnets rapport om handel med børn i Danmark 2006*, pp. 25, 28.

¹³³ Denmark/ Regeringen (2006) *Written replies from the Government of Denmark 10.08.2006 (CRC/C/OPSC/DNK/Q/1/Add.1) to the Committee on the Rights of the Child.*

Number of complaints per year	1	2	4
Number of charges based on year of complaint	10	2	2

Number of decisions (so far) based on year of complaint

<i>Section 262 a</i>			
<i>Type of decision</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>
Custodial sentence	5	2	1
Suspended sentence	1	-	-
Acquittal	1	-	1
Decisions, total	7	2	2

The Danish government has no knowledge of any trafficked children in the period between 01.08.2007 and 12.06.2008.¹³⁴

Asylum Center Gribskov has provided the following statistics concerning Iraqi and Afghan unaccompanied children/youths at the centre. The following numbers concern all unaccompanied children. The number of children who are victims of trafficking is unknown.

2006	Total	Afghan	Iraqi
Arrived	150	25	54
Disappeared	110	16	45
Re-emerged	22	?	6

2007	Total	Afghan	Iraqi
Arrived	123	49	34
Disappeared	85	30	29
Re-emerged	21	1	11

01.01.08 to 28.04.08	Total	Afghan	Iraqi
Arrived	74	35	24
Disappeared	45	25	12
Re-emerged	9	9	2

¹³⁴ Denmark/ Regeringen (2007) Handlingsplan til bekæmpelse af handel med mennesker 2007-2010, available at: http://www.lige.dk/files/PDF/status2008_hp_menneskehandel.pdf (07.07.2008)