



Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings

Recommendation CP(2016)4 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Denmark

*adopted at the 18th meeting of the Committee of the Parties
on 23 May 2016*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as “the Convention”), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Denmark on 19 September 2007;

Recalling Committee of the Parties’ Recommendation CP(2012)4 of 30 January 2012 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Denmark and the report of the Danish authorities on measures taken to comply with this recommendation, submitted on 4 February 2014;

Having examined the second report concerning the implementation of the Convention by Denmark, adopted by GRETA at its 25th meeting (7-11 March 2016), as well as the comments of the Danish Government received on 20 May 2016;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combatting trafficking in human beings, by specifically including exploitation for criminal activities in the provision criminalising human trafficking and increasing the maximum penalty for this offence from eight to 10 years;
 - the introduction of a new provision in the Aliens (Consolidation) Act concerning the granting of a temporary residence permit to victims of trafficking for the purpose of their co-operation in the investigation or criminal proceedings, and the extension of the maximum duration of the reflection period from 100 to 120 days;
 - the development of a national referral system by the Danish Centre against Human Trafficking (CMM) and the extension of the network of CMM’s co-operation partners aimed at coordinating all relevant actors;
 - the efforts made to provide training on combating human trafficking and identifying victims to relevant professionals and to expand of the categories of staff targeted;

- the progress made in developing and maintaining a comprehensive and coherent statistical system on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases;
- the steps taken to prevent human trafficking for the purpose of labour exploitation, including through work with the private and public sectors, promoting corporate social responsibility, and issuing guidelines for companies and employers on managing the risk of hidden forced labour;
- the efforts made in the area of international co-operation, both when it comes to co-operation in the investigation of human trafficking cases, and funding of projects aimed at improving the prevention of trafficking and strengthening the protection of victims.

2. Recommends that the Danish authorities take measures to address the following issues for immediate action identified in GRETA's report:

- improve the identification procedure for victims of trafficking with a view to ensuring that all victims are identified as such and can benefit from the assistance and protection measures provided for under the Convention, in particular by:
 - extending the time-frame for the identification of victims of trafficking with an irregular migration status, taking into account the traumatic experience victims may have suffered and the need for sufficient time to gather all the necessary information and decide on the status of victims of trafficking, and ensuring that when there are reasonable grounds to presume that an irregular migrant is a victim of trafficking, the person is speedily removed from detention and offered assistance and protection as provided in the Convention;
 - ensuring that the guidance, toolkits and criteria used for the identification of victims of trafficking by frontline staff are harmonised and that application is rigorously monitored;
 - increasing the incentives for self-identification by victims of trafficking;
 - improving the identification of victims of trafficking in detention centres, by giving access to such centres to specialised NGOs and enabling detained irregular migrants to have access to early legal assistance;
 - pursuing a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation by expanding the mandate of the Danish Customs and Tax Administration (SKAT) and labour inspectors and by encouraging regular and co-ordinated multi-agency inspections by organisations responsible for regulating employment, health and safety in sectors most at risk;
 - making efforts to identify victims of forced begging as a form of human trafficking for the purpose of forced labour;
- improve the identification of, and assistance to, child victims of trafficking, including among unaccompanied children, including by:
 - establishing a clear procedure (National Referral Mechanism) concerning the identification of child victims of trafficking and disseminating information and guidance about the application of this procedure to relevant professionals;
 - ensuring that legal guardians are appointed without delay and are able to carry out their tasks in an efficient manner and by training persons who are likely to be appointed as legal guardians in matters of assistance and protection of child victims of trafficking;
 - taking steps to address effectively the problem of disappearance of unaccompanied minors from reception facilities, by providing suitable safe accommodation and sufficient numbers of adequately trained supervisors;

-
- review the legislation in order to ensure that all victims of trafficking of an irregular migration status, including those to whom the Dublin II Regulation is applicable, are unconditionally provided with an adequate recovery and reflection period, in line with Article 13 of the Convention, regardless of nationality, rather than a time-limit to prepare their departure from the country as irregular aliens;
 - review the legislation in order to fully reflect the substantive provisions of the Convention regarding the criminalisation of acts relating to travel or identity documents (Article 20) and aggravating circumstances (Article 24).

3. Requests the Government of Denmark to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **23 May 2017**.

4. Recommends that the Government of Denmark takes measures to implement the further conclusions of GRETA's second evaluation report.

5. Invites the Government of Denmark to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.