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**Reply from Denmark
to the Questionnaire for the evaluation of the implementation
of the Council of Europe Convention on Action against
Trafficking in Human Beings by the Parties**

**Second evaluation round
(Reply submitted on 9 March 2015)**



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Reply from Denmark to the questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties. Second evaluation round.

A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

Since GRETA's evaluation report from 2011 there has been an increase in the number of identified victims of trafficking in Denmark. This is the case both in relation to trafficking for prostitution and for labour exploitation. Victims of trafficking for prostitution still constitute the majority of the victims identified.

Under the National Action Plan for 2011-2014 (hereafter NAP) 273 persons were officially identified as victims of trafficking. Of these almost 80% were trafficked for prostitution, 12% were trafficked for forced labour and 7% for criminal actions.

The victims of trafficking have many different nationalities, but Nigeria is the most common country of origin. Thus, 123 of the 273 identified victims of trafficking originated from Nigeria.

For further information reference is made to section E of this questionnaire.

In the last few years Denmark has seen an increase in victims of trafficking from third countries with residence in Europe, primarily Italy and Spain.

Finally, the Danish Center against Human Trafficking's (hereafter CMM) national hotline has received an increased number of calls concerning po-

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tential minor victims of trafficking and a smaller increase in 2014 in the number of officially identified minor victims of trafficking.

- any changes in your country's laws and regulations relevant to action against THB;

As mentioned in the report on measures taken to comply with the recommendations of the Committee of the Parties, the Criminal Code was amended by Act no. 275 of 27 March 2012 in order to bring Danish criminal legislation in line with EU directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

By this act the maximum penalty for trafficking was raised from 8 years of imprisonment to 10 years of imprisonment. Furthermore, in section 262a (1) and (2) the purpose of exploitation was extended to include exploitation for criminal activities.

The act also included an amendment of section 7 (1) (2) (a) of the Criminal Code regarding criminal jurisdiction for acts of trafficking committed outside the territory of Denmark. This amendment implies that Danish nationals and persons who have permanent residence in Denmark can be punished for acts of trafficking committed outside the territory of Denmark, if they had the same attachment to Denmark when the offence was committed. It is not a requirement that the act is also a criminal offence under the law of the country in which the act was committed.

Furthermore, section 262a of the Criminal Code was amended by Act no. 633 of 12 June 2013. By this act the reference to "indecent sexual activity" was amended to "prostitution, the making of pornographic photographs or movies, pornographic performances" in order to modernize the wording of the provision.

Also the wording of section 228, 229 and 231 of the Criminal Code referred to in Denmark's reply to the questionnaire regarding the first evaluation round has been amended. However, it follows from Act no. 633 of 12 June 2013 that the amended provisions are subsidiary to section 262a of the Criminal Code.

The reflection period may, upon request, be extended if particular reasons make it appropriate or if the foreign national is cooperating concerning a prepared return.

By Act no. 432 of 1 May 2013 which went into force on 3 May 2013 the Aliens Act was amended. By this Act the maximum reflection period was expanded from a total of 100 days to a total of 120 days.

The Act also included a new section 9c (5) stating that a temporary residence permit may be granted to foreign nationals, including victims of trafficking if their presence in Denmark is required for investigation or proceedings. The residence permit cannot be extended beyond the period during which the investigation or the prosecution takes place.

- the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialized in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking Strategies, policies and activities;

As mentioned in Denmark's reply to the questionnaire regarding the first evaluation round, CMM was established in September 2007. CMM is still the main actor in combating THB in Denmark.

CMM has developed a national referral system that ensures coordination and cooperation between all the relevant actors – NGOs, the police, the Danish Immigration Service (hereafter DIS) or other relevant actors in this field. In the end of 2014 quarterly meeting between the NGOs, CMM and the Ministry of Children, Gender Equality, Integration and Social Affairs were established.

Together with the inter-ministerial working group this ensures a high degree of information-sharing and provides a forum for tackling issues or challenges that were not foreseen but needs to be taken action on.

As such NGOs are a very important part of the efforts to combat THB in Denmark. At the moment four NGOs (Danish Red Cross, Hope Now, Pro Vest and Reden International) are involved in the implementation of the NAP.

- an overview of the current national Strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).

The present NAP covers the period from 2011 to 2014. The inter-ministerial working group is currently drafting the new NAP for 2015-2018 which is expected to be presented in April 2015. As a result of a political agreement the present NAP will cover the first half of 2015, meaning that the new NAP will be in effect as of 1 July 2015.

The present NAP is based on the following five pillars:

- Victims of trafficking will be identified.
- Victims of trafficking will receive the optimum support.
- Demand for services from victims of trafficking in Denmark will be reduced.
- Human trafficking will be prevented internationally.
- The traffickers will be identified and punished.

The present NAP has been translated into English and can be found as an appendix to the answers to this questionnaire. However, it should be no-

ticed that a number of improvements which are not reflected in the text of the NAP have been made since 2011.

Most notably, as a part of the Government's agreement with the party Enhedslisten on the financial bill for 2013 it was agreed to strengthen the efforts against trafficking in a number of ways including:

- The confidence building efforts of CMM were strengthened especially towards foreign women who are held in police custody and have worked in the prostitution industry and thus are at risk of being victims of trafficking in order to detect potential signs of trafficking.
- The reintegration period was extended from 3 to 6 months. Furthermore, the individual support was made more flexible to allow for more individualized reintegration efforts, such as tuition fees and child care.
- The maximum reflection period was prolonged from 100 to 120 days.

An external evaluation of the present NAP has been carried out.

The evaluation is overall positive and concludes that the implementation of the NAP is good. The set-up of actors and the coordination between the different actors is working well. There is a good combination of different actors. The efforts to combat THB are effective and well-coordinated.

The evaluation recommends that the areas of trafficking of minors should be given more attention and the question of trafficking to forced labour should be further developed, as should the question of how to deal with victims of trafficking caught in criminal activities. Finally, the CMM should have capacity to deal with times of peak load.

The evaluation has not been translated into English, but can be found in Danish as an appendix to this questionnaire.

In October 2014 the Danish Government and all political parties except one in the Danish Parliament agreed to fund a new NAP for 2015-2018. The new NAP has a funding of app. 88 mill. DKK (EUR 11.8 mill.).

In the political agreement on the new NAP it has been decided that it shall continue and further develop the activities in the present NAP. The pillars of the NAP for 2015-2018 will be:

- THB will be prevented in Denmark and internationally.
- Victims of trafficking will be sought out and identified.
- Victims of trafficking will be offered individually adjusted and coordinated support.
- Prosecution of traffickers.
- Partnership and coordination.

The new NAP will be translated into English soon after its presentation. GRETA will receive the plan once translated.

B. Cross-cutting questions

Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

In 2002 where the first NAP was published, the efforts to combat THB and to protect and promote the victims of trafficking were focused on women.

Later on, as the first cases of trafficked men in Denmark were identified, the efforts were expanded to also include men and today, the efforts are adjusted to the need of the individual victim - woman, man, girl or boy.

Furthermore, it is a basic principle in Denmark that the criminal law provisions are drafted in a gender neutral manner whenever possible. Thus, the provisions in the Criminal Code concerning human trafficking apply irrespective of the gender of the victim.

Non-discrimination (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

Neither the legislation nor the NAP distinguishes between ethnic Danes and persons belonging to ethnic minorities.

The NAP applies to all victims of trafficking who come to or are in Denmark as part of trafficking no matter what kind of exploitation the victims are exposed to. When dealing with victims of trafficking Denmark does not distinguish on matters such as sex, race, religion, political opinion, origin or association with a national minority. Neither when conducting outreach services to groups at risk, nor when offering support under the NAP to any person, who has been identified as a victim of human trafficking.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

Relevant actors (getting in contact with e.g. sectors typically employing migrant workers) have been informed of the phenomenon and trained in signs of THB, how to react and what assistance victims of trafficking are eligible for.

If the Danish Agency for Labour Market and Recruitment (hereafter LMR) during the processing of an application for a residence permit finds reason to suspect that an applicant might be a victim of trafficking of forced labour or services, it will be reported to the police.

Another example is the Danish Customs and Tax Administration (SKAT), who is visiting a large number of worksites in different industries every year. SKAT contributes to the identification of victims of trafficking through these visits. By keeping the tax inspectors informed about THB, SKAT is able to help identify possible victims of trafficking.

The inspectors have received an instruction in how to identify victims of trafficking and a pamphlet with SKAT's guidelines on how to identify victims of trafficking.

The guidelines are a dynamic tool and they are continually updated with new knowledge in this field. The guidelines include all types of THB, and they describe indicators on THB in all lines of trade. They also describe the procedure on how to forward information to other authorities, such as the police and CMM.

SKAT also has developed an interview form employees can use, if they suspect that a person might be subject to THB. SKAT collects all information about THB received by the inspectors, and if relevant, reports to other authorities, such as the National Police.

SKAT cooperates with relevant authorities and meetings are frequently held between SKAT, the National Police and CMM.

Reference is also made to the answer to question 3 of this questionnaire.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

It is possible within the asylum system to offer accommodation at special shelters and similar places where only men are accommodated and which may fulfil their particular needs.

In cases where the asylum system is not possible or relevant, CMM has made an agreement with the Salvation Army on accommodation of male victims of trafficking. Minor male victims of trafficking will be provided safe accommodation in children's houses or in special asylum centres for minors.

CMM continuously seeks for relevant accommodation for male victims.

Reference is also made to the answer to question 3 and 4 of this questionnaire.

Training of relevant professionals (Articles 10 and 29)

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding pro-

vided for training activities. If the impact of training has been assessed, please provide details.

Since 2007 trainees at the Police Academy have been trained in THB. The theoretical training regarding trafficking is provided by experts on the subject from the National Police and CMM and is mandatory for all trainees at the academy. Training at the Police Academy is always kept relevant and updated regarding e.g. modus operandi, investigative techniques, victim identification and the law enforcement approach to victims of trafficking, who are considered to be a very vulnerable group of persons.

The twelve local police districts in Denmark have appointed a person with a particular insight into THB. Twice a year the National Police arrange a training day, where all these persons are gathered with a view of exchanging knowledge on new trends and best practice, and as such keeping the overall knowledge relevant and current. Besides the persons with particular insight in THB, a person from each of the police districts' special Intelligence and Analysis Units (EAE Units) participate in the meetings as well as relevant key persons from other relevant authorities, e.g. SKAT or CMM dependant on the agenda.

In addition to educating trainees at the Police Academy, the National Police together with CMM train embassy and consular personnel prior to their deployment to countries from which victims of trafficking primarily originate.

Finally, the National Police provides training on an ad hoc basis to partner authorities such as SKAT, the Danish Working Environment Authority (hereafter WEA) and DIS. The training is e.g. provided when new trends are seen and a joint effort is needed. After such training the individual partner authorities educate their own relevant personnel. This approach has resulted in greater awareness regarding THB within the police's partner authorities when they are conducting checks and actions, enabling them to focus on violations other than those within their own area of responsibility.

Educational activities provided for by the police are funded by the police's appropriation on the yearly finance budget.

CMM provides training to a wide range of relevant professionals. Most of the training activities are described and determined by the NAP. A large part of the actual training is a result of dialog and collaboration between different stakeholders and professionals. The training includes topics like indicators and how to take action and CMM has developed different presentations and publications for professionals on these matters.

CMM is also developing a small publication with the purpose of presenting knowledge of legislation and procedures in relation to minor potential victims of trafficking.

CMM continuously train authorities such as immigration officials, immigration service, some municipalities (primarily regarding child trafficking) and child and youth welfare institutions.

CMM has trained staff in the penal system, including prisons and institutions for young criminals, staff at relevant hospitals and health units, and staff in refugee centers, reception centers (adults and children) and detention centers for irregular migrants.

Finally, as a part of CMM's general efforts to prevent trafficking for forced labour and strengthen the collaboration with actors in the labour market, labour inspectors and union employees have received training on THB. To ensure focus and actions to avoid trafficking for forced labor in the supply chain in the private sector, CMM has trained private companies, and held a side-event at The Danish CSR Award (See the answer to question 18 of this questionnaire). CMM has supplemented these efforts with hosting a national conference for other stakeholders such as authorities, staff from relevant ministries, trade unions and NGOs.

At the same time CMM has launched a set of guidelines for companies and employers on managing the risk of hidden forced labour. The guidelines are used as a part of a training session on forced labour and are also an interactive web based guide intended as an information, risk management and prevention tool including checklists of a number of measures which may be taken by companies to reduce the risk of hidden forced labour.

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

Denmark is primarily a country of transit and destination and there have not been any cases of internal trafficking of minor Danish citizens in Denmark. Awareness, training and efforts regarding protection and reduction of children's vulnerability to trafficking are therefore primarily addressed foreign minors.

Most of the minor victims of trafficking identified by the authorities are foreign minors seeking asylum or staying illegally in Denmark. Thus, this group of minors is of great concern and object of special attention.

A broad range of actors and stakeholders including CMM and other authorities such as the police, DIS, the Danish Ministry of Children, Gender Equality, Integration and Social Affairs and the municipalities are involved in the efforts addressed minor victims of trafficking.

Other important actors are refugee centers, reception centers (adults and children) and detention centers for irregular migrants as well as personal representatives under the auspice of Red Cross when it comes to minors

who seek asylum or are staying illegally in Denmark. Equal important are the social organisations conducting outreach work or child and youth welfare institutions, staff in the penal system, including prisons and institutions for young criminals, hospitals, health units and tax authorities.

All these actors play an important role in ensuring early identification and support in accordance with the NAP. Therefore, efforts depend on these actors' awareness on the problem and cooperation on procedures, identification, protection and assistance. Thus, CMM has a very close cooperation with these actors.

Unaccompanied minor asylum-seekers are considered a particularly vulnerable group under the Aliens Act. They are accommodated in specialized asylum centers with specially trained staff. They have a personal representative appointed, and their applications for asylum are handled in a fast-track procedure.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment for them, including through:

- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;*
- b. raising awareness of THB through education;*
- c. training professionals working with children.*

In Denmark it is the duty of the midwife who has been present during the birth to register the newborn to the authorities, namely the local church or the municipality in which the parents reside. If no midwife has been present during the birth, it is the duty of the person who has the custody of the child to register the newborn to the authorities.

In the case of socially vulnerable pregnant women (e.g. women who have a severe substance abuse or severe mental disease), the local municipalities have certain obligations to offer special health and social care to these women. The measures are to ensure women are able to make the right choices for themselves and the newborn baby afterwards.

The preventive arrangement that are in place for socially vulnerable women form a well-established framework which ensures that their newborn children are registered at birth and are offered extended health and social care.

Most of the minor victims of trafficking identified by the authorities are foreign minors seeking asylum or staying illegally in Denmark. Thus, this group of minors is of great concern and object of special attention.

Generally protection of minor victims of trafficking in Denmark includes awareness raising among and training of the different professionals who are in direct contact with foreign minors e.g. in asylum centres, in the streets or in social emergencies in the municipalities. The goal is to make

sure that they are well informed of THB and the fact that minors are especially vulnerable to recruitment and exploitation from traffickers.

CMM has also strengthened the focus on different forms of exploitation and CMM continually seeks to implement knowledge of indicators of different forms of trafficking and procedures to simplify handling. Besides this, it has been important to inform about risks and recruitment tendencies.

The target group for these awareness and training efforts is the police, employees at the municipalities, refugee centers, reception centers and detention centers for irregular migrants, social organisations conducting outreach work, child and youth welfare institutions, staff in the penal system, including prisons and institutions for young criminals and tax authorities.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

The provisional registration is based on the information given by the presumed victim. If subsequently, there are doubts concerning the age of an asylum-seeker claiming to be a minor, an age examination may be conducted. An age examination is conducted by the Department of Forensic Medicine at Copenhagen University and includes a physical examination and an examination of bones and teeth.

When determining the age of an unaccompanied minor asylum-seeker, all information available is taken into consideration. Even if a medical examination has taken place, the age assessment will not depend solely on the result of this examination. Other information, including the statement of the asylum-seeker, will also be considered. The benefit of the doubt is always given to the applicant.

Until DIS has determined the age of the claimed minor, the person will be considered a minor.

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests are duly taken into consideration, in particular when it comes to:

a. identification of child victims of trafficking;

The best interest of the child includes a fast and early identification of victims of trafficking.

All unaccompanied minors are appointed a personal representative. It is the responsibility of the personal representative to have the child's best interest as a primary consideration and to consult and advise the child in relation to all decisions taken that may affect them.

When CMM conducts trafficking interviews, consent is given by the personal representative.

All dialogs are open minded and based on respect, without discrimination or blame. The minor will always be heard and get the opportunity to express its point of views. The child have the right to refuse a dialogue or deny being in a trafficking situation. CMM has an extended obligation to try as much as possible to get information from the minor, in order to be able to protect the child and therefore act in the best interest of the child.

CMMs efforts are based on respect for the child and, if possible, with the consent from the minor and the personal representative appointed to the child.

CMM and the personal representative work closely together and share relevant information in the best interest of the child.

DIS has a team of professionals, who have been trained to consider asylum applications from unaccompanied minors, including unaccompanied minors that (might) have been victims of trafficking. The special needs and circumstances to be addressed in the identification of child victims are thus handled by staff specialized in processing asylum applications from unaccompanied minors.

b. appointing a legal guardian, organization or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;

As unaccompanied minor foreign nationals are considered a particularly vulnerable group, and a personal representative is appointed to care for the interest of the minor. In case of trafficking, a personal representative with experience in this field, e.g. a social worker or an employee at the Danish Red Cross, will be appointed.

c. locating the child's family;

It follows from section 56a (9) of the Aliens Act that DIS shall initiate a search for the parents or other family network members unless the minor can take up residence at a reception and care centre in its country of origin or former country of residence.

When it comes to minor victims of trafficking, it follows from section 56a (10) of the Aliens Act that DIS shall initiate a search as mentioned in subsection (9) unless particular reasons make it inappropriate, e.g. if there are reasons to believe that the parents of the minor have participated in the trafficking.

d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;

It appears from the Criminal Code and the Public Administration Act that DIS must observe confidentiality and not pass on confidential or personal information obtained in connection with the performance of the field of responsibility of DIS.

e. access to appropriate and secure accommodation, education and health care;

A minor victim of trafficking has several rights and possibilities. They have access to the same level of health care as Danish nationals and are subject to compulsory school attendance like other minors in Denmark.

A minor victim of trafficking will be provided with different kinds of assistance during recovery, reflection and reintegration funded by the NAP. Victims of trafficking are always appointed a contact person from CMM. The contact person will participate in planning and following up on assistance during recovery, reflection and reintegration.

CMM coordinates the support and assistance to minor victims of trafficking and ensures that all victims are offered accommodation, access to medical treatment, psychological assistance, counselling and information. Translation and interpretation will be supported accordingly.

Unaccompanied minor asylum seekers are accommodated in special asylum centers staffed with specially trained personnel.

f. issuing residence permits for child victims of trafficking;

Under Danish law a residence permit will not be granted solely on grounds of the applicant being a minor victim of trafficking. However, minor victims of trafficking may apply for asylum or residence permit on other grounds. Whether the conditions for granting a residence permit are fulfilled, is assessed by the immigration authorities. Circumstances relating to the fact that a person is a victim of trafficking may be of relevance in this regard.

If unaccompanied minor asylum seekers are not deemed mature enough to go through a normal asylum procedure, a special residence permit as unaccompanied minor may be granted, if they do not have family or access to public care in their country of origin and consequently would be left to take care of themselves if returned, cf. section 9c (3) of the Aliens Act.

Such residence permit can also be granted to an unaccompanied minor who has been deemed sufficiently mature to go through the asylum process and whose application for asylum is rejected. In such cases DIS decides ex officio whether the conditions for this residence permit are met, cf. section 9c (3) (ii) of the Aliens Act.

g. providing counseling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;

If an unaccompanied minor seeks asylum and the asylum case is processed under the so-called manifestly unfounded procedure which implies that a refusal of asylum cannot be appealed to the Refugee Appeals Board a lawyer is appointed by DIS to assist the minor in the processing of the asylum case.

If the asylum case is processed under the so-called normal procedure – which implies that a refusal of asylum is automatically appealed to the Refugee Appeals Board – a lawyer is appointed to represent the unaccompanied minor in connection with the processing of the appeal.

Furthermore, unaccompanied minors whose application for asylum has been refused are offered legal assistance after the ending of the asylum case unless the minor itself has retained counsel or exceptional reasons make it inappropriate. The lawyer may e.g. assist the minor applying for a residence permit on other grounds.

Reference is made to the answer to question 10 (b) and (e). Further reference is made to the answer to the answer to question 42 (a) of this questionnaire as regards the assignment of a support attorney.

h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;

Reference is made to the answer to question 12 of this questionnaire.

i. special protection measures for children.

Reference is made to the answer to question 10 (a) till (h) of this questionnaire.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

Reference is made to the answer to question 10 (a) of this questionnaire.

Asylum seekers are generally not deprived of their liberty during their stay in Denmark. Unaccompanied minor asylum seekers are therefore, depending on their age, allowed to leave the asylum center. If an unaccompanied minor asylum seeker leaves an asylum center and does not return, the police will immediately be notified. The police will issue an alert that ensures

that the minor is handed over to the immigration authorities when found by the police.

12. What program and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

Since 2008 The International Organization for Migration (IOM) has managed the program on assisted voluntary return and reintegration assistance for vulnerable migrants from Denmark. The program is offered to inter alia victims of trafficking, including trafficked minors, who do not fulfill the conditions for residence permit or do not apply for such.

The program is in practice an individually planned repatriation program involving activities and support in Denmark, e.g. schooling, psychological, legal and social support as well as medical care, and upon return, e.g. reception, accommodation, schooling in the first six months in the home country upon the child's return.

All unaccompanied minors who enter Denmark are appointed a personal representative who assists and counsels the child. The personal representative makes decision on behalf of the child, including statements on the best interests of the child. IOM will – following receipt of the child's signed Assisted Voluntary Return form and the personal representative's authorization to the return – establish contact with the child's identified legal guardian in the country of origin to collect his/her consent to the return and acceptance to take full responsibility for the child's care post-return.

IOM's program for assisted voluntary return and reintegration assistance was evaluated in 2012. The report of the evaluation findings pointed to the fact that the program may benefit from a more individualized approach to reintegration assistance, making reintegration assistance more flexible to the needs of the individual migrant.

On the financial bill for 2013 1.2 million DKK was allocated to better reintegration of victims of trafficking when they return to their countries of origin.

In this regard, it was decided to expand the period in which assistance is given to victims of trafficking that have returned to their countries of origin from three to six months.

At the same time the assistance scheme was made more flexible, and there was opened up for the possibility to utilize the financial support on a wider range of activities, e.g. school fees and educational courses.

On this basis, the program was extended until 31 December 2014 with changes to the program in force from 1 January 2013.

The program is expected to be prolonged into 2015. The program will be adjusted according to the new NAP.

C. Questions related to specific articles

Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

To date there have been two cases involving THB for the purpose of forced labour in Denmark.

In the first case the indictment on THB was rejected because the description of the criminal act did not fulfill the requirements in the Administration of Justice Act. The case has been appealed by the prosecution service to the High Court.

In the second case the defendants were acquitted of THB in both the District Court and the High Court. After an overall assessment of the case the High Court did not find that the persons in question were in a situation where they did not have an alternative to perform the work. Therefore, the High Court found that they were not victims of THB for the purpose of exploitation by forced labor. The High Court in particular emphasized that the persons in question stayed legally in Denmark and were in possession of identity papers, money and a certain network of family and friends. They all left Denmark for shorter or longer periods but came back in order to work for the defendants. In addition, a large number of other workers had left the defendants after a short time. The persons in question explained that they needed the salary, which – although it was small – was higher than the wages they could achieve at home. It should be noted that persons in question were predominantly paid according to their agreements with the defendants and that they were free to leave the premises in order to e.g. go grocery shopping. The defendants were, however, found guilty of usury and fraud pursuant to the Criminal Code sections 282 and 279.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

Section 262a of the Criminal Code criminalizes human trafficking where four specified improper methods or "any other improper method" has been used. It follows from the preparatory works that whether any other improper method has been used must be based on a specific assessment in each case.

In several cases in which courts have found that any other improper method has been used according to section 262a of the Criminal Code the courts have emphasized that the victim had been in a vulnerable position.

Thus, the courts have interpreted any other improper method as entailing the abuse of a vulnerable position.

According to case law several issues relating to the victim are considered when assessing vulnerability, e.g. the victim's language skills, education, social conditions, self-esteem, connections to Denmark and to the perpetrator. If the court has established that the victim is in a vulnerable position, the court then looks at the behavior of the perpetrator to assess whether the perpetrator has abused this vulnerability. This may be the case if the perpetrator for instance has used authority over the victim, has kept the victim under surveillance, has used force or threats or has had control over the victim's housing, working hours and earnings.

The following examples from case law highlight the court's interpretation of abuse of a vulnerable position. All three cases involved human trafficking for the purpose of exploitation in prostitution.

Case 1: In relation to the question of whether any improper method had been used the court emphasized the information on trafficked women's personal circumstances, including the fact that two of the four women were respectively 19 years at the time of the trafficking. In connection to this the court emphasized the defendants cynical use of a combination of care and authority over all four women who were in a particularly vulnerable situation, since they could not speak Danish, came from poor social backgrounds and had no self-esteem. Also the women were predominantly driven to and from their place of prostitution by the defendants who also kept the women under supervision while they practiced prostitution.

Case 2: In relation to the question of whether any improper method had been used the court emphasized that the women had poor language skills and poor writing skills, and that the victims gave an impression of possibly poor endowment and development and cultural background that was in no way comparable with Danish women of the same age. Also, the court took the view that the defendants had kept the victims detain in the apartment as the women did not have the necessary skills to escape from the defendants. The court also emphasized that the implicit threat of violence, violence and threat in the situation, the abuse of the defendants' authority and the victim's vulnerable situation and/or other improper method had forced the victims to stay at the address and to work as a prostitute for the defendants.

Case 3: In relation to the question of whether any improper method had been used the court emphasized that the women came from a region abroad where there were poor conditions, such as no work and difficulties in financially supporting ones family. When the women came to Denmark they were already sold/owned by the defendants, who were all men. The court found that the defendants had the authority and ability to decide over women, who - as prostitutes in a foreign country - could not in reality leave the situation. The court also emphasized that women were under the defendants' control both in terms of housing as well as in relation to working hours and earnings, and that the defendants to some extent used vio-

lence and threats of violence against the women, to whom the defendants referred to as commercial products.

15. To what extent does your country's law recognize the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

Section 262a of the Criminal Code does not include forced marriages or illegal adoption in the purposes for which THB can occur.

However, section 262a of the Criminal Code specifically refers to unlawful coercion as defined in section 260. According to section 260 (2) of the Criminal Code it is considered as an aggravating circumstance if a person is coerced in to a forced marriage.

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

It follows from the preparatory works to section 262a of the Criminal Code that forced begging is to be considered as forced labor.

There have not been any criminal cases in Denmark where children have been trafficked for the purpose of forced begging with the involvement of the child's family or legal guardian.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

Section 262a of the Criminal Code explicitly mentions exploitation for criminal acts among the purposes for THB that are criminalized. Such acts include e.g. shoplifting, pick pocketing, burglary and sale of illegal narcotics.

There have not been any criminal cases in Denmark concerning trafficking for the purpose of exploitation of criminal activities.

Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

As part of the prevention work, CMM has launched a number of activities. This includes e.g. ongoing training of professionals, media and information work, campaigns directed at customers and/or the general public, and hosting of conferences and seminars.

The latest initiative has included a nationwide campaign against THB for both prostitution and forced labour. For more information see the answer to question 22 of this questionnaire. The campaign was in force until 31 January 2015, and has not yet been fully evaluated, but there are indicators that a combination of communicating through both social media (e.g. facebook and adds on web pages with advertising on prostitutes) and through visible physical media such as posters on train stations, banners on buses and at football matches works if a campaign needs to reach out broadly.

As for the efforts of preventing THB for forced labour the latest initiatives has included participation in CSR Awards with a side event on THB. The CSR Award session as such has been evaluated and is available in Danish (for more information about the CSR Award see the answer to question 19 of this questionnaire).

Furthermore, a conference on the subject aimed at relevant public authorities was held and a set of web based guidelines on how to tackle and avoid THB in supply chains has been produced. These activities have not yet been evaluated.

For former campaigns see <http://www.centermodmenneskehandel.dk/in-english>.

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

The NAP does not fund research as such. But from 2010 and onwards CMM has funded 3 reports on THB, based on surveys of three sectors; au pairs, the green sector (agriculture and nurseries) and the cleaning industry, as well as a summary report. The three sectors were selected as they employ a relatively large proportion of unskilled and low-paid foreign workers, and because countries other than Denmark has identified examples of exploitation and human trafficking for forced labour in these sectors. More specifically, the surveys focus on where these workers come from, how they were recruited, and how they themselves perceive their working and living conditions in Denmark.

The reports are based on a series of qualitative interviews with a group of migrant workers, as well as interviews with selected professionals with special knowledge of the conditions for foreign workers within the chosen sectors.

The reports and findings were communicated by CMM to relevant actors and partners – amongst others the national referral group and the inter-ministerial working group. The reports are available on <http://shop.socialstyrelsen.dk/collections/udsatte/products/human-trafficking-for-forced-labour-in-denmark>; <http://shop.socialstyrelsen.dk/collections/udsatte/menneskehandel>.

In 2013 CMM participated in an EU-funded project coordinated by Tilburg University in the Netherlands with the purpose of mapping different sectors of the labour market and working with the sector associations to prepare sector-specific CSR guidelines to combat THB in the industry. Mapping the hotel sector, CMM got an insight in this industry and on this background developed guidelines for managers and employers on managing the risk of hidden forced labour. The guidelines were distributed at a conference focusing on THB for forced labour in November 2014 for relevant public authorities.

For more information on the conference, see:

<http://www.centermodmenneskehandel.dk/materialer/konferencemateriale/konferencen-menneskehandel-til-tvangsarbejde-nye-udfordringer-nye-losninger-d.-19.11.2014>

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

Victims of trafficking who are staying illegally in Denmark are given specific protection and assistance pursuant to the Aliens Act.

According to section 33 (14) of the Aliens Act victims of trafficking are given a recovery and reflection period of at least 30 days. During the reflection period victims of trafficking are offered extended medical and psychological assistance, economic support and relevant social arrangements in addition to the offers available to all asylum-seekers and illegal migrants. The reflection period may be prolonged up to a total of 120 days if special reasons make it appropriate or if the victims accept the offer of a "prepared return" to their country of origin and cooperate in the efforts of planning this.

Victims of trafficking may, like any other foreign national, apply for asylum or residence permit. A residence permit will, however, not be granted automatically on grounds of the applicant being a victim of trafficking. Whether the conditions for granting asylum are fulfilled is assessed by DIS and is automatically appealed to The Refugee Appeals Board. Circumstances relating to the fact that a person is a victim of trafficking may be of relevance in this regard.

It follows from section 9c (5) of the Aliens Act that a temporary residence permit may be issued to a foreign national whose presence in Denmark is required for the purpose of investigation or prosecution. The residence permit cannot be renewed for a period longer than the investigation or prosecution period.

Reference is also made to the answer to question 12 of this questionnaire.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorizing centers for living donation;

Transplantation of organs is primarily regulated in the Organ Transplantation Act and the consecutive order on quality and safety with regard to organ transplantation.

According to section 14 of the said Act it is not allowed to advertise organs for sale or to buy organs.

Section 52, 54, 208 and 268 of the Health Act regulate written informed consent by the living donor, approval of doctors performing the organ transplantation, approval of the hospitals within the specialization plan and the prohibition on financial gain in relation to the donation of organs. The prohibition concerns doctors, donors, the recipient and middlemen.

If a hospital is to receive approval within the specialization plan to perform organ donation, the hospital must document a level of high quality, robustness and development including cooperation with relevant areas and competences related to the donation of organs.

A living donor must be evaluated, characterized, informed and the information registered according to the rules in the consecutive order on quality and safety with regard to organ transplantation. The order also sets rules on procedures, equipment and facilities.

b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;

The hospitals are responsible for the medical care, recovery of donors and recipients and the managing of waiting lists. The Danish Health and Medicine Authority supervise hospitals and healthcare personnel.

c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

In 2012 CMM developed and launched a film on human trafficking, aiming at promoting knowledge on different kinds of THB (e.g. organ removal), and how to react on any suspicion of trafficking cases. Targeting personnel at hospitals, medical centres as well as educational settings for medical personnel, CMM wanted to reach out to a broader range of actors getting in contact with not just women trafficked for prostitution but also other potential victims of trafficking.

Measures to discourage the demand (Article 6)

22. *What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:*

- a. educational programs;*
- b. information campaigns and involvement of the media;*
- c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);*
- d. involvement of the private sector.*

Reference is made to the answer to question 6 of this questionnaire.

In 2014 the nationwide awareness raising campaign “Stop Trafficking” focusing on trafficking for forced labour and prostitution funded by the NAP was launched. Touring Denmark throughout 2014 with an exhibition showing and telling the story of trafficking, the campaign aimed at informing the general public, employers and companies of signs of THB and how to react in any case or presumption of trafficking. The exhibition visited 8 larger cities, for a period of 6 weeks each. For information on the campaign see: <https://da-dk.facebook.com/stopmenneskehandel.kampagne>

Involvement of the media takes place whenever relevant and appropriate; e.g. media was involved from the beginning of the campaign, promoting the campaign itself as well as the issue of THB. Moreover, CMM is often in contact with the media on their request.

The guidelines for companies and employers on managing the risk of hidden forced labour as mentioned in question 6 is a part of a double-edged strategy to combat forced labour by focusing both on private sector mobilization and self-regulation as well as on the role of the authorities, inspection and regulation. CMM will continue this work during 2015 and are currently working on a web-based interactive version of the guidelines and capacity building components incl. training modules for the private and public sectors.

The guidelines were launched during the CSR Awards 2014. During the conference CMM had arranged a side-event on: “Risk management and responsible corporate behavior – avoid hidden forced labour in the supply chains”.

The guidelines are based on a mapping of risk factors and interviews with employers and have been developed in dialogue with a range of stakeholders including: LMR, WEA, SKAT, DIS, the National Police, the Business Authority and the United Federation of Danish Workers. Finally, the guidelines have been approved by the Ministry of Children, Gender Equality, Integration and Social Affairs and the Ministry of Employment. It is important to note that the guidelines are tailor-made for the Danish labor market.

The guidelines are available here:

<http://www.centermodemenneskehandel.dk/materialer/instruktioner-til-fagpersoner/guidelines-til-at-undga-skjult-tvangsarbejde>

Originally, the guidelines were initiated during an EU-funded project coordinated by Tilburg University in the Netherlands with the purpose to map different sectors of the labour market and work with the sector associations involved to prepare sector-specific CSR guidelines to combat THB in the industry.

For further information on the EU-funded project reference is made to the response to question 19 of this questionnaire.

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, inter alia, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

Reference is made to the answer to question 4 of this questionnaire.

Border measures (Article 7)

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. identification of possible victims of THB in the context of border control;*
- b. identification of possible perpetrators of THB offences;*
- c. gathering of first-line information from victims and perpetrators;*
- d. identification of vulnerable persons in need of international protection among possible victims of trafficking.*

Police officers at Denmark's external borders – in the airports and relevant land borders – have been trained in among other things indicators of THB and processing of cases of THB. The training has been provided by both the National Police and CMM.

Furthermore, the National Police has produced a quick guide regarding the processing of trafficking cases. This guide contains among other things a list of indicators of THB and a case guide taking the relevant police officer step by step through the initial phase of a case involving a victim of trafficking or a perpetrator. The quick guide also contains contact information for relevant partner authorities and an interview guide that can be consulted when interviewing either a victim of trafficking or a perpetrator.

In July 2014 the National Police also published a comprehensive internal guide regarding the collected police effort in the fight against THB.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

Besides the nationwide campaign mentioned in the answer to question 18 and 22 of this questionnaire, CMM has developed a training package for airline companies and provided training to the staff of an international airline. The training was designed to create awareness on THB and to help cabin crew identify those who may be engaged in or at risk of trafficking and report concerns.

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

The police and SKAT are the only Danish authorities operating at the Danish borders. The police and SKAT have a very close cooperation also in cases regarding trafficking. As such the authorities meet in different forums where they discuss relevant joint efforts and focus.

At several borders there is also a shared action group composed of police officers and SKAT personnel, who supplement each other and have knowledge of each authority's focus area. SKAT's personnel will as such quickly be able to bring an observation or a suspicion about THB to a police officer in the same group.

Identification of the victims (Article 10)

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

CMM has the authority to grant the status of a victim of trafficking for persons staying legally in Denmark and is responsible for ensuring, that the victims are given the support and assistance they are eligible for.

The decisions whether an alien staying illegally in Denmark is a victim of trafficking is made by DIS. In these cases DIS is responsible for accommodation and other support in collaboration with CMM.

As mentioned in the answer to question 1 of this questionnaire, CMM has developed a national referral system that ensures coordination and cooperation between all the relevant actors in the field. This system consists of a national and local referral groups.

The national referral group is responsible for setting up a common framework. The aim of the group is to exchange information, co-ordinate procedures and develop good practices, discuss matters of principle and alert of new trends and new initiatives. The group meets on a quarterly basis and feeds information or challenges into the inter-ministerial working group.

The local referral groups are active throughout the country and ensure the involvement of local actors and regional readiness to deal with cases of THB. These groups meet two to four times a year and exchange information and discuss procedures. Social workers, various NGOs, the police, representatives from local municipalities and trade unions participate in the regional referral groups.

One person from each of the local referral groups is represented in the national group ensuring both communication and collaboration.

28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

Reference is made to the answer to question 6 and 18 of this questionnaire.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

If there are reasonable grounds to believe that a person, who is staying illegally in Denmark, may be a victim of trafficking, DIS will grant the person status of a victim of trafficking.

The decision is based on an assessment of all the relevant information regarding the victim and takes several indications into consideration, for example whether a trafficker has recruited, transported, transferred, harboured or received the victim, has paid for and organized the trip, or if the foreign national has been forced to travel to Denmark or has been subject to violence, threats or exploitation.

The decision is based on information from CMM and the police. DIS is responsible for accommodation and other support in collaboration with CMM.

30. What measures are taken in your country to encourage self-identification of victims of THB?

CMM has developed a folder with information on signs of THB and information on where and how to get assistance if you are a victim of trafficking for prostitution. The folder is distributed when conducting outreach services in massage parlours and in the streets in the prostitution area and other settings, where socialworkers get in contact with potential victims of trafficking for prostitution e.g. in the drop in centres, the two health clinics and through the mobile health services.

The folder has also been given to relevant actors and partners, for them to distribute in settings where potential victims of human trafficking for forced labour are met.

A copy of the folder is enclosed as an appendix to this questionnaire.

Potential victims of trafficking who are in contact with CMM are informed of the signs of exploitation and the support offered to victims according to the NAP.

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

The employees at DIS are specially trained in conducting asylum interviews, also when it comes to vulnerable groups and identifying victims of trafficking. Measures are always taken to ensure that the asylum interview is conducted in an appropriate and sensitive manner. Guiding questions are developed to help the employees to identify victims of trafficking.

DIS informs CMM when a victim of trafficking is identified. Hereafter, CMM appoints a contact person for the victim.

Protection of private life (Article 11)

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

Information and documents on victims of trafficking are only communicated between CMM and other relevant actors if the victim consents. All data are stored by CMM in accordance with the relevant rules and regulations on data protection.

Assistance to victims (Article 12)

33. *When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:*

- a. funding;*
- b. victim's safety and protection;*
- c. standards of assistance and their implementation in practice;*
- d. access to medical treatment, psychological assistance, counselling and information;*
- e. translation and interpretation, where appropriate?*

Support and assistance to persons who have been identified as victims of trafficking provided by non-state actors during recovery, reflection and re-integration is funded by the NAP.

CMM coordinates the support and assistance to victims of trafficking, partly to ensure that all victims are offered a holistic and harmonised support, both when concerning accommodation, access to medical treatment, psychological assistance, counselling and information. Translation and interpretation will be supported accordingly.

As part of the coordination, agreements and contracts are made with non-state actors providing support and assistance. Thus, CMM and the Ministry of Children, Gender Equality, Integration and Social Affairs are able to follow up and ensure that standards are in place and assistance is in compliance with the aim of the NAP.

Furthermore, victims of trafficking are always appointed a contact person from CMM. The contact person will participate in the planning and follow up on assistance during recovery, reflection and reintegration.

34. *What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?*

Support and assistance is given to all victims of trafficking regardless of whether the victim has been granted a temporary residence permit and regardless of whether the victim co-operates in the investigation or criminal proceedings.

35. *What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?*

A range of accommodation possibilities are available for victims of trafficking.

Victims of trafficking staying illegally in Denmark are offered accommodation either in the asylum system or in special centres for women, children or vulnerable persons.

Regardless of whether a victim of trafficking is staying in Denmark on a legal basis or not, the victim can also be accommodated in safe shelters specialised for female victims or other relevant safe housing, e.g. women's crisis centres, housing under the auspices of the Salvation Army. If requested private accommodation is also be possible.

Any special needs of the victim will always be taken into account in the planning of the recovery and reflection period.

As for the accommodation of male and child victims reference is also made to the answer to questions 5 and 10 (e) of this questionnaire.

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

Victims of trafficking are free to choose support and assistance according to the NAP.

As a standard procedure, all victims of trafficking are appointed a contact person by the CMM. The contact person provides counselling and assistance to the victim including information on the victims' rights, obligations and the services available.

The recovery, reflection and reintegration period will always be planned in collaboration between the victim and the contact person ensuring that the victim consents to the plan. Whenever necessary, translation and interpretation is a part of the counselling.

37. Is there any follow-up provided after the termination of assistance programs? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

Reference is made to the answer to question 12 of this questionnaire.

Recovery and reflection period (Article 13)

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

Reference is made to the answer to recommendation 19 in the report submitted by the Danish authorities on measures taken to comply with the recommendations of the Committee of the Parties.

Furthermore, reference is made to the answer to question 12 of this questionnaire.

Residence permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

As for the possibility of issuing a residence permit to an unaccompanied minor reference is made to the answer to question 10 (f) of this questionnaire.

For information on other possibilities to seek a residence permit according to Danish law reference is made to the remarks to recommendation 20 in the report submitted by the Danish authorities on measures taken to comply with the recommendations of the Committee of the Parties.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?

It follows from section 9c (5) of the Aliens Act that a residence permit may be issued to a foreign national whose presence in Denmark is required for the purpose of assisting the police or the public prosecution during the criminal proceedings. The residence permit cannot be renewed for a period longer than the investigation or prosecution period.

The purpose of the temporary residence permit is to provide the police with the possibility of keeping a foreign national in Denmark who is of importance to the investigation of a criminal case and the subsequent prosecution of a person or persons who may be indicted as a result of the investigation.

It is a prerequisite for the granting of a temporary residence permit according to section 9c (5) of the Aliens Act, that the police indicates that the continued presence of the foreign national in question is required for the investigation of a criminal case and that the foreign national cooperates with the police, the police investigation and in case of a subsequent indictment assists the prosecution service e.g. by testifying in court.

A foreign national who has obtained a temporary residence permit under section 9c (5) and who subsequently informs the police that he/she no longer wishes to assist in the investigation of the criminal case or in the prosecution of the case no longer fulfills the conditions for the residence permit.

Reference is also made to question 34 of this questionnaire.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

Reference is made to the answer to question 34 and 40 of this questionnaire.

Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;

Pursuant to section 741e of the Administration of Justice Act the police and the prosecution service must inform the victim of his/hers legal position, the expected progression of and important steps in the case. The information includes information on the victim's right to seek compensation as well as information of the perpetrators arrest and remand in custody.

According to section 741b of the said Act the police must inform the victim of the possibility of having a support attorney assigned. The Information must be given to the police's first interview with the victim and the information must be repeated in connection with the second police interview

According to section 741a of the said Act support attorneys are assigned to victims of trafficking by the court during criminal proceedings unless the victim has declined an attorney. Their tasks include explaining the procedures, informing victims about access to psychological and social support and the right to compensation, assisting them in court, handling the compensation claim and providing assistance if the victim applies for asylum or residence.

Pursuant to section 741c of the Administration of Justice Act the support attorneys are entitled to participate in the police questioning of the victim and can ask follow up questions to the victim. Furthermore, the support attorney has access to the victim's statement to the police as well as other documents regarding the victim.

Support attorneys are assigned free of charge for the victims unless the expense is covered by a legal expenses insurance or other insurance.

b. access to free legal assistance and legal aid during investigations and court proceedings;

According to chapter 31 of the Administration of Justice Act everyone has the right to free basic oral advice concerning any type of legal question before court proceedings are instituted. Reduced rate legal assistance besides

free basic oral advice is available under certain conditions regarding the applicant's economic situation and the subject matter.

It is not possible to obtain free legal aid for criminal law proceedings. However, support attorneys are assigned for victims of trafficking (see the answer to question 42 (a) above).

c. compensation from the perpetrator;

According to section 685 of the Administration of Justice Act victims of a criminal offence pursuant to the Criminal Code may make a claim for compensation for injuries or other civil claims caused by the criminal act during the criminal court proceeding.

There is no specific definition of other civil claims. A civil claim may depend on the specific circumstances e.g. entail compensation for unpaid wages according to an agreement between a victim of trafficking for the purpose of exploitation by forced labor and the perpetrator.

The amount of compensation awarded is determined by the court.

In the time period from 2010 to 2014 the courts ordered 14 perpetrators to pay compensation to victims of human trafficking. The victims were awarded compensation up to DKK 40,000.

d. compensation from the state;

According to the Act on State Compensation to Victims of Crime the State awards compensation and damages for personal injury inflicted by violations of the Criminal Code committed in Denmark. Applications are handled by the Criminal Injuries Compensation Board.

Compensation is awarded regardless of the victim's or the perpetrator's nationality or legal residence in Denmark.

Guidelines, application form, a pamphlet on who is eligible for compensation and text of the Act on State Compensation to Victims of Crime are also available in English at the website of the Criminal Injuries Compensation Board.

e. compensation for unpaid wages to victims of trafficking.

Reference is made to the answer to question 42 c of this questionnaire.

Please provide examples of compensation awarded and effectively provided to victims of THB.

The Director of Public Prosecutions has summarized court cases involving THB. The summary of case law is updated on a regular basis and is available on the intranet and on the website of the prosecution service (Anklagernet and www.anklagemyndigheden.dk). As examples of compensa-

tion awarded to victims of trafficking reference can be made to the following cases (the summary is attached):

Case number 3.7. (one victim awarded DKK 40,000)

Case number 3.8. (one victim awarded DKK 25,000)

Case number 3.10. (one victim awarded DKK 20,000)

Case number 3.11. (three victims each awarded DKK 30,000)

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

Pursuant to section 75 (1) of the Criminal Code the proceeds of a criminal act or a corresponding amount may be confiscated in full or in part. Where the bases for determining the size of such amount is insufficient, an amount deemed equivalent to the proceeds made may be confiscated. Confiscation may be made from the person who received the proceeds from the criminal act, cf. section 76 of said Act.

According to section 76a of the Criminal Code property owned by a person found guilty of a criminal act may become subject to confiscation in full or in part where the act is of such nature that it may generate substantial proceeds and the act is punishable by imprisonment for a minimum of six years or is a violation of the legislation on controlled substances.

It must be noted, that in Denmark assets confiscated from or fines paid by perpetrators in general are not made available to provide compensation to victims of crime. However, according to the Criminal Code section 77 if a confiscation order pursuant to section 75 and 76a is made and someone due to the offence has a claim for compensation, the property subject to confiscation may be applied to settle the claim for compensation. Where the defendant has paid compensation to the victim following the judgment the amount subject to confiscation will be reduced correspondingly.

The Director of Public Prosecutions has developed a comprehensive set of guidelines to police officers and prosecutors on the handling of cases of trafficking. The guidelines were published in February 2015 and describe specific measures that may be taken in order to confiscate assets of perpetrators, e.g. assistance from taxation authorities and from “Sporingsgruppen”, a specialized unit in SØIK (the State Prosecutor for Serious Economic and International Crime) which assists the police districts in tracing and seizing assets derived from crime.

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

According to the Act on State Compensation to Victims of Crime it is not a requirement that the application for compensation is submitted while the

victim is in Denmark nor that the victim is in Denmark when the compensation is awarded.

However, the Criminal Injuries Compensation Board cannot process an application submitted more than two years after the offence was committed unless there are special reasons.

Furthermore, it is also not a requirement that victims appear personally before the court to make a claim for compensation for injuries or other civil claims caused by the criminal act during criminal court proceedings. Claims may be made by the prosecution services.

In Denmark, it is possible for victims to claim damages related to a criminal offence in civil law proceedings, after the criminal law proceedings have ended. The proceedings may be instituted in Denmark if Denmark has jurisdiction concerning the claim, e.g. if the defendant lives in Denmark.

According to the Administration of Justice Act, the claimant is obliged to appear before the court during court proceedings and sometimes during a meeting in connection with the court's preparation of the case, otherwise the court can dismiss the case. If the claimant is unable to appear before the court, he or she must be represented by an attorney.

It should be pointed out that the court may decide that the claimant has to provide security for the costs of the judicial proceedings which he or she might be ordered to pay, if the claimant resides outside the European Union.

The claimant can obtain free legal assistance in civil law proceedings under certain conditions regarding the claimant's economic situation and the subject matter. If legal aid is granted, it will amongst others cover the expenses for attorney fees.

Repatriation and return of victims (Article 16)

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (non-refoulement principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

As mentioned in the answer to question 12 in this questionnaire, victims of trafficking are offered a "prepared return", if they have to leave Denmark. This offer is thus given to victims who have to leave when the reflection period expires, provided they do not apply for a residence permit or do not fulfill the conditions for such.

The prepared return is in practice an individually planned repatriation and reintegration program, which involves activities in Denmark, e.g. education or vocational training, and six months upon return, e.g. reception, housing, help regarding small business start up. The offer aims at providing victims, who must return to their country of origin with a new start in order to minimize the risk of re-trafficking.

If a victim of human trafficking fears persecution in his or her country of origin, the victim may apply for asylum. If the application for asylum is admissible in Denmark, DIS will consider whether the person in question will run a risk of persecution on her or his return to the country of origin or if the person will run a risk of being subject to capital punishment or to be exposed to torture or inhuman or degrading treatment.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

DIS has no knowledge of cases where this might have occurred.

Corporate liability (Article 22)

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

Pursuant to section 306 of the Criminal Code companies and other incorporated bodies (legal persons) may incur criminal liability under the rules of chapter 5 for violation of the Criminal Code. Accordingly, a fine may be imposed on a legal person for violations of the Criminal Code.

According to section 26 of the Criminal Code provisions on the criminal liability of companies and other corporations comprise of any legal person, including public and private limited companies, cooperative societies, partnerships, associations, societies, foundations, estates and local and state authorities, unless otherwise provided. Provisions on criminal liability also comprise of sole proprietorships if they are comparable to the abovementioned enterprises especially in view of their size and organization.

It is a condition in order to incur criminal liability for a legal person that an offence has been committed in the course of its activities and that the offence was caused by one or more natural persons connected to the legal person or by the legal person as such. State authorities and municipalities may only incur criminal liability for offences committed in carrying on activities which are equal or comparable to activities carried on by private individuals.

There is no case law regarding legal persons and human trafficking.

Aggravating circumstances (Article 24)

48. *Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.*

There have not been any prosecutions in Denmark for THB with the aggravating circumstances of involvement of public officials in the exercise of their functions.

Non-punishment provision (Article 26)

49. *Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.*

According to the Administration of Justice Act section 722 (2) indictment for an offense can be waived if there are special mitigating circumstances or other special circumstances and prosecution cannot be deemed necessary in regards to the public interest. Indictment is waived by the Regional Public Prosecutors.

In May 2012 the Director of Public Prosecutions issued binding guidelines to the prosecution service on handling cases of victims of human trafficking who have committed a criminal offense. According to the guidelines indictment shall, as a main rule, be waived pursuant to the Administration of Justice Act section 722 (2) if the suspect has been victim of human trafficking, provided that the alleged offence relates to the trafficking and cannot be characterized as a serious crime. This binding guidance has been incorporated into a comprehensive set of guidelines on the handling of cases of human trafficking which have been published in February 2015. The guidelines are enclosed as an appendix to this questionnaire.

Examples where indictment is often waived include forgery or use of false documents with regards to passports, identity papers or similar violation of the Aliens Act rules on entry into and working in Denmark.

Indictment can also be waived if the trafficking is committed in order to exploit the person for criminal acts; meaning if the victim has been exploited to e.g. commit theft or dealing of narcotics. It is a condition for waiver that the act is not considered a serious crime.

Where the non-punishment guidance is applied by the prosecution service there will be no court proceedings against the victim of trafficking.

If a convicted person is subsequently identified as a victim of trafficking the courts may set the sentence aside with reference to these guidelines. In one case a person was convicted of use of false documents in relation to entry into Denmark. It was considered a mitigating circumstance that the person was a victim of trafficking therefore the penalty was not enforced.

If a victim of trafficking is prosecuted for a serious offence the penalty may be reduced on the grounds of trafficking pursuant to the Criminal Code section 82 (6) and 83. In one case a victim of trafficking was working in a skunk laboratory, however, the victim was not trafficked to work in the laboratory and as such was not exploited for the purpose of the criminal act. The court sentence the person to one year and three months imprisonment but – due the fact that the victim previously had been trafficked – nine months of the prison sentence was made conditioned.

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

It follows from section 6 of the Criminal Code that an act of THB falls under Danish criminal jurisdiction when the act is committed within the Danish state, on board a Danish vessel or aircraft located within the territory of another state by a person belonging to or travelling on the vessel or aircraft, or on board a Danish vessel or aircraft located outside the territory of any state.

According to section 7 of the Criminal Code Denmark also has criminal jurisdiction when the act is committed within the territory of another state by a person who was a Danish national or had his permanent or similar habitual residence within the Danish state at the date of the provisional charge if the act is also a criminal offence under the legislation of the country in which the act was committed (dual criminality), or the offender had the aforesaid attachment to Denmark when committing the act and such act comprises of human trafficking; or is aimed at someone having the aforesaid attachment to Denmark when the act was committed. Acts committed outside the territory of any state by a person having such attachment to Denmark at the date of the provisional charge are also subject to Danish criminal jurisdiction, provided that acts of the kind described may carry a sentence of imprisonment for a term exceeding four months.

Furthermore, Denmark has criminal jurisdiction when an act is committed outside the Danish state irrespective of the home country of the perpetrator, where the act falls within an international instrument obligating Denmark to have criminal jurisdiction, cf. the Criminal Code section 8 (5).

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

a. Setting up specialised investigation units and the number of staff involved.

Since 2001 the effort against trafficking in human beings has been a priority for the Danish police. With a view of adapting an effort that is adjusted the individual local conditions the effort against THB has since 2011 been

anchored in the 12 local police districts in Denmark. The districts will in corporation with the National Police as such prioritize the local effort according to the local needs.

In July 2014 the National Police published a comprehensive revised internal guide regarding the collected Danish police effort in the fight against THB.

According to said guidelines and experiences gathered under the former National Police strategy and corresponding guidelines, a person with a particular insight into THB has been appointed in each of Denmark's 12 local police district. Furthermore, most police districts have established a group of officers – including the abovementioned key person – that focuses on outreach work in environments where THB notoriously is found, e.g. environments where prostitution, illegal work is found. The districts trafficking groups also conduct proactive investigations.

Each of the local police districts have also established special Intelligence and Analysis Units (EAE units) responsible for collecting and analyzing intelligence regarding among other subjects THB. Information gathered by the EAE units is registered in a database that is used by the corresponding units in the other local police districts, the National Police and if relevant other units within the Danish police force.

As an integrated part of the composed police effort against trafficking a specialized unit within the National Police, NCI, is additionally responsible for monitoring the effort against THB with a view to target the police effort on the basis of strategic and operational analysis. The unit is also responsible for the coordination of all national and international corporations.

The National Police, NCI, has also established a so called Open Source Unit responsible for collecting information about in particular prostitution. The unit informs the relevant local police districts about the development on the internet regarding prostitution.

Finally, the National Police have has established a Cyber Crime Center, who specializes in investigations into internet based crime, including child pornography and other crimes conducted on the internet.

The number of staff appointed to the police effort against THB cannot be counted as it varies dependant on the current need and involved departments within the Danish police and prosecution service.

b. exchange of information with, and obtaining evidence from, other parties;

Reference is made to the answer to question 51 (e) of this questionnaire.

c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;

Pursuant to the Administrations Act the police have a variety of investigative tools at their disposal when investigating cases regarding THB, including wiretapping, observations, use of informants and undercover agents, given that certain conditions are met.

Pursuant to the Administration of Justice Act section 754a (1) the police may use cover agents during an active investigation. It follows from the provision that the police may not as part of the investigation of an offense cause that assistance is offered to or take steps in order to encourage anyone to perform or continue the offense unless there is a reasoned suspicion that the offense is being committed or attempted, the investigative steps are presumed to be of crucial significance for the investigation and the investigation concerns an offense which is punishable by imprisonment for 6 years or more.

According to the said Act section 754a (2) the police may allow controlled deliveries in order to expose the principal offender.

The investigative steps may not cause an increase in the magnitude or gravity of the offence and require a court order.

Furthermore, the measures may only be carried out by the police. However, civilians can in agreement with the police provide assistance to the police to perform or continue the offense when the assistance provided is very modest in relation to the offense, cf. the said Act section 754 (b) (2). For example a civilian may introduce a cover agent in the criminal environment.

Pursuant to the said Act section 780 the police may intervene in the secrecy of communication by intercept telephone or other similar telecommunications (telephone tapping), intercept other conversations or statements by means of an apparatus (second interception), obtain information on the phones or other similar communication devices that are associated with a specific phone or other communication device even though the owner has not issued a permit (telecommunications data), obtain information on the phones or other similar communication devices within a specified range that is associated with other phones or communication devices (extended telecommunications data), detain, open and familiarize themselves with the contents of letters, telegrams and other shipments (letter opening) and stop the forwarding of letters, telegrams and other shipments (letter stopping).

Intervention in the secrecy of communication may only be carried out where there are certain reasons to assume messages or shipments to or from a suspect are carried out in the given way, the intervention is assumed to be of crucial significance for the investigation, and the investiga-

tion concerns an offense which, under the law is punishable by imprisonment for 6 years or more, cf. the said Act section 781 (1).

Intervention in the secrecy of communication requires a court order and may not be made if it is disproportionate to the purpose of the interception, the importance of the case and the violation or inconvenience which the interception may cause.

Pursuant to the said Act section 793 the police may also carry out a search of houses and other rooms, documents, papers and the like and contents of locked objects and other objects and sites outside of houses.

Search of houses and other rooms as well as other locations or items that a suspect have may only be made when he or she on reasonable grounds is suspected for an offense that is subject to public prosecution and the search is likely to be vital for the investigation, cf. the Administration of Justice Act section 794 (1).

Searches of houses and other rooms as well as other locations or items that a person who is not a suspect have may only be carried out when the investigation relates to an offence that is punishable by imprisonment, and there are certain grounds for assuming that evidence or objects that may be seized can be found through a search, cf. the said Act section 795 (1).

Searches require a court order. However, searches of objects and locations outside of houses are decided by the police.

d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;

Reference is made to the answer to question 51 (a) above.

e. financial investigations to disrupt criminal money flows and ensure asset recovery;

Investigations into money laundering and asset recovery are conducted in corporation with the Public Prosecutor for Serious International and Economic Crime (SØIK).

f. use of joint investigation teams (JITs).

Within the last two years, a Joint Investigation Team has been set up between Denmark, Germany and Estonia in a prostitution case that stretches beyond Denmark's borders. The investigation is still ongoing.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

The National Police is not aware of any cases regarding human trafficking for the purpose of organ removal.

Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

CMM and their partners offer victim protection in designated shelters.

Furthermore, the police can provide additional protection if it is deemed relevant. Further elaboration on specific protection measures cannot be given due to the sensitivity of police investigative and corresponding protective measures.

For information on further measures reference is made to the answer to recommendation 27.3 in the report submitted by the Danish authorities on measures taken to comply with the recommendations of the Committee of the Parties.

The Director of Public Prosecutions is not able to provide statistics on the number of cases where special protection measures have been used.

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

Reference is made to the answer to question 40 of this questionnaire

As a procedure the contact person appointed by CMM always encourage a person identified as a victim of trafficking to collaborate with the police and offers to assist the victim during an interview with the police.

Victims of trafficking are generally allowed to have a representative present during their interviews with the police. The victims are often assisted by a representative from CMM or someone designated by CMM.

Although not having any legal status in such cases, an NGO or association is free to offer its assistance to a victim, e.g. by being present during the legal proceeding.

This means that victims can be assisted by social workers, NGO representatives, etc. during criminal proceedings as long as the assistance does not conflict with the investigation. As an example can be referred to a case from 2014 against nine perpetrators where on the request of the police a NGO representative assisted an anxious witness into the courtroom and stayed with her in the courtroom during her testimony.

Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

Reference is made to the answer to question 50 of this questionnaire.

International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

Denmark finds cooperation at bilateral, regional and international level with countries of origin, transit and destination essential in the fight against THB.

As mentioned in the answer to paragraph 9 in the report on measures taken to comply with the recommendations of the Committee of the Parties, Denmark contributes financially to and is actively engaged in international and regional fora, such as the UN, the OSCE, the EU, the Council of Europe and other international bodies on the issue of THB, *inter alia* to ensure that the topic remains high on the agenda. As a new initiative, Denmark supported the launch in November 2014 of the EU-Horn of Africa Migration Route Initiative (the Khartoum Process).

Through the EU and through core support to UN organisations active in the field of THB, Denmark also contributes to financing activities at country level aimed at preventing and combating THB. As an example, Denmark annually supports UNODC with approximately DKK 5 million as core funding and UN Women with DKK 60 million. Denmark also supports the work of the CBSS Task Force for Combating Human Trafficking that recently prepared a new project focusing on supporting trafficking victims in the local communities of member states "Strengthening the Role of Municipalities in the Work against Trafficking in Human Beings".

Furthermore, Danish bilateral development cooperation contributes to promoting sustainable development in countries of origin and thus also

contributes to combating THB by addressing its root causes, such as poverty and inequitable social distribution.

Some Danish embassies support short-term specific anti-trafficking activities. For instance, in Mozambique the Danish embassy supports financially the Mozambican Human Rights League that is mapping human trafficking in the country with a view to elaborating an action plan. Moreover, in Ethiopia Denmark has for a three-year period financed the program "Support to Agar Strategic Plan with a Focus on Trafficking Victims Reintegration Program (Agar)" with DKK 3,5 million. Also in Bolivia the current country cooperation program contributes to supporting the efforts of national institutions, including in the field of anti-trafficking. For instance, the Danish embassy in La Paz supported in 2014 a regional seminar on combatting trafficking where the government presented its national strategy.

Furthermore, Denmark is represented by CMM and the National Police in the EU National Rapporteur and Equivalent Mechanism meetings which has proved to be an excellent platform for international information exchange and collaboration between the EU countries.

Denmark is also a member of the Council of the Baltic Sea States (CBSS) Task Force against Trafficking in Human Beings. Between 2012 and 2014, Denmark participated in a regional initiative implemented under the auspices of the CBSS entitled "ADSTRINGO" (Addressing trafficking in human beings for labour exploitation through improved partnerships, enhanced diagnostics and intensified organisational approaches). The objective of the project was to prevent THB for forced labour through enhanced national and regional partnerships and through improved understanding of the mechanisms that facilitate such exploitation. The core target group consisted of key labour actors, including representatives of employers and trade unions as well as policy-makers, authorities and representatives of non-governmental organisations and migrant service providers. Nationally, the main target groups included representatives of recruitment agencies, businesses, employer's associations, trade unions, labour inspectors, law enforcement authorities, work permit authorities, NGOs, tax authorities, national rapporteurs on THB, etc. On the international level, the target group included representatives of international employers' and employees' organisations as well as international organisations and international NGOs. Denmark participated in a series of international CBSS experts meeting and also implemented the national level components as part of the Adstringo project.

CMM have also made efforts to enhance bilateral collaboration with selected countries where victims of THB in Denmark typically originate from or transit through e.g. Nigeria, Romania, Spain, Italy and Thailand. CMM send teams to all these countries on study trips and fact-finding missions to learn more about the opportunities for returned victims of THB and reintegration services available.

Furthermore, the Denmark is involved in numerous international and regional anti-trafficking working groups.

In 2013 CMM established a Nordic network against child trafficking. The Nordic Network is an informal meeting forum; meeting twice a year with participant from relevant central authorities and NGO's working with minor victims of trafficking.

Besides contributing to the development of Nordic standards regarding trafficked minors on topics such as identification, social services and support, protection, repatriation and (re)integration, prevention and partnership, aims are to find ways to share data and knowledge across countries and to develop practices and procedures regarding minors that cross borders and travel between the Nordic countries. Finally the network creates an arena for sharing concerns for specific groups, trends etc.

Once a year the participants/countries will contribute to a small report where activities and discussions in the network is summarized and the report will have data and links to relevant materials and websites.

The National Police participate in the framework of Europol, Frontex and Interpol. The cooperation is considered to be very fruitful in regards to creating an overview of problems, challenges and experiences in the fight against trafficking both nationally and internationally.

Denmark has not concluded any bilateral agreements on police cooperation exclusively in the fight against trafficking.

However, a Memorandum of Understanding has been concluded between the Ministry of Public Security of the People's Republic of China and the Ministry for Justice of the Kingdom of Denmark on Police Cooperation in Preventing and Combating Crime in which the parties have agreed to enhance cooperation in order to prevent and combat among other things transnational THB.

Furthermore, an Agreement has been concluded between the Government of the Russian Federation and the Government of the Kingdom of Denmark on Cooperation in Combat against Transnational Crimes in which the parties have agreed to cooperate and provide mutual assistance in order to prevent and combat among other things THB.

It should be noted that the present NAP in 2014 was externally evaluated. In the evaluation it was stated that the activities concerning international co-operation has been implemented as planned and that Denmark participates actively in international settings focusing on human trafficking under the auspices of the European Council, United Nations and the EU.

Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

Pursuant to the Act on Processing Personal Data information about a victim can be forwarded to other countries.

As regards protective measures envisaged for persons in immediate danger on Danish territory reference is made to the answer to question 53 of this questionnaire.

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

The National Police has not joined the European Amber Alert Initiative. Also, the harmonized European telephone number has not been made available by the National Police, as the existing possibilities of bi- and unilateral alerts are deemed sufficient.

If a child goes missing in Denmark or is at risk hereof the police can initiate a number of different “alerts” dependant on the specific case and what is found to be relevant in that connection.

Thus, the police may broadcast a search for a missing child in the Danish Criminal Register which is available throughout the Danish police force.

If the police suspects that a child has been or is about to be abducted to another country an alert can be issued on both the child and the adult in the Schengen Information System (SIS II). An international search can also be made through Interpol and/or the stationed liaison officers in the relevant countries can be notified.

If a child has been abducted and its whereabouts is know, the Danish authorities including The Child Abduction Unit and the Ministry of Foreign Affairs will when relevant initiate bilateral correspondence with the relevant authorities in the country where the child is held.

Co-operation with civil society (Article 35)

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

Since the first NAP from 2002 the involvement of NGOs and other civil society organisations has been a key element in the efforts to combat THB.

In the new NAP for 2015-2018 there will be funds set aside, for which NGOs and other civil society organisations can apply to perform certain tasks that falls within the scope of the NAP. These funds will cover the period from 1 July 2015 until the end of 2018 and will amount to app. 18.000.000 DKR/app. 2.600.000 € in total.

Relationship with other international instruments (Article 40)

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

Denmark has not concluded any agreements in accordance with Article 40.2 of the Convention.

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

In 2014 two women who were identified as victims of trafficking were granted asylum in Denmark. Both women were from Uganda.

Case 1: The woman's main motive was that she was running a risk of being persecuted by the authorities of her country of origin as her husband had been an opponent to the regime and had been detained as a result of that. Moreover, she had stated that she feared her agent as she had not wanted to work as a prostitute for him. The Danish Refugee Appeals Board attached credence to the most essential issues stated by the applicant and found that on her return she would run the risk of persecution due to her husband's situation. The fact that the applicant had been regarded a victim of human trafficking was not mentioned in the grounds for the decision about the application for asylum.

Case 2: The asylum motive was that the woman feared her family and the authorities as she is homosexual. For this reason she had been detained for a week until she departed for Greece where prior to her travel to Denmark she had been abused financially and sexually by a person. The Danish Refugee Appeals Board attached credence to the applicant's statement and found that she would run the risk of persecution as she was homosexual. The circumstance that the applicant had been regarded a victim of human trafficking was not mentioned in the grounds of the decision.

D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

The Ministry of Justice, The Ministry of Children, Gender Equality, Integration and Social Affairs, The Ministry of Foreign Affairs, The Ministry of Health, The Ministry of Business and Growth, The Ministry of Employment, The Ministry for Taxation, The Director of Public Prosecutions, The Danish National Police, The Danish Immigration Service, the Criminal Injuries Compensation Board.

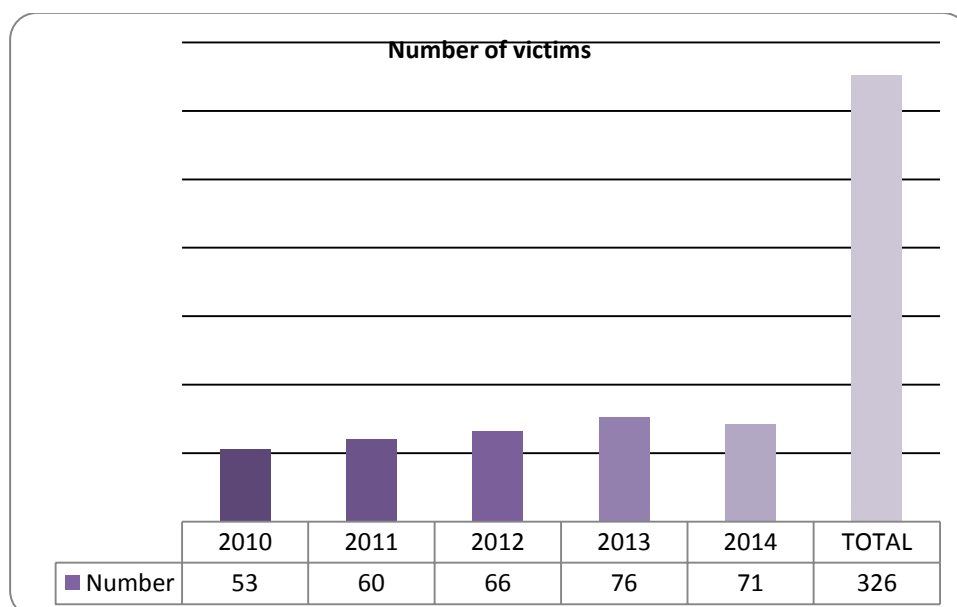
63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

The Danish Ministry of Justice was responsible for coordinating and collecting the replies to the questionnaire.

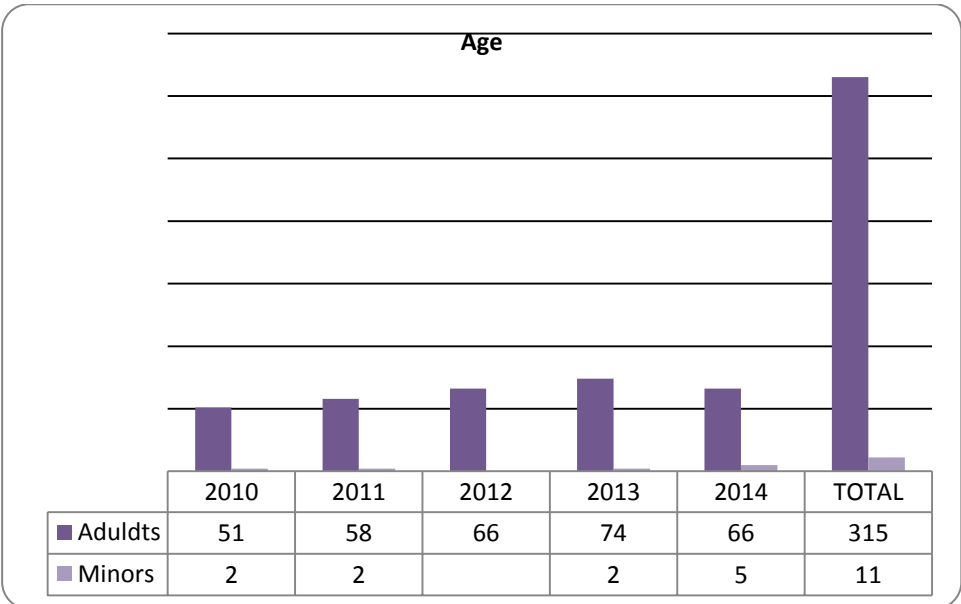
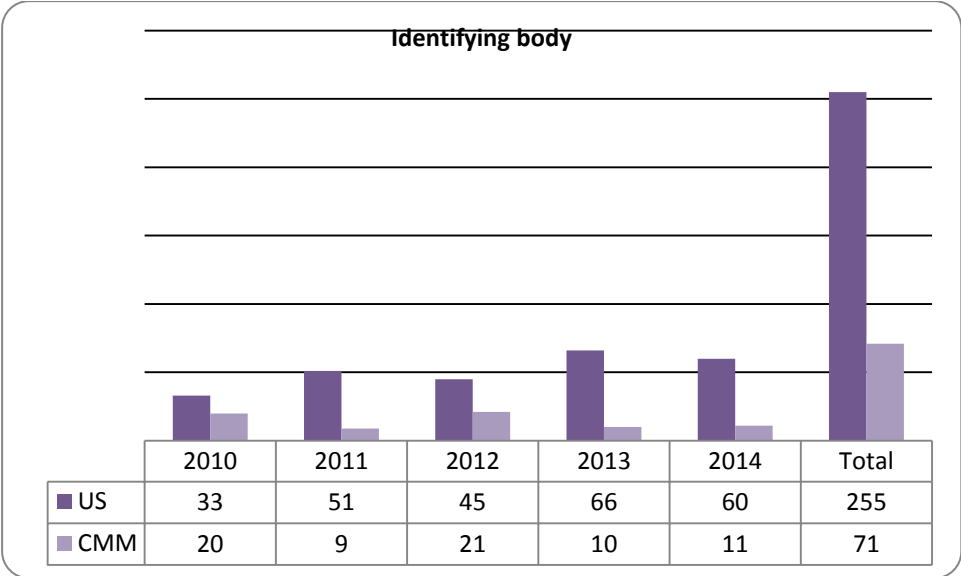
E. Statistics on THB (per year, starting with 2010)

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

Number¹ of victims formally identified by DIS and by CMM per year as victims of trafficking:

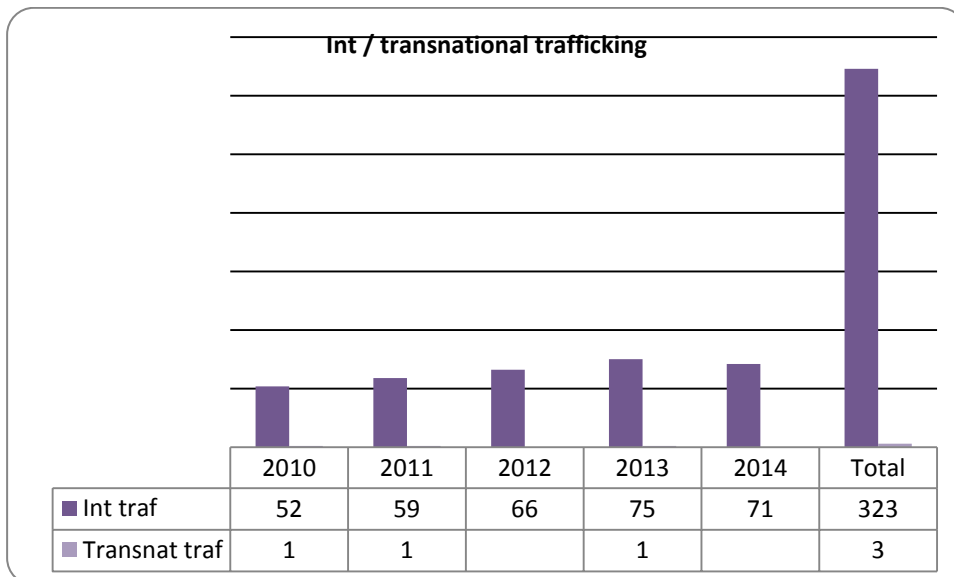


¹ Number of victims are calculated as number of unique persons



Nationality	2010	2011	2012	2013	2014	TOTAL
Afghanistan					1	1
Benin		1				1
Bolivia		1				1
Burundi	1					1
Columbia			1			1
Ecuador			1			1
Eritrea	1					1
Philippines			1			1
Guinea-Bissau			1			1
Honduras	1					1
Belarus				1		1
India					1	1
Iran		1				1
Kashakstan			1			1
Lithuania		1				1
Mali		1				1
Paraguay					1	1
Togo			1			1
Zimbabwe	1					1
Denmark	1			1		2
Dominican Rep.	1		1			2
Gambia			1		1	2
Guatemala		2				2
Kosovo					2	2
Liberia	1				1	2
Morocco	1				1	2
Poland			1			1
Venezuela	1					1
Ivory Coast			1	1		2
China				3		3
Ukraine	1				1	2
Bulgaria	1			1	2	4
Nepal			2	1		3
Portugal	1	1	1			3
Serbia				3	1	4
Czech Republic	2		1			3
Latvia	2					2
Cameroun	3	2	2			7
Slovakia	1	1	1	1	1	5
Kenya		2	1	3	3	9
Vietnam	1		3	4	2	10
Ghana	2	1	1	3	3	10
Brazil	5	4			2	11

Uganda	2	8	2	3	5	20
Thailand	5	11	7			23
Romania	5	5	13	6	5	34
Nigeria	13	18	22	45	38	136
TOTAL	53	60	66	76	71	326



Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

If there are reasonable grounds to believe that a foreign national who is staying illegally in Denmark or who is an asylum seeker may be a victim of trafficking, DIS will determine the foreign national as a victim.

For further information reference is made to the aforementioned statistics.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Breakdown by form of exploitation	2010	2011	2012	2013	2014
Prostitution	25	44	30	43	43
Sexual exploitation	2	2	-	1	0
Prostitution/sexual exploitation	-	-	-	1	1
Forced Labor	2	2	6	6	3
Criminal activities	-	-	1	5	4
Forced labor/sexual exploitation	-	-	-	3	-
Forced labor/forced marriage	-	-	-	1	-
Exploitation	-	-	-	-	1
N/A	-	-	1	-	-
Total	29	48	38	60	52

Breakdown by gender	2010	2011	2012	2013	2014
Women	26	46	35	51	47
Men	1	-	3	9	5
Trans gender	2	2	-	-	-
Total	29	48	38	60	52

Breakdown by age	2010	2011	2012	2013	2014
0-17	0	1	-	2	4
18-25	11	13	7	12	7
26-30	7	12	14	16	16
31-35	6	9	9	17	16
36-40	3	4	6	11	5
41-45	1	3	1	2	1
46-	1	6	1	-	3
Total	29	48	38	60	52

Breakdown by nationality	2010	2011	2012	2013	2014
Afghanistan	-	-	-	-	1
Belarus	-	-	-	1	-
Benin	-	0	-	-	-
Bolivia	-	1	-	-	-
Brazil	3	4	-	-	1
Bulgaria	1	-	-	-	-
Cameroun	1	1	0	-	-
China	-	-	-	3	-
Columbia	-	-	1	-	-
Côte d'Ivoire	-	-	1	-	-
Dominican Republic	1	-	-	-	-
Eritrea	1	-	-	-	-
Ecuador	-	-	1	-	-
Filippines	-	-	1	-	-
Gambia	-	-	-	-	0
Ghana	1	-	1	3	2
Gutamala	-	2	-	-	-
Guinea-Bissau	-	-	1	-	-
Iran	-	0	-	-	-
Kenya	-	2	0	3	3
Kosovo	-	-	-	-	2
Liberia	1	-	-	-	1
Macedonia	-	-	-	1	-
Mali	-	1	-	-	-
Morocco	1	-	-	-	0
Nepal	-	-	1	-	-
Nigeria	8	16	21	40	34
Paraguay	-	-	-	-	1
Portugal	-	1	1	-	-
Romania	2	1	-	1	-
Serbia	-	-	-	2	1
Slovakia	-	1	-	-	-
Thailand	5	11	6	-	-
Togo	-	-	1	-	-
Uganda	1	7	1	2	3
Ukraine	1	-	-	-	1
Venezuela	1	-	-	-	-
Vietnam	1	-	1	4	2
Zimbabwe	0	-	-	-	-
Total	29	48	38	60	52

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

All identified victims of trafficking are offered assistance under the NAP. Apart from the assisted voluntary return program, DIS do not collect data on the amount or type of assistance received by identified victims of trafficking.

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

The granting of asylum or any other type of residence permit to a victim of trafficking is not necessarily related to the fact that the foreign national in question is identified as a victim of trafficking. Furthermore, it is not registered in the asylum systems whether the foreign national being identified as a victim of trafficking was part of the grounds for granting asylum or any other type of residence permit.

In 2010 two victims were granted a residence permit.

- A 22 year old Nigerian woman trafficked for prostitution/sexual exploitation was granted a 1 year residence permit pursuant to Section 9c, Subsection 1 of the Aliens Act. The permit was since extended twice for one and two years respectively.
- A 40 year old Zimbabwean woman trafficked for prostitution was granted a 7 year residence permit pursuant to Section 7, Subsection 2 of the Aliens Act.

In 2011 four victims were granted a residence permit.

- A 26 year old trans gender Guatemalan trafficked for prostitution was granted a 5 year residence permit pursuant to Section 7, Subsection 1 of the Aliens Act.
- A 32 year old trans gender Guatemalan trafficked for prostitution was granted a 7 year residence permit pursuant to Section 7, Subsection 1 of the Aliens Act.
- A 16 year old Beninese girl trafficked for forced labor was granted a 4 year residence permit pursuant to Section 7, Subsection 2 of the Aliens Act.

- A 26 year old Iranian woman trafficked for prostitution was granted a 7 year residence permit pursuant to Section 7, Subsection 2 of the Aliens Act.

In 2012 one victim was granted a residence permit.

- A 33 year old Nigerian woman trafficked for prostitution was granted a 2 year residence permit pursuant to Section 9c, Subsection 1 of the Aliens Act.

In 2013 one victim was granted a residence permit.

- An 18 year old Ugandan woman trafficked for prostitution was granted a 5 year residence permit pursuant to Section 7, Subsection 1 of the Aliens Act.

For information on the number of victims granted a residence permit in 2014 reference is made to the answer to question 61 of the questionnaire.

Number of victims given refugee status and subsidiary/complementary protection.

Reference is made to the aforementioned statistics.

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

Claim for compensation during the criminal proceedings:

2010:

- One victim claimed DKK 75,000 in compensation from the perpetrator and was awarded DKK 40,000. (Sex: Female. Age: N/A. Nationality: Rumanian. Form of exploitation: Prostitution).
- One victim claimed DKK 80,000 in compensation from the perpetrator and was awarded DKK 25,000. (Sex: Female. Age: N/A. Nationality: Rumanian. Form of exploitation: Prostitution).
- One victim claimed DKK 50,000 in compensation from the perpetrator. The claim was dismissed during the criminal proceedings. (Sex: Female. Age: N/A. Nationality: Rumanian. Form of exploitation: Prostitution).

2011:

- One victim claimed DKK 30,000 in compensation from the perpetrator and was awarded DKK 20,000. (Sex: Female. Age: 19 Nationality: Lithuanian. Form of exploitation: Prostitution).

2012:

- Two victims claimed DKK 30,000 each in compensation from the perpetrator and were each awarded DKK 30,000. (Sex: Female. Age: N/A. Nationality: Thai. Form of exploitation: Prostitution).
- One victim claimed DKK 50,000 in compensation from the perpetrator and was awarded DKK 30,000. (Sex: Female. Age: N/A. Nationality: Thai. Form of exploitation: Prostitution).

2013:

- One victim claimed DKK 100,000 in compensation from the perpetrator. The claim was dismissed during the criminal proceedings. (Sex: Female. Age: 20. Nationality: Danish. Form of exploitation: Prostitution).

2014:

- One victim claimed DKK 40,000 in compensation from the perpetrator. The claim was dismissed during the criminal proceedings. (Sex: Female. Age: 23. Nationality: Rumanian. Form of exploitation: Prostitution).

Claim for compensation from the Criminal Injuries Compensation Board:

Previously, applications for compensation as a result of THB were not registered separately by the Criminal Injuries Compensation Board. As a consequence, the Criminal Injuries Compensation Board has no registrations on specific cases from 2010.

The Criminal Injuries Compensation Board observes that as from 2011 the Criminal Injuries Compensation Board has changed its registration procedure. Applications from victims of trafficking are now being registered separately by the Criminal Injuries Compensation Board.

In 2011 the Criminal Injuries Compensation Board received three applications for compensation as a result of human trafficking. One of the applicants was awarded compensation for injury to the applicant's feelings. The applicant was a female Rumanian citizen, who was exploited in prostitution and awarded DKK 25,000 in compensation. The applicant was previously awarded compensation during the criminal proceedings against the perpetrator.

In 2012 the Criminal Injuries Compensation Board received one application for compensation as a result of human trafficking. The applicant was awarded compensation for injury to the applicant's feelings. The applicant was a 19 year old female Lithuanian citizen, who was exploited in prostitution and awarded DKK 20,000 in compensation. The applicant was previously awarded compensation during the criminal proceedings against the perpetrator.

In 2013 the Criminal Injuries Compensation Board received four applications for compensation as a result of human trafficking. All four applicants were awarded compensation for injury to their feelings. The applicants were all female Thai citizens, who were exploited in prostitution and awarded DKK 30,000 in compensation each. Their ages were 30, 31, 35

and 43 years. Three of the applicants were previously awarded compensation during the criminal proceedings against the perpetrator.

No applications for compensation as a result of human trafficking have been registered by the Criminal Injuries Compensation Board in 2014.

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

No victims have been repatriated to Denmark.

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

Breakdown by form of exploitation	2010	2011	2012	2013	2014
Prostitution	7	16	6	2	4
Sexual exploitation	0	1	-	0	0
Prostitution/sexual exploitation	-	-	-	0	0
Forced Labor	1	1	3	3	1
Criminal activities	-	-	0	2	1
Forced labor/sexual exploitation	-	-	-	0	-
Forced labor/forced marriage	-	-	-	0	-
Exploitation	-	-	-	-	0
N/A	-	-	0	-	-
Total	8	18	9	7	6

Breakdown by gender	2010	2011	2012	2013	2014
Women	7	18	9	3	5
Men	1	-	0	4	1
Trans gender	0	0	-	-	-
Total	8	18	9	7	6

Breakdown by age	2010	2011	2012	2013	2014
0-17	0	0	-	0	0
18-25	4	7	0	1	4
26-30	1	4	3	3	1
31-35	1	2	4	0	0
36-40	2	2	1	3	0
41-45	0	0	0	0	0
46-	0	3	1	-	1
Total	8	18	9	7	6

Breakdown by nationality	2010	2011	2012	2013	2014
Afghanistan	-	-	-	-	1
Belarus	-	-	-	0	-
Benin	-	0	-	-	-
Bolivia	-	0	-	-	-
Brazil	0	2	-	-	0
Bulgaria	1	-	-	-	-
Cameroun	0	0	0	-	-
China	-	-	-	2	-
Columbia	-	-	0	-	-
Côte d'Ivoire	-	-	0	-	-
Dominican Republic	0	-	-	-	-
Eritrea	0	-	-	-	-
Ecuador	-	-	0	-	-
Filippines	-	-	1	-	-
Gambia	-	-	-	-	0
Ghana	0	-	0	0	0
Gutamala	-	0	-	-	-
Guinea-Bissau	-	-	0	-	-
Iran	-	0	-	-	-
Kenya	-	1	1	0	0
Kosovo	-	-	-	-	0
Liberia	0	-	-	-	0
Macedonia	-	-	-	0	-
Mali	-	0	-	-	-
Morocco	0	-	-	-	0
Nepal	-	-	0	-	-
Nigeria	0	7	2	4	3
Paraguay	-	-	-	-	0
Portugal	-	0	0	-	-
Romania	2	0	-	1	-
Serbia	-	-	-	0	1
Slovakia	-	0	-	-	-
Thailand	3	4	4	-	-
Togo	-	-	0	-	-
Uganda	1	4	1	0	0
Ukraine	1	-	-	-	0
Venezuela	0	-	-	-	-
Vietnam	0	-	0	0	1
Zimbabwe	0	-	-	-	-
Total	8	18	9	7	6

Number of investigations into THB cases.

The National Police cannot draw statistics specifically on initiated investigations regarding THB. It is, however, possible to draw statistics on the number of reports filed regarding THB which will lead to an investigation being initiated.

year	reports filed
2009	10
2010	13
2011	17
2012	11
2013	13
2014	12

Please note, that the statistics have been drawn from the polices' case file processing system (POLSAS) on 1 January 2015. The statistics are dynamic and they can as such change over time.

Number of prosecutions of THB cases.

year	cases
2010	19
2011	12
2012	18
2013	18
2014	3

Please note, that the statistics have been drawn from the polices' case file processing system (POLSAS) on 1 January 2015. The statistics are dynamic and they can as such change over time.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

2010:

- 10 persons convicted of THB.
- Duration of the penalty: From 1½ imprisonment to 3 years' imprisonment.
 - 1 person 1 year and 6 months; 1 person 2 years, 1 person 2 years and 2 months; 5 persons 2 years and 6 months; 2 persons 3 years.

2011:

- 5 persons convicted of THB.
- Duration of the penalty: From 9 months' imprisonment to 2 years and 6 months' imprisonment.
 - 1 person 9 months; 1 person 1 year; 1 person 1 year and 3 months; 1 person 1 year and 6 months; 1 person 2 years and 6 months.

2012:

- 2 persons convicted of THB.
- Duration of the penalty: 2 years and 6 months' imprisonment.

2013:

- 2 persons convicted of THB.
- Duration of the penalty: From 10 months' imprisonment to 4 years' imprisonment.
 - 1 person 10 months; 1 person 4 years' imprisonment including conviction for other serious crimes.

2014:

- 9 persons convicted of THB.
- Duration of the penalty: From 2 years' imprisonment to 2 years and 6 months' imprisonment.
 - 1 person 2 years; 8 persons 2 years and 6 months.

Number of judgments resulting in the confiscation of assets.

2010: One judgment resulting in the confiscation of DKK 270,000.

2011: One judgment resulting in the confiscation of DKK 597,500 and a car.

2013: One judgment resulting in the confiscation of DKK 4,000,000 (including proceeds from procuring).

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

None

Number of convictions for the use of services of a victim of THB.

The use of services of a victim of THB is not criminalized. However, a person's own exploitation of the victim is covered by the constituent elements of the Danish Criminal Code section 262a regarding THB. E.g. a

company that knowingly receives a victim trafficked for the purpose of forced labour in order for that person to work for the company may – as well as the person who recruited, transported, transferred and housed the victim – be subject to criminal responsibility pursuant to section 262a of the Danish Criminal Code.

Louise Falkenberg