



## **G R E T A**

Group of Experts on Action  
against Trafficking in Human Beings

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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**

## **Third evaluation round**

Thematic focus: Access to justice and effective remedies for  
victims of trafficking in human beings

**Reply submitted on 31 October 2019**

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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. Third evaluation round.**

**Part I - Access to justice and effective remedies**

1. Right to information (Articles 12 and 15)

*1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.*

If the first contact made by a presumed victim or a victim is with the police, the interviewing police officer draws the victim's attention to his or her rights and remedies in connection with a possible given reflection period in accordance with the National Action Plan against Human Trafficking 2019-2021 (NAP). Furthermore, the person concerned is informed about the possibility of withdrawal of charge in certain cases, if a breach of law has taken place. In addition to that, the interviewing police officer informs about the possibilities of receiving compensation, which can be awarded to victims of a crime. Reference is also made to the reply to section 3 of this questionnaire.

The police uses interpreters for translation, but no paper material is handed over to the presumed victim/the victim, unless this is about measures according to the Aliens Act, section 34 or 36 (section 36 concerns detention, whereas section 34 concerns less coercive measures than detention, for instance handing over a passport or show up at the police at a given place and time) or in regard to decisions taken by the Immigration Service.

Pursuant to the Administration of Justice Act section 741 (e) the police and the prosecution service informs the victims of i.a. THB of their legal position, the expected progression of and important steps in the case. The information includes information on the victim's right to seek compensation.

Furthermore, according to the Administration of Justice Act section 741 (b) the police must inform the victim of the possibility of attaining a support attorney. This information must be given prior to the police's first interview of the victim and must be repeated in connection with the second police interview.

According to the Administration of Justice Act section 741 (a) support attorneys are assigned to victims of i.a. THB by the court during criminal proceedings unless the victim has declined an attorney. All police districts have a list of attorneys who can be contacted when a support attorney is to be appointed. A support attorney tasks can include explaining the procedures, informing the victim of THB 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. Support attorneys are assigned

free of charge for the victim unless the legal expense is covered by a legal expenses insurance or other insurance.

Furthermore, reference is made to the reply to recommendation 1.4 in the report submitted by the Danish authorities on measures taken to comply with the recommendations of the Committee of the Parties.

In the binding guidelines from the Director of Public Prosecutions, in the section on trafficking in persons, instructions to the police and the Prosecution Service on how to deal with cases of trafficking in persons are set. The guidelines are continuously amended in accordance with the development in the area. Clause 2.5 of the guidelines includes guidelines on how to deal with trafficking victims. Clause 2.5.2 prescribes that the police must inform the victim on the rules regarding appointment of a support attorney.

In the guidelines from the Director of Public Prosecutions, in the section on guidance of the injured person (*vejledning af forurettede*), general guidelines to the prosecutors and to the police on how to inform victims about support services and legal measures available to them are set. The prosecutor have to inform and guide the victim about the case. The information and guidance should be given regularly and includes information about the court case, witness rights and duty, getting help throughout the process and the possibility of getting a support attorney.

Further, a victim of human trafficking can be assigned a contact person within the police, if the police considers that the person in question might have to witness in court. The contact person will often be a police officer and gives guidance and information on the rights of the victim of human trafficking and the legal process.

In the spring of 2019 the Danish police and the Director of Public Prosecutions have published a folder for victims of crime. The folder is available in Danish and English. The folder contains an overview of the process after a victim has reported a crime and information about options for getting help and support. The folder is handed out to all victims being questioned by the police. Furthermore the folder can be downloaded at the homepage of the Danish police and at the homepage of the Prosecution Service <https://anklagemyndigheden.dk/da/vidner-ofre-og-sigtede>.

The Director of Public Prosecution has also produced written information material targeted CMM and relevant NGOs about the course of a criminal case and about the victim's rights in that regard. The information can be found at the homepage of the Prosecution Service [https://anklagemyndigheden.dk/sites/default/files/inline-files/Rigsadvokaten\\_pjece\\_menneskehandel.pdf](https://anklagemyndigheden.dk/sites/default/files/inline-files/Rigsadvokaten_pjece_menneskehandel.pdf)

Presumed victims of human trafficking will also be informed of the possibility of getting support under the NAP when met as part of the outreach work carried out by CMM and the civil society organisations (CSOs) in the streets, massage parlors, drop-in centres and detention centres. Furthermore when met due to referrals from external partners such as the asylum system, the health care system, police authorities, municipalities, lawyers, and social organizations.

As a standardized procedure identified victims of human trafficking will be appointed a contact person from the CMM (or CSOs under the NAP when relevant). The contact person will make sure, that victims are informed of support under the NAP in a language they understand.

As a supplement to the oral information, a leaflet in six different languages with the aim of distributing information of support for victims of human trafficking has been developed. A campaign was launched in 2018 with information in different languages about the procedure of witnessing against the trafficker: <http://tell-your-story.info/en/give-testimony/>.

When CMM has established the first contact with a potential victim the basis for residence, the expiration date of residence permit are evaluated. This is often carried out in cooperation with CMM's own legal advisor.

If a victim wishes to apply for compensation the options are examined by a lawyer who is also in charge of initiating such an application. Fines and entry prohibitions are examined in cooperation with the police. CMM's own legal advisor can also assist in this process.

If a victim wishes to cooperate with the National Centre of Investigation (NCI) in order to commence an investigation the person concerned is offered support and assistance from CMM during this process. NCI can i.a. assist with filing a police report and process information about the criminal network.

### ***Regarding asylum cases***

The asylum staff of the DIS performs an initial screening of presumed victims during the asylum interview, in accordance with the DIS THB interview guide, during which an interpreter is present. If there are indications that an asylum seeker has been a victim of THB, the presumed victim will be asked to sign a declaration of consent to share information from the asylum case with CMM. DIS asylum staff subsequently notifies the DIS Asylum THB-Unit, responsible for further coordination with CMM.

Information about rights, relevant judicial and administrative proceedings are provided by CMM. CMM also appoints a contact person to presumed victims and can contact the support attorney in order to disclose the legal possibilities for obtaining compensation and other remedies.

All unaccompanied minors are provided with a personal representative (legal guardian), regardless of migration/residence status or asylum application. The personal representative may at their own prerogative inform the minor about the THB procedure, and perform further screening for indicators of THB.

On the basis of information obtained through the asylum procedure, as well as any information provided by the police, CMM and other actors, the DIS Asylum THB-Unit performs the formal identification. Decisions concerning THB status and the granting of a reflection period are provided in written Danish, and forwarded to the legal guardian of the victim, as well as CMM, provided that a declaration of consent to share information has been signed by the victim.

### *Cases regarding possible administrative expulsion*

When the police presents a case regarding possible administrative expulsion to the DIS, the police informs the alien of his or her rights in regards to providing information concerning the judicial and practical process in the case. CMM then interviews the presumed victim and will be asked to sign a declaration of consent to share information from the expulsion case with CMM.

CMM then makes an initial assessment regarding trafficking and send this information to the DIS. The DIS then makes the formal identification of the victim. A decision from the DIS granting a reflection period is in written Danish, but the police will provide a translator to inform the alien of the decision and its consequences.

If an administrative expulsion has been decided where the DIS does not assess the alien to be a victim of human trafficking, the police will provide information regarding the possibility of appealing the expulsion decision. Victims of human trafficking who receive a decision granting them a reflection period will be informed of their rights and the consequences of the decision by the police through a translator if needed.

If the victim of human trafficking has been detained and has not already been released from police detention, the victim will be released when the DIS has made the decision granting the reflection period. The victim will then be taken to the housing accommodation which for victims of human trafficking without legal stay in Denmark is provided by the DIS.

Information about rights, relevant judicial and administrative proceedings as well as information materials are provided by CMM. CMM also appoints a contact person to presumed victims and can contact the support attorney in order to disclose the legal possibilities for obtaining compensation and other remedies.

#### *1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?*

The police uses an interpreter during interviews, unless the presumed victim or victim speaks English and it is stated in the interrogation report that there are no language barriers. By handing over the presumed victim or victim to CMM, CMM is then responsible for providing interpreters for their own interviews.

DIS provides translation and interpretation services throughout the asylum procedure, regardless of THB status. Decisions concerning THB status and the granting of a reflection period are provided in written Danish, and forwarded to the legal guardian of the victim, as well as to CMM, provided that a declaration of consent to share information has been signed by the victim. The decisions are not translated by DIS.

When the police present a case regarding possible administrative expulsion to DIS, the police will, if needed, have provided a translator for the alien in regards to their questioning of the alien, the informing of the alien of his or her rights, and in regards to providing information of the judicial and practical process in the case. The decision by DIS will be in written Danish, but the police will, if <sub>5</sub> needed,

provide a translator to inform the alien of the decision, its consequences and the possibility of appealing an administrative expulsion decision.

Public authorities, such as the police, the prosecution service, CMM and DIS, are subject to Danish public administrative law.

The Danish Public Administration Act contains a number of general rules regarding the administrative procedure before public authorities. According to section 7 (1), a public authority shall, to the extent necessary, provide guidance and assistance to individuals who submit inquiries falling within the scope of activities of the authority. That duty applies in relation to cases involving a decision, which has or will be issued by a public authority cf. section 2 (1).

Moreover, the duty to provide guidance also applies in matters which do not involve administrative decision making. That follows from principles of good administration and, as the case may be, unwritten general principles of public administrative law. Public authorities are thus under a duty to provide guidance in certain instances which fall outside the scope of the Public Administration Act. Such guidance must, where relevant, be provided of the authority's own motion.

The Public Administration Act does not explicitly regulate the duties of public authorities in cases where a person does not speak Danish, or in cases involving documents in a foreign language etc. However, the administrative authorities must generally ensure that they are able to understand and be understood by persons who do not speak Danish. This may entail a duty to provide translation and interpretation. In that regard, it will be sufficient to provide translations and interpretation into a language that the person understands, e.g. English.

According to the Administration of Justice Act section 149 (1) the language of court proceedings is Danish. To the extent possible, the proceedings involving and examination of persons who do not master the Danish language must be conducted with the assistance of a professional translator with relevant education or the like.

The cost of translation is covered by the relevant party in accordance with the general rules on reimbursement.

The use of an interpreter may also be dispensed with in criminal cases under section 831 (confession cases) or chapter 80 (cases with no lay judges) of the Administration of Justice Act where the court and the other stakeholders in the case have sufficient knowledge of the foreign language and the court otherwise has no reservations in this regard.

Reference is also made to the reply to question 1.1 of this questionnaire.

## 2. Legal assistance and free legal aid (Article 15)

2.1 *How, by whom and from what moment is legal assistance provided to victims of trafficking?  
How is legal assistance provided to children?*

Pursuant to section 741 (e) of the Administration of Justice Act, the police and the Prosecution Service must inform a victim including child victims of trafficking of his/her legal position and the progression of his or her case as mentioned above. This communication should include information on the victim's right to seek compensation as well as information on the perpetrator's possible arrest and being remanded in custody. According to section 741 (b) of this Act, the police must inform the victim of the possibility of having a support attorney assigned to assist with these matters. The information must be given at the police's first interview with the victim and must be repeated at the second police interview.

Pursuant to section 741 (c) of the Administration of Justice Act, the court shall assign a support attorney to a victim of trafficking during criminal proceedings at the victim's request. 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. 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 statements as well as other documents regarding the victim. The support attorneys are assigned free of charge for the victims. If the victim is suspected of having committed a criminal offence him- or herself, a defence attorney should be assigned instead.

In Denmark there are two general systems of state supported legal aid in relation to 1) free legal aid granted by the state to carry out legal proceedings or 2) legal assistance carried out by legal aid institutions.

The purpose of free legal aid is to give persons with less strong financial standing the opportunity to conduct a case on equal terms with persons with better financial standing. Thus, free legal aid in Denmark means that the State in certain cases gives financial aid in order to facilitate a person's access to the courts.

Legal assistance consists of three steps, cf. the Administration of Justice Act section 323 and regulation no. 1373 from November 28, 2018, concerning public legal aid from lawyers.

In relation to legal assistance, everyone irrespective of immigration status or legal matter has the right to fundamental (and free) verbal counseling about judicial questions, which are important for a dispute, and about the practical and economic possibilities to proceed with a case (step 1). In Denmark, there exists a number of legal institutions where an applicant can receive general legal advice.

Legal assistance on step 2 and 3, and free legal aid are not provided in criminal law proceedings, cases of a predominantly commercial character, cases concerning debt relief and cases processed by an administrative authority or a private dispute resolution organ approved by the Minister of Industry, Business and Financial Affairs. Notwithstanding the latter, there can be given legal aid on step 2 and 3 in the case of a complaint against the decision of such administrative authority or private dispute resolution organ.

Persons who fulfil the financial conditions to receive free legal aid (income below a certain threshold) and have no legal expenses insurance have the right to partly free legal aid through counseling and drafting basic legal documents, including the application of free legal aid etc. (step 2). In the case of a dispute which has the reasonable prospect of being settled with assistance from a lawyer, the person also has the right to dispute resolution from a lawyer (step 3).

As of 2018, the financial conditions for receiving free legal aid are that a person must not have a yearly income exceeding DKK 329,000. If the person is in a partnership, the yearly household income must not exceed DKK 418,000. For each child that is living with or provided for by the person, the threshold is augmented with DKK 57,000.

The payment to the lawyers for the legal aid on step 2 constitutes DKK 1,110 (incl. value added tax) in 2018, of which the State pays 75 percent, while the person pays the rest. The payment to lawyers on step 3 constitutes DKK 2,550 (incl. value added tax) in 2018, of which the State and the person each pay half. The State, however, pays the full cost of the legal assistance in relation to an application for free legal aid.

*2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?*

Reference is made to the access to support attorneys in the Administration of Justice Act section 741 (a-e) as mentioned in relation to question 1.1 and 2.1 of this questionnaire.

However, according to section 741 (a) 3 the court can deny assigning support attorneys to victims of i.a. THB if the offense is of a less serious nature and legal assistance is considered manifestly unnecessary.

Further reference is made to the reply to question 2.1 of this questionnaire.

*2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.*

In Denmark the Department of Civil Affairs, Legal Aid Division issues free legal aid including procuring free legal aid abroad, free legal aid for appeals in international appeals bodies, public legal aid by means of lawyers and subsidies for legal aid institutions.

The rules in force on free legal aid can be found in the Danish Administration of Justice Act, chapter 31.

Pursuant to section 328 an applicant must fulfil the financial requirements of a limited income (reference is made to the reply to question 2.1) and that the applicant is found to have reasonable cause to conduct litigation.



Pursuant to section 329, the Department of Civil Affairs can also grant free legal aid when the case is of principle character, in the interest of the public or when a case is of significance to the applicant's social or occupational situation.

Further reference is made to the reply to question 2.1 of this questionnaire.

As far as claims for compensation is concerned, the Criminal Injuries Compensation Board may in special cases decide that costs defrayed by the victim in connection with the case must be reimbursed in full or in part. The Board may decide that the State covers reasonable expenses for legal assistance in connection with the compensation case.

*2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?*

Reference is made to the access to support attorneys in the Administration of Justice Act section 741 (a-e) as mentioned in relation to the reply to question 1.1 and 2.1 of this questionnaire.

*2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).*

General provision of legal assistance and free legal aid is funded by the Finance Act 2019, section 11.42.02. The 2019 budget is approximately 490 million DKK.

Reference is also made to the reply to question 2.1 and 2.3 in this questionnaire.

### 3. Compensation from the perpetrators (Article 15)

*3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?*

Pursuant to the Criminal Code victims of a criminal offence may make a claim for compensation for injuries or other civil claims caused by the criminal act during the criminal proceedings, cf. the Administration of Justice Act section 685. This includes victims of THB.

There is no specific definition of 'other civil claims'. Based on the specific circumstances of the case a claim for compensation could also entail unpaid wages according an agreement between a victim of THB for the purpose of exploitation by forced labor and the perpetrator.

The amount of compensation awarded is determined by the court, cf. the Administration of Justice Act section 993.

As mentioned in relation to question 1.1 and 2.1 of this questionnaire support attorneys provides advice and guidance to the victim including information on the right to compensation and assist the victim in court and handling the compensation claim against the state or perpetrator.

Other civil claims caused by the criminal act during the criminal court proceedings may also be made by the prosecution services pursuant to the Administration of Justice Act section 991 (2).

In cases pursued by the victim, civil claims are made in the same way as the claim for punishment, cf. section 994 in the Administration of Justice Act.

*3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?*

Compensation is calculated in accordance with the general rules of Danish law including the Liability for Damages Act. Compensation for personal injury as well as property damage can be covered if the general compensation terms are met. As far as personal injury is concerned, the victim can get compensation for lost earnings, health expenses, pain and suffering (in 2019 the amount is DKK 205 per days of sickness, but no more than DKK 78.500 in total), permanent injury and loss of earning capacity.

Compensation for permanent injury requires that the degree of impairment is at least 5 pct. The amount of compensation for permanent injury depends upon the extent of damages. If the degree of impairment is 100 pct., the amount of compensation is DKK 898.500 (in 2019). However, in certain cases, the victim can get a maximum compensation of DKK 1.077.000 (in 2019).

Loss of earning capacity is covered if the loss is at least 15 pct. The compensation will be fixed on the basis of the victim's income for the year before the injury multiplied the loss of earning capacity in per cent times 10. However, the maximum compensation is DKK 9.430.500 (in 2019). If the victim had turned 30 at the time of the injury, the compensation is reduced with 1 per cent for each year, the victim was older than 29 at the time of the injury.

If the victim suffers a financial loss, the compensation covers the loss. The amount of compensation for violation of personal integrity depends upon the nature of the crime and the victim's age.

The victim's contribution to the injury or damage or the victim's acceptance of the risk of injury or damage may lead to a reduction of compensation.

According to section 993 of the Administration of Justice Act, the amount of compensation awarded is determined by the court.

3.3 *How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?*

In Denmark, a party who has been sentenced to pay compensation, has 14 days to pay compensation from delivery of the judgment. If no payment has occurred, the claimant may apply to the bailiff's court for enforcement of the judgment. The court can levy execution on assets and forcibly sell them. The proceeds of the sale serve to fulfil the judgment.

The enforcement enables a claimant to take coercive measures to ensure that a perpetrator honors a claim established by a court or by other means pursuant to chapter 45 of the Danish Administration of Justice Act. Enforcement cases are handled by the bailiff's court.

If a claimant is successful in obtaining a civil judgment for compensation against a perpetrator, the judgment serves as an execution foundation for enforcement by the bailiff's court. Hereafter the bailiff's court summons the parties to a meeting. The claimant or his or her representative is obliged to attend the meeting, and the case is rejected if the claimant or his or her representative does not appear. The perpetrator can be obliged to attend the meeting in person. If the perpetrator fails to appear, the perpetrator can be brought before the court by the police.

In the course of the meeting, the perpetrator is asked to make a payment, and he is obliged to provide whatever financial information about himself and his household. The provision of false information is a punishable offence.

In general, anything belonging to the perpetrator that has an economic value can be seized. Both immovable and movable property can be seized as well..

In addition, section 77 of the Criminal Code prescribes that if a confiscation order pursuant to section 75 and 76 (a) 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.

Reference is also made to the reply to question 3.1 of this questionnaire.

3.4 *When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?*

According to the Act on State Compensation to Victims of Crime application for compensation can be submitted while the victim is in Denmark or after the victim has left Denmark. There is no requirement to be in Denmark at the time 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. If judgment has been given in the case, the time limit is calculated from the day the judgment was final. If the police have been investigating the matter without the case being brought to trial, the time limit is calculated from the day the police decided to discontinue the investigation, cf. the Act on State Compensation to Victims of Crime the State section 13.

It is also not a requirement that victims appears in person before the court to make a claim for compensation for injuries or other civil claims caused by the criminal act during the criminal court proceedings. Such a claim may be made by the prosecution services pursuant to the Administration of Justice Act section 991 (2).

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.

*3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?*

Reference is made to the access to support attorneys in the Administration of Justice Act section 741 (a-e) as described in the reply to question 1.1 and 2.1 of this questionnaire and to the reply to question 3.1 on access to compensation.

3.6 *What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?*

With regard to the training of law enforcement officers, trainees at the Danish Police Academy are trained in THB during their 3rd semester. The NAP sets the guidelines for the education of police officers. The training consists of education in processing of human trafficking cases. During the training, the students have to complete a series of theoretical and practical exercises, which aim is to explain what human trafficking is and how the officer is able to identify it.

2nd line border police officers are also trained in both THB and human smuggling and 1st line officers and civilian staff are trained in THB.

NCI has trained employees from the Danish Red Cross (DRC), the Danish Tax Agency, the Danish Working Environment Authority and the United Federation of Danish Workers (3F). NCI and CMM has together trained the Danish Veterinary and Food Administration. NCI facilitates the training, when other Danish authorities have a need for training, which happens for instance when they hire new employees.

With regard to the training of judges, no special training focusing solely on the enabling of victims of trafficking to obtain compensation and other remedies is offered at the moment. Training focused solely on the Convention on Action against Trafficking in Human Beings is also not offered at the moment. Human rights conventions including the Convention on Action against Trafficking in Human Beings will normally be incorporated as a topic in courses and training programs when relevant. In addition the Court Administration offers international training on the subject through international partners.

With regard to the training of the public prosecutors, the Director of Public Prosecutions has the main responsibility to train and educate the entire Danish Prosecution Service. The Director of Public Prosecutions offers further education for all prosecutors and mandatory training for all newly hired prosecutor trainees.

The further education contains training in law, process, case handling and legality regarding investigation of the Danish Police force. The Director of Public Prosecutions provides almost 50 courses. When it comes to education in the field of compensation and human trafficking, The Director of Public Prosecutions have courses that contain important topics such as “International legal aid”, “Practical administrative law” and “Expulsion of foreigners”.

All prosecutor trainees must attend a training program of nine modules. This includes courses concerning the role of the prosecutor in investigations, proportionality in the investigation, good governance and code of conduct in the public sector. The program has specific training in handling victims and all prosecutor trainees are educated in administrative law and in skills when it comes to communicating with citizens.

As a part of the daily training of prosecutors, The Director of Public Prosecution provides knowledge through an online library, where there is specific information about human trafficking, compensation, guidance and information of victims and a section about foreign witnesses.

The Director of Public Prosecutions provides yearly theme days and lectures, when a lack of competency is discovered. It can be requested by a local part of the Prosecution Service, when a specific subject is relevant. Furthermore The Director of Public Prosecutions office continuously evaluate the needs for specific training in all areas.

According to the current NAP, the Prosecution Service will continue to have a focus on the handling of cases of trafficking in human beings by discussing the subject in the academic networks for personal and organized crime, where all police districts and the State Prosecutors are represented. At the recent networking meeting, the topic was discussed and experiences were exchanged.

Reference is also made to the reply to question 1.1 of this questionnaire.

#### 4. State compensation (Article 15)

*4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?*

According to the Act on State Compensation to Victims of Crime, the State provides compensation and damages for personal injury inflicted by violations of the Criminal Code or the Act on Restraining, Exclusion Orders and Expulsion committed in Denmark. Compensation is awarded even if the offender is unknown or nowhere to be found, under 15 years or of unsound mind. In general, access to State compensation depends on that the crime is reported to the police within 72 hours and that the victim raises a claim for compensation during the criminal proceedings against the offender. Furthermore, an application for compensation must be sent to the Criminal Injuries Compensation Board within two years of the offence, the date the sentence became final or the date of the decision by the police to discontinue the investigation.

The victim's and the offender's nationality and legal residence in Denmark is of no relevance to the victim's access to State compensation. Access to State compensation does not depend on the outcome of the criminal case either or on failure to obtain compensation from the offender. Whether or not the defendant is found guilty in the criminal case, the State provides compensation if the conditions laid down in the Act on State Compensation to Victims of Crime are met.

According to the Act on State Compensation to Victims of Crime, the victim does not have access to state compensation if the offender provides compensation or if the injury is covered by insurance.

According to section 42 (i) (1) of the Danish Aliens Act the Minister of Immigration and Integration may lay down rules on compensation for personal injury to third parties or for damage to the property of third parties caused by aliens staying in Denmark and falling within section 42 (a) (1) or (2), cf. subsection (3) of the Danish Aliens Act, and for personal injury incurred by the aliens in question or for damage to their property.

According to the Administrative Order on State Liability for personal injury to third parties or for damage to the property of third parties caused by aliens staying in the country and fall within section 42 (a) (1) or (2), cf. subsection (3) of the Danish Aliens Act, the state is liable for these aliens' liabilities for such damages.

Thus the offender's nationality and the nature of the offence are of no relevance to the victim's access to state compensation according to this Administrative Order. Access to state compensation is though depending on the offender being subject to section 42 (a) (1) or (2), cf. subsection (3) of the Danish Aliens Act, which includes asylum seekers and aliens who are not entitled to stay in Denmark and have the expenses for their maintenance and any necessary healthcare services defrayed by the DIS. Thus the victim's legal status and nationality are of no relevance to the victim's access to compensation pursuant to section 42 (i) (1) of the Danish Aliens Act and the above mentioned Administrative Order.

If the injury is covered by insurance, the victim does not have access to state compensation.

If the offender does not fall within the above mentioned group of persons, the DIS refers the case to the Criminal Injuries Compensation Board which assesses whether the victim is entitled to compensation according to the Act on State Compensation to Victims of Crime as described above.

*4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?*

State compensation is calculated in accordance with the general rules of Danish law including the Liability for Damages Act. The amount of State compensation for violation of personal integrity depends upon the nature of the crime as well as the victim's age.

*4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.*

According to the Act on State Compensation to Victims of Crime, the State provides compensation and damages for personal injury inflicted by violations of the Criminal Code or the Act on Restraining, Exclusion Orders and Expulsion committed in Denmark. It is irrelevant whether the victim has been returned or repatriated to its country of origin.

Reference is also made to the reply to question 3.4 and 14 regarding the number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation.

4.4 *Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?*

In special cases, the Board may decide that the State reimburse the victim in full or in part for costs of the case. According to Board decision, the State covers reasonable expenses for legal assistance.

Reception of state compensation is not subject to taxation, if it is awarded as a lump sum as compensation for an infringement of one's person, freedom etc.

## 5. Sanctions and measures (Article 23)

5.1 *Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?*

Pursuant to the Criminal Code section 75 (1) the proceeds of a criminal act or a corresponding amount may be confiscated in full or in part. Where the basis 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. the Criminal Code section 76 (1).

According to the Criminal Code section 76 (a) property owned by a person found guilty of a criminal act may be 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.

According to the rules in chapter 74 of the Administration of Justice Act, seizure of property can be made to secure the victims claim for compensation.

In clause 2.2.2. in the guidelines on THB from the Director of Public Prosecutions, specific measures that may be taken in order to confiscate assets of perpetrators are described, e.g. assistance from taxation authorities and from the Danish Asset Recovery Office. Further information on the Asset Recovery Office is described below in the reply to the question 9.2 of this questionnaire.

5.2 *In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund <sup>16</sup> or scheme*



*for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.*

According to the Criminal Code section 77 confiscated property may be used to cover claims for compensation in relation to the offence, which gave rise to confiscation. Where the defendant has paid compensation to the victim following the judgment the amount subject to confiscation will be reduced correspondingly.

Furthermore, a claim for confiscation may be made by the Prosecution Service regardless of whether a claim for damages exists. Confiscated property is generally transferred to the State unless it is used in satisfaction of a claim for damages stemming from the crime.

The Prosecutions Service do not have statistical data on the extent of seizures in THB cases. However a manual review of convictions in the Director of Public Prosecutions database on convictions in THB cases gives the following information on seizures and confiscations of assets in THB cases since the GRETA report from second evaluation round (paragraph 133): In 2016, amounting to DKK 2.600.000 (approximately 348.200 EUR) plus various object (section 75(2) of the CC), in 2017, amounting to DKK 250.000 (approximately 33.500 EUR) plus various objects including a car, in 2018, amounting to 650.000 (approximately 87.000 EUR) plus various objects.

*5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?*

In Denmark it is not possible to use plea bargaining.

Generally, it follows from section 752 (3) of the Administration of Justice Act questions by the police for an accused must not be made in such a way that something that is denied or unrecognized is presumed admitted. Promises, false pretenses or threats must not be used.

According to the Danish Criminal Code section 82 (10) in determining the punishment of a perpetrator it may in general be a mitigating circumstance if, the perpetrator has provided information which is decisive for the investigation of offenses committed by others.

The principle of objectivity and general principles of equality sets narrow limits on the prosecutors ability to use agreements with the perpetrator. According to the Danish Criminal Code section 82 (10) the perpetrator's provision of information crucial to solving criminal act committed by others could be included as an attenuating circumstance in determining the penalty. The prosecutor may indicate to the offender that these mitigating circumstances will be emphasized before the court in connection with the judgement.

5.4 *What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?*

The duration of court proceedings in THB cases depends on the complexity of the case, the number of defendants and witnesses, etc. There is no fast-track system for THB cases, but according to section 96 (2) of the Administration of Justice Act, the Prosecution Service must promote any case with the speed that the nature of the case permits.

If children are involved in a criminal justice process as victims or witnesses, it may be decided that their testimony shall be taken and that it shall be video-recorded – if possible within seven days. The video recording of testimonies taken of children is as the general rule conducted until the age of 13. It may also be decided to follow this procedure in respect of children below the age of 15, if the testimony concerns a sexual offence or a homicide and in the latter if the victim and/or perpetrator are one of the child's closest person/relative. In the legislative framework and the guidelines from the Director of Public Prosecutions, the section on video recording of testimonies (videoafhøring), general guidelines to the prosecutors and to the police on the subject are set out.

5.5 *How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?*

Section 262 (a) of the Criminal Code criminalizes human trafficking and provides for a penalty of imprisonment for a term not exceeding ten years.

The provision reads as follows:

”Section 262 (a)

(1) A penalty of imprisonment for a term not exceeding ten years of imprisonment for human trafficking is imposed on any person who recruits, transports, transfers, harbours, or subsequently receives another person who is or has been subjected to –

(i) duress as defined in section 260;

(ii) deprivation of liberty as defined in section 261;

(iii) threats as defined in section 266;

(iv) the wrongful creation, confirmation or exploitation of a mistake; or

(v) any other improper procedure to exploit such other person for prostitution, the taking of pornographic photographs, the recording of pornographic films, pornographic performances, forced labour, slavery, practices similar to slavery, criminal acts or the removal of organs.

(2) The same penalty is imposed on any person who, for the purpose of exploitation of such other person for prostitution, the taking of pornographic photographs, the taking of pornographic photographs, the recording of pornographic films, pornographic performances, forced labour, slavery, practices similar to slavery, criminal acts or the removal of organs.

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

It follows from the travaux préparatoires to section 262 (a) of the Criminal Code that it is to be considered an aggravating circumstance if a person under 15 years of age is trafficked in order to be exploited for prostitution, the taking of pornographic photographs, the recording of pornographic films or pornographic performances.

Furthermore, reference is made to the reply to recommendation 2.5. in the report submitted by the Danish authorities on measures taken to comply with the recommendations of the Committee of the Parties, regarding chapter 10 of the Criminal Code (Sections 80-89a), which sets out general principles for determination of penalty for violation of provisions of the Criminal Code.

When the prosecutor has to decide on the claim of punishment in THB cases emphasis is – as in all other criminal cases – placed on the gravity of the crime. In assessing this, the damage, danger and violation associated with the offense are considered.

The Director of Public Prosecutions has made relevant case law on THB available on the internet and the website of the Prosecution Service. The database is updated continuously so that the prosecutors working on such cases will have knowledge of the development of legal practice and precedence on this area. The database is public and available at the homepage of the Prosecutions Service.

Reference is also made to the reply to question 12 of this questionnaire where recent case law concerning THB is referenced.

## 6. Ex parte and ex officio applications (Article 27)

*6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?*

Victims of THB have the procedural position of a witness. However the Administration of Justice Act give victims certain rights, such as the rules regarding door closure in section 29 (a). In addition, chapter 89 of the Administration of Justice Act also contains rules regarding the victims claims for compensation.

The binding guidelines from the Director of Public Prosecutions, the section on trafficking in persons, state that since foreign trafficking victims often disappear, police and prosecution authorities should consider holding a preliminary court hearing with the victim at an early stage of the investigations, in particular if the police assess that there is a risk that the victim will leave the country before any main court hearing in the case. This also includes child victims.

Reference is also made to the replies to question 1.1, 5.4, 8.1-6 of this questionnaire.

6.2 *If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?*

According to section 724 of the Administration of Justice Act the victim shall be notified of the police's decision not to open an investigation, to discontinue an investigation and of the Prosecution Service decision not to bring formal charges in a case. The victim can file a complaint to the State Prosecutor. The victim will receive guidance on how to file a complaint along with the decision. If the victim is dead the victims close family will be notified of the decision, and the family is entitled to file a complaint.

If the victim have a support attorney, he or she will be able to help the victim about the options for filing a complaint.

The victim cannot file a complaint against the State Prosecutors decision.

Generally, the State Prosecutors oversee the Director of Police's treatment of criminal cases and deal with complaints of polices decisions on criminal prosecution. The State Prosecutors' decisions in a complaint case cannot be appealed to the Director of the Prosecution Service and/or the Minister of Justice, cf. section 101 (2) of the Administration of Justice Act.

The Director of the Prosecution Service deals with complaints about decisions made by the State Prosecutors as the first instance. The Director of the Prosecution Service's decision in a complaint case cannot be appealed to the Minister of Justice, cf. section 99 (3) of the Administration of Justice Act.

According to section 102 of the Administration of Justice Act, the time limit for appeal is set to 4 weeks after the complainant has been notified of the decision. If the deadline is exceeded, the superior prosecution authority shall not deal with the complaint unless the time-limit has been dispensable.

Furthermore, according to section 724 of the Administration of Justice Act a decision to abort prosecution can be appealed to the superior prosecution authority in accordance with the rules in chapter 10 of the Administration of Justice Act.

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According to section 724 (2) of the Administration of Justice Act a decision to aborted prosecution against a person who has been charged may only be overturned with the decision of the superior prosecution authority, whose notification has been served on the person concerned within 2 months from the date of the decision to abort prosecution, unless the defendant's circumstances have prevented timely service or the conditions for resumption under section 975 of the Administration of Justice Act are present.

If prosecution is aborted in accordance with section 718 (b), subs. 2 or 3 of the Administration of Justice Act, the superior prosecutor authority may, irrespective of paragraph 2, 2 only stipulate that criminal prosecution must be continued if the conditions for resumption in section 975 of the Administration of Justice Act are fulfilled.

If a victim of trafficking alleges that a public authority, such as the Danish Police or the Prosecution Service, has made an error in a suspected case of trafficking, it is possible to complain to the Danish Parliamentary Ombudsman (the Ombudsman). The activity of the Ombudsman is regulated by the Ombudsman Act (Act No. 473 of 12 June 1996, see <http://en.ombudsmanden.dk/loven/>). The complaint mechanism is free of charge and available to anyone, including children, who considers that a public authority has mishandled their case.

Under section 14 of the Act, if the complaint concerns a matter which may be appealed to another administrative authority, the complaint cannot be lodged with the Ombudsman until that authority has taken a decision in the matter. Pursuant to section 13 of the Ombudsman Act, a complaint cannot be anonymous and must be lodged within twelve months after the grievance took place. The Ombudsman may extend the deadline in special circumstances. When the Ombudsman decides to investigate a complaint, the Ombudsman assesses whether authorities or persons falling within his jurisdiction acted in contravention of existing legislation or otherwise committed errors or dereliction in the discharge of their duties.

The Ombudsman may, among other things, express criticism, make recommendations, including a recommendation that the authorities reopen a case and reconsider their decision, and otherwise state his views of the case. However, the Ombudsman cannot himself take a decision. Pursuant to section 16 (1) and (2) of the Ombudsman Act, the Ombudsman shall determine whether a complaint offers sufficient grounds for investigation, and if a complaint gives the Ombudsman no occasion for criticism, recommendations etc., the case may be closed without being submitted by the Ombudsman to the authority concerned for a statement. The Ombudsman may also take up cases on his own initiative such as issues that have been the focus of media attention.

The Danish Institute for Human Rights does not constitute a complaint mechanism. If a victim of trafficking is subject to discrimination on grounds such as gender, race or ethnic origin, the Institute for Human Rights may, however, offer counselling and guidance on how to file a complaint.

CMM does not constitute a complaint mechanism, but it has an in-house lawyer who can offer advice and guidance on individual cases.

6.3 *What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?*

All detained asylum seekers have access to the same complaint and appeal mechanisms, with regard to their asylum application, regardless of THB-status.

In cases of possible administrative expulsion regarding a potential victim of human trafficking, where the DIS does not assess an alien to be a victim of human trafficking and therefore expels the alien on the basis of e.g. illegal stay in Denmark or another crime, an appeal of the decision of expulsion can be made to the Immigration Appeals Board.

Decisions concerning THB status and the granting of a reflection period cannot be appealed to the Ministry of Immigration and Integration, the Immigration Appeals Board or the Refugee Appeals Board, cf. section 46 (a) (1) of the Danish Aliens Act, section 52 (b) and section 53 (a) (1) e contrario.

There are no particular reporting and complaint mechanisms in place for victims of trafficking who are detained in institutions under the Danish Prison and Probation Service.

It should be noted, that the health staff and officers at Ellebæk immigration detention centre, where aliens who are detained under the Aliens Act are placed, are alert to possible cases of human trafficking. In cases of reasonable suspicion that a detainee is or has been the victim of human trafficking, the staff contacts Hope Now International, an NGO working closely together with the CMM. Furthermore, Hope Now International contacts Ellebæk immigration detention centre if they are aware of detainees who are or may have been victims of human trafficking with the purpose of visiting the persons in question.

6.4 *Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.*

The Director of Public Prosecutions has no knowledge of cases where State agents or persons acting on behalf of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties. The Director of Public Prosecutions has no knowledge of prosecutions against diplomatic and consular staff for alleged involvement in THB.

6.5 *What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?*

In order to ensure that prosecutors and police officers are kept informed of challenges and new patterns of trafficking, the Director of Public Prosecutions has published the above mentioned guidelines on how to deal with THB cases. The Director of Public Prosecutions has also made relevant

case law on THB available online (see the reply to question 5.5 of this questionnaire). The Director of Public Prosecutions addresses THB issues when relevant, for instance at meetings in the academic networks where representatives of all police districts and regional prosecutors are present.

As mentioned in the reply to the question 3.6 of this questionnaire, the Prosecution Service will continue to have a focus on the handling of cases of THB by discussing the subject in the networks for personal and organized crime. The topic was discussed at the last meetings in March 2019.

## 7. Non-punishment provision (Article 26)

*7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.*

In the guidelines on trafficking from the Director of Public Prosecutions instructions on how the non-punishment provision should be applied in relation to victims of THB are set. Pursuant to the guidelines, an indictment shall be waived pursuant to section 722 (2) of the Administration of Justice Act if the suspect is a victim of human trafficking, provided that the alleged offence relates to the trafficking and cannot be characterized as a serious crime. Indictments can be waived in cases of forgery or use of false documents with regard to passports, identity papers or similar violations of the Aliens Act.

Indictments can also be waived if a person was trafficked and forced to commit criminal acts. A victim of trafficking prosecuted for a serious offence may have their penalty reduced on the grounds of trafficking pursuant to section 82 (6) (mitigating circumstances) and/or section 83 (reduced sentences) of the Danish Criminal Code.

Further, it is stated in the guidelines that victims of trafficking as a point of departure shall not be deprived of their liberty and that it should always be considered whether accommodating a trafficking victim in a crisis centre or similar place would not be sufficient for securing the presence of the person.

At the meeting in the academic networks for personal and organized crime in March 2019, the non-punishment provisions were reviewed and discussed.

Data concerning cases against victims of trafficking are not immediately available in the standard data models used by the Director of Public Prosecutions.

*7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?*

As mentioned in relation the question 3.1 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 proceedings, cf. the Administration of Justice Act section 685.

Reference is also made to the access to support attorneys in the Administration of Justice Act section 741 (a-e) as mentioned in the reply to question 1.1 of this questionnaire.

Furthermore, 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. The Compensation Board can under certain circumstances pay compensation for the expenses of a lawyer. If the applicant does not have a lawyer, the Compensation Board is obliged to advise the applicant on the case, etc. It is not a requirement that the applicant has a lawyer in relation to the proceedings.

Further, a victim of human trafficking who is staying in Denmark illegally or who has committed another crime in breach of national law can and will still be granted a reflection period and receive the services given to victims of human trafficking regardless of the breach of national law.

## 8. Protection of victims and witnesses (Articles 28 and 30)

*8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?*

A victim is lodged in a safe house, in which the victim can stay while legal proceedings are going on. Here the police can interview the victim, fetch the victim for an interview or for identification of possible crime scenes. In several of the cases, the victims have returned to their country of origin before the court case, but they can be brought back to Denmark during the court case and then the police are responsible for their accommodation and protection.

Victims of trafficking who do not have a legal residence in Denmark, may be granted a temporary residence permit for the purpose of their cooperation with the police and the prosecution service in connection with prosecution proceedings. Pursuant to the Danish Aliens Act section 9 (c) (5) a temporary residence permit may be issued to an alien whose presence in Denmark is required for the purpose of police investigation or prosecution. It is a requirement for issuing this type of residence permit that the alien collaborates with the police. The residence permit cannot be renewed for a period longer than the investigation or prosecution period. The permit is obtainable not only for victims of human trafficking, but any alien whose presence in Denmark is required for the abovementioned purpose. The victim will receive food and accommodation in the time the case is undergoing in court. CMM covers the expenses for food and housing in these situations. A person who is assessed to be a victim of human trafficking will be offered support and assistance, also in cases in which the perpetrators will not be charged with violation of Section 262 (a) of the Criminal Code.

According to Section 856 of the Administration of Justice Act, the presiding judge may decide that the defendant should not be present while the victim is questioned, if the



defendant's presence will prevent an unreserved statement from the witness. If the court decides that the name, occupation and address of a witness, including the victim, must not be disclosed to the defendant, the court may also decide that the defendant must leave the court room during the witness testimony. The decision may be made prior to a trial hearing upon request from the prosecution service, the defence or a witness, including the victim.

The rules regarding door closure in section 29 (a) of the Administration of Justice act also ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings.

During the court proceedings the court can decide that the proceedings will not be open to the public if the victim is considered to be in danger. Section 29 (1) of the Administration of Justice Act further provides for the possibility to hold court proceedings in camera if the hearing in public will cause somebody to be unnecessarily aggrieved. Moreover, the court can decide that the victim's identity may not be made public.

The courts may decide that the offender has to leave the courtroom while the victim gives testimony, if there is reason to believe that the victim will not be able to give an unreserved testimony with the offender present. Children can give video recorded statements for courts.

Reference is also made to the reply to question 5.4 and 8.6 of this questionnaire.

8.2 *How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?*

Reference is made to the access to support attorneys in the Administration of Justice Act section 741 (a-e) as mentioned in the reply to question 1.1 of this questionnaire.

Furthermore, in cases where an offender has been sentenced to unconditional imprisonment due to serious violation of the Criminal Code, where violence, threats or other personal crime or a sexual offense was committed, the victim is upon request informed of the convicted offender's first unaccompanied exit, release and on possible evasion, if the convicted offender has been in custody before judgment and the offender has not been released between the judgment and execution of the sentence, cf. Section 741 (g) of the Administration of Justice act,

The victim is also informed upon request, if the offender during imprisonment and in the institution's area with the institution's knowledge participates in the recordings for a television or radio program produced for broadcast in this country, in which the person in question has a prominent role; or in a portrait interview in a Danish newspaper. The same applies to participation in the recording of such a television or radio program or interview outside the institution's area, in cases where the institution has granted permission to exit with knowledge about this.

According to order no. 1108 of 21th September 2007 from The Director of Public Prosecutions, the police and prosecution service should inform and guide the victims of serious crimes about the progress of the case and the expected next step of the case.

The Director of Public Prosecutions has published binding guidelines on the guidance to victims (vejledning af forurettede mv.) which i.a. includes practical information about the process of the case.

Both the police and CMM have to make sure that the presumed victim/the victim is informed of the possibilities available according to the NAP. If the victim is staying in the safe house and an investigation/court case is ongoing, the investigation department in charge of the case will keep the victim informed about the progress of the case.

8.3 *How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?*

Reference is made to the reply to question 8.1 of this questionnaire.

8.4 *In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?*

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

8.5 *When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?*

The Instruction from the Director of Public Prosecutions, section on Trafficking in Persons, clause 2.5, includes guidelines on the treatment of victims of trafficking. Clause 2.5.1 prescribes that the police must always contact CMM, in cases where it is suspected that a person has been trafficked. CMM coordinates the necessary social measures through which the victim may be offered support and help. If the victim wants to talk to the police, CMM will call the police.

The prosecutions service do not have formal cooperation with NGOs. Victims of trafficking are generally allowed to have a representative present during their interviews with the police. 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 proceedings.

According to the current NAP, the Director of Public Prosecution has produced written information material targeted CMM and relevant NGOs about the course of a criminal case and about the victim's rights in that regard.

8.6 *How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?*

If a victim is a minor, the victim/the minor is taken care of as prescribed by the law. There is always a representative present during the interview/interrogation. In case the minor is lodged in an asylum centre, which are operated by the DRC, a personal representative from DRC will be appointed to the minor.

According to section 745 (e) of the Administration of Justice Act, a police interrogation of a person may be recorded on video for the purpose of using the recording as evidence during the main hearing pursuant to section 872 of the administration of Justice Act in the following cases:

1. The person is under the age of 13 years.
2. The person is under the age of 15, and the investigation concerns a violation of certain provisions of the Criminal Code.
3. The person is under the age of 18 and special circumstances speak for video recording.
4. The person is 18 years of age or older and has a serious mental disorder or significant disability, and special circumstances speak for video recording.

The perpetrator's defence attorney must be present during the video interview. The perpetrator is not allowed to be present during the video interview.

The court will direct in a manner in which and by whom children under the age of 15 are to be examined. In criminal cases, this also applies to persons having been examined using video communication equipment under section 745 (e) or if the court directs that the examination of a person falling within the scope of section 745 (e) (1) must take place using video communication equipment. The court may call in a representative of the municipal council or another person suitable to assist during the examination. The court may decide to pay such representative a fee under the provisions of section 188 (1).

The questioning of a child in these cases is conducted in a so-called "Children's Houses" specifically designed to organize a coordinated effort from all relevant authorities putting the child's needs first. Each police district has police officers with special knowledge and education in conducting these video-recorded interviews. In addition, the procedure for handling these interviews is regulated in the Danish Administration of Justice Act whereas it e.g. follows that the child in question has the right to a legal advocate who can help the child and safeguard the child's interests throughout the criminal justice process. Further, reference is made to the reply to question 5.4 of this questionnaire.

The DIS always takes into account the best interest of the child when dealing with cases involving children. Unaccompanied children are appointed a personal representative as soon as possible after entering Denmark to serve the child's interests. The personal representative will support and guide the child during the entire

asylum process. A professional representative from the Red Cross will be appointed as the personal representative, if there are indications that the child is a victim of human trafficking. The personal representative can inform the minor about the THB procedure and perform further screening for indicators of THB.

To ensure that the children are treated in a child-sensitive way, caseworkers with special training are conducting the interviews with the children. The caseworkers will take the age of the child, the maturity, nationality and background into account when explaining the asylum procedure. Thus, the questions and interview techniques are adapted accordingly.

During an interview with a child, the caseworker is particularly aware of whether the child may be a victim of human trafficking. The child is asked how he/she travelled to Denmark and from whom the child received help to reach Denmark. If there are any indications that the child is a victim of human trafficking, the DIS will contact the CMM for further investigation, if the child and the personal representative consent to it.

If a child is accompanied by his or her parents, the parents are considered responsible for the child during the asylum procedure, and the child is covered by the parents' case. A separate interview can be carried out if the authorities find it necessary (e.g. if the child has given his/her own reasons to apply for asylum).

If the DIS receives information from the asylum centre, which indicates human trafficking or parental abuse, a caseworker from the DIS with special training in regards to children will interview the child without the parents' presence, thus giving the child the opportunity to explain freely. An observer from the Red Cross will in that case be present during the interview.

Unaccompanied minor victims of trafficking who fall under the provision of the DIS are accommodated in specialized centres for unaccompanied minors or other appropriate accommodation based on their individual needs. The specialized accommodation available to unaccompanied minors provides a safe environment staffed with trained personnel.

The asylum centre operators are contractually obliged to have sufficient and qualified staff available at the centres. The minors are supervised by staff all day, and members of the staff are present at all times.

Unaccompanied minor victims of trafficking who return voluntarily to their country of origin or country of legal residence are offered an assisted voluntary return. Reference is made to the reply to question 12 of this questionnaire.

## 9. Specialised authorities and co-ordinating bodies (Article 29)

9.1 *What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?*

Activities regarding THB in the police are shared between different units across the National Police and the 12 police districts. In particular, the police districts with borders (Schengen or non-Schengen) have the most concentrated focus on THB, but all districts have appointed THB coordinators.

There is no statement of the Danish Police's use of resources etc. in combating and investigating THB.

However, while the exact amount of staff, budget and resources cannot be singled out, an estimate suggests approximately 26 FTE (full-time equivalent), or the equivalent of around 18 million DKK.

9.2 *If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?*

The Money Laundering Secretariat (MLS) is the Danish Financial Intelligence Unit, which is tasked with receiving, analyzing and disseminating reports and information connected to Money Laundering and Terrorist Financing (ML/TF). In the daily visitation of suspicious transaction and activity reports, the MLS specifically search for reports related to human trafficking. Reports on human trafficking are disseminated to the police districts and/or to the National Police for monitoring purposes.

It also occurs that the police districts turn to the Financing Intelligence Unit (FIU), if they suspect a case of human trafficking. In such cases, the FIU will provide the police districts with relevant information and support. Moreover the FIU have the capability of conducting network analysis and analysis of money flows. The FIU have access to all the same registers as the police and moreover have the possibility of collecting information from public or private entities as necessary.

The Danish Asset Recovery Office (ARO) is based within the State Prosecutor for Serious Economic and International Crime (SØIK). The Danish ARO assists with the financial investigation regarding all sorts of crimes, among others trafficking in human beings, whenever it seems likely, that the crime in hand has generated illicit profit. The task is to trace, seize and eventually confiscate the proceeds of crime in order to secure, that crime does not pay. The Danish ARO acts on request from any of the 12 police districts, within SØIK itself or from authorities abroad. All investigative techniques in hand are used, among others bank account information, information from tax authorities, intelligence from FIUs, house searches, OSINT, HUMINT/informants and wiretapping.

## 10. International co-operation (Article 32)

10.1 *How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?*

CMM can offer assistance when a victim of THB wishes to apply for compensation, including recovery and transfer of unpaid wages. In such cases CMM cooperates with both the International Organization for Migration (IOM) and local actors against human trafficking in the country of origin. CMM can request these local actors to help the victim of THB with providing the relevant documents for the application. The relevant documents are then handed back to CMM via the IOM so CMM can proceed with the application for compensation.

*10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.*

The Danish National Police carries out joint investigations cooperated with other countries occasionally. As an example, the Danish National Police carried out a Joint Investigation Team (JIT) with the police of Estonia in 2013 in an investigation concerning possible THB for the purpose of prostitution. In 2015, a JIT was established between Denmark and Romania in what became Denmark's largest criminal case of human trafficking called "Hvepsebo/Waspnest" and was also the first case concerning trafficking for criminal purposes.

Further, the Danish police is a part of the EMPACT priority THB as a part of the cooperation with Europol. In 2019, two operations in the area of prostitution and one operation in the area of forced labor are planned in cooperation with Europol in Denmark.

*10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?*

It is not possible to draw statistics about how many mutual legal assistance requests the Director of Public Prosecutions has made in cases regarding trafficking of human beings and what their outcome was.

It should be noted, that Denmark is not party to the European Investigation Order (EIO). Therefore, no requests have been made on an EIO.

The Director of Public Prosecutions is currently working on new guidelines regarding mutual legal assistance. The guidelines are expected to be finalized by the end of 2019. With the new guidelines, the Director of Public Prosecutions aims to ensure that relevant statistics on mutual legal assistance will be available in the future. The Director of Public Prosecutions expects to publish the guidelines in the near future. Furthermore, the Director of Public Prosecutions will still consider alternative measures that can help provide accessible statistical information.

*10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?*

The Danish Police cooperates with Europol, Interpol, the Nordic Cooperation and the International Organisation for Migration (IOM).

CMM have good experiences with contacting social organizations supporting victims of THB in their country of origin. Such cooperation has proven to be useful when the person concerned is in need of further guidance and information regarding rights and offers. The social organizations in the home country can direct such support to both the victim of THB and the family of the victim. Such supportive measures have a special focus when the victim is a child in order to secure that the best interests of the child are maintained after the child has returned to the country of origin. CMM has among other things established a good cooperation with local NGO's in Nigeria, Italy, Romania and Spain.

CMM has furthermore had good results through cooperation with local NGO's when a victim of THB is returned to another European country in accordance with the Dublin Regulation.

*10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?*

As part of the support under the NAP victims of human trafficking in Denmark will be offered support for assisted voluntary return and reintegration carried out by IOM. Victims of human trafficking – including victims participating in criminal proceedings – who wish to return voluntarily to their country of origin or country of legal residence are offered an assisted voluntary return (AVR), which is an individually prepared offer that runs over a six-month period after arrival at destination. The DIS is collaborating with IOM and thus the process is facilitated under the auspices of IOM, who collaborates with their Country Office and NGO's in the victim's country of origin.

The support is individual and its implementation is dependent on the situation of the victim. All supportive procedures are based on free will and active participation from the victim. This includes reception, housing, income generating activities and provision in the country of return. This includes an allowance and may entail health and psychosocial support, education, vocational training or financial assistance to start a small business. Questions regarding the safety of the person and potential safety arrangements in general terms will be discussed with the person and will be announced to IOM who in collaboration with local offices in the country of origin takes this into account as far as possible when planning the return. IOM monitors the reintegration for six months in the country of reintegration, and reports back to the DIS.

*10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?*

Danish police have no experience as to protection of and assistance to cyber-related sex crime victims who are THB victims.

CMM has an upcoming project specifically concerning how to combat human trafficking online. Thus this will be a focus point when the project starts in October 2019. During this work CMM will examine how other countries combat human trafficking online.

## 11. Cross-cutting questions

*11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?*

Reference is made to the replies in section 2 of this questionnaire.

*11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?*

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 irrespectively of the gender of the victim.

The individual needs of each victim are taken into account when assistance and support is granted in accordance with the NAP 2019-2021. Gender-specific considerations are thus included in this assessment. Consideration can i.a. occur during the identification interview where men have a tendency of being more reluctant to present their stories of trafficking due to shame and an aversion of appearing weak. The different needs of men and women are also taken into account when accommodation is arranged.

*11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?*

Reference is made to the reply to question 2.1, 5.4 and 8.6 of this questionnaire.

*11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?*

With regards to private sector engagement to prevent trafficking and discourage the demand for trafficking in human beings, CMM has participated in an EU-funded multilateral project. The purpose of the project was to map different sectors of the labor market with the aim of enhancing collaboration with stakeholders involved to prepare Corporate Social Responsibility (CSR) guidelines to combat and prevent human trafficking in these sectors.



CMM has developed a tool, “Managing the Risk of Hidden Forced Labor – A Guide for Companies and Employers”, which serve as a set of guidelines for companies and employers in risk of being associated with forced labor. The guidelines have been prepared in consultation with a number of different stakeholders and it describes the risk of human trafficking into forced labor and how best to avoid being associated with such cases. Furthermore, the guidelines include checklists of a number of measures, which advantageously may be taken by companies to reduce the risk of forced labor in the supply chain.

With funding from The Nordic Council of Ministers, CMM has initiated a Nordic project on countering trafficking into forced labor. The project received funding in 2016 and is about to finalize (September 2019). A number of Nordic countries have participated in the project, and CMM has the role of project manager. The objective of the project is to prevent and counter human trafficking into forced labor in the private and public sector through a strengthening of initiatives, cooperation, and information sharing and expertise within the Nordic countries. As part of the project CMM has made a version 2.0 of the guidelines mentioned above in Danish and English (Managing the Risk of Hidden Forced Labor – A Guide for Companies and Employers), which will be launched at a training session for companies and employers by CMM in collaboration with The Danish Ethical Trading Initiative in the fall of 2019.

The Mediation and Complaints-Handling Institution for Responsible Business Conduct is the OECD National Contact Point (NCP) in Denmark. The institution was established by Act no. 546 of 18 June 2012 and is an independent non-judicial body that enables companies, organisations and public authorities to resolve or mediate in disputes regarding infringements of i.a. human and labor rights.

The institution is also responsible for raising awareness of what responsible business conduct entails. The NCP undertakes promotional activities, including i.a. development of Danish sector specific guidance, to raise awareness of what due diligence and responsible business conduct entails.

Anyone can submit a complaint to the NCP about cases that involve non-compliance with the OECD Guidelines. The NCP can offer mediation to help create a constructive and meaningful dialogue between the parties. If the parties agree on a solution, the institution publishes the result of the mediation and follows up a year later to see whether the parties have complied with the mediation agreement. A mediation agreement can i.a. encompass an agreement on remedy to victims and/or implementation of due diligence processes in the company in question.

Victims of trafficking can claim compensation for personal injury or property damage from businesses implicated in human trafficking by filing a civil lawsuit against the business concerned. The business implicated in human trafficking is liable to pay damages if the general compensation terms are met. It is a condition that there is a basis of liability, in general fault-based liability, which means that the damages are caused with intention or negligence. Besides, it is required that the victim has suffered some sort of loss or damage as a consequence of the wrongful act. Furthermore, there must be a causal link between the human trafficking and the loss or damage suffered by the victim, and it must be foreseeable to the business concerned.

11.5 *What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.*

The Director of Public Prosecutions has no knowledge of cases of corruption or related misconduct of public officials in THB cases. Reference is made to the reply to question 12 of this questionnaire.

## **Part II – Country-specific follow-up questions**

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

➤ *Emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);*

*Regarding gender:* For the first time since 2007, the share of male victims has outnumbered the share of female victims.

The number of male victims increased as 61 male victims (63 percent of the total number) were identified in 2018 compared to 8 males (8 percent of the total number) in 2017.

The number of female victims decreased as 35 female victims (36 percent of the total number) were identified in 2018 compared to 86 females (88 percent of the total number) in 2017.

The number of transgendered victims decreased as one transgendered victim (one percent of the total number) was identified in 2018 compared to four transgendered (four percent of the total number) in 2017.

*Regarding age:* For the first time since 2007, 10 minors have been identified as victims of human trafficking.

The number of minors increased as 10 minors under the age of 18 years (10 percent of the total number) were identified as victims in 2018 compared to three minors (three percent of the total number) in 2017.

*Regarding nationality:* For the first time since 2007, Nigerians are no longer the most prevalent nationality of identified victims.

The composition of nationality also changed significantly, as the share of Nigerians decreased from 64 percent (63 persons) to 21 percent (20 persons) and the most prevalent nationality was Philippines with 26 persons (27 percent) of the total number in 2017 compared to zero percent in 2017. The third most prevalent nationality was Moroccans with eight persons (eight percent of the total number) in 2018 thus representing an increase from one person (one percent of the total number) in 2017.

*Regarding exploitation:* For the first time since 2007, victims of trafficking for forced labor outnumbered victims for sexual exploitation. Finally, the share of victims of trafficking being exploited for forced labor has grown significantly in 2018. Forced labor only made up one percent in 2017. In 2018, the share of victims for forced labor made up 47 percent of the total number.

Compared the number of victims of trafficking being exploited for prostitution/sexual exploitation decreased from 86 persons (88 percent of the total number) in 2017 to 31 persons (32 percent of the total number) in 2018.

There is no single explanation to the increase and decrease over the years. Some explanations to the change in 2018 can be found in the following: Over the last years CMM has experienced an increase in numbers of Moroccan boys and young men being identified as victims of human trafficking. CMM and other authorities have been aware of this group as vulnerable and in risk of being victims of human trafficking. CMM have been in contact with this group previous years, whereas their mobility, fear of reprisals and reluctance to tell their stories. Only very few have been identified as victims of human trafficking earlier years. A reason for this is that this group often disappears very quickly when the authorities come in contact with them, for example in the asylum centres.

From 2017-2020 funds have been allocated to a project carried out by the Danish Red Cross who runs most of the asylum centres in Denmark, including centres exclusively for children and youth. The aim of the project is to identify and support unaccompanied minors in the asylum system who are potential victims of trafficking. An increase in visitations to CMM of Moroccan boys being held in custody due to criminal actions, has made it possible for CMM to intensify visits and thus establish a trusting relationship, resulting in stories being told and new knowledge being a catalyst for further identifications.

Another factor influencing the statistics was a police raid in Padborg in the southern part of Denmark. At the raid the police met 22 Philippine and four Sri Lankan drivers, living under very bad conditions. They were all identified as victims of human trafficking with several indicators of trafficking in the case. The case differed in many ways from earlier years, both in scope but also as they were all male and exploited in the transportation sector.

Finally, it seems that the more visible forms of sexual exploitation such as street prostitution have decreased as a result of a movement from prostitution in visible arenas into more hidden forms like escort prostitution and prostitution via the internet, and thus making it more difficult for authorities and social organizations to establish contact and to uncover.

- *The legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);*

Since the second evaluation, the Danish rules regarding THB has not been amended.

- *The institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);*

Since 2002, the Danish efforts to combat trafficking in human beings have been regulated by consecutive NAP's, with the present NAP 2019-2021. CMM is the core of the nationwide social initiatives under the action plan to combat human trafficking.

In order to meet new developments and challenges, the efforts in the national action plans have been regularly supplemented with other initiatives. This for example includes outreach work and development of methods to identify victims of trafficking in new forms of prostitution such as escort and private/discrete, development of new methods for outreach work among potential victims of forced labor, and a strengthened effort to screen for human trafficking among unaccompanied minors in asylum centres.

#### *Coordination of the NAP*

Overall coordination of the NAP is rooted in an inter-ministerial working group to combat human trafficking. The inter-ministerial working group consists of representatives from The Department for Gender Equality, Working Environment Authority, the Ministry of Employment, Ministry for Interior and Social Affairs, CMM, the Ministry of Justice, the Director of Public Prosecutions, the National Police, the Agency for International Recruitment and Integration (SIRI), the Ministry of Health, the Tax Agency, the Ministry of Taxation, the Ministry of Foreign Affairs of Denmark, the Ministry of Immigration and Integration, and the Immigration Service.

CMM has set up a nationwide reference system of regional reference groups to ensure cohesion in the national procedure for identification and support for potential victims of human trafficking. The regional reference groups refer to a national reference group. The reference system consists of relevant authorities such as the police, the prosecution authority, the Immigration Service, the Tax Agency, trade unions, CSOs, etc. CMM and the Tax Agency, the police, the Working Environment Authority and SIRI have established an authorities group on prevention of forced labor.

CMM is also responsible for a cooperation group consisting of the Police Immigration Centre, the National Investigation Centre of the National Police (NEC), the Danish Immigration Service and the Department for Gender Equality, under the Minister for Equal Opportunities.

Denmark does not have a national rapporteur, but CMM works as an equivalent mechanism.

#### *CSO involvement*

A number of CSOs have been allocated funds under the action plan to carry out outreach and confidence-building work and to establish shelters for women victims of trafficking.

CMM works closely together with the CSOs under the NAP and CMM and the CSOs meets on a continual basis to develop and strengthen cooperation and discuss cases, trends and procedures.

On a more frequent basis cases referred to the national hotline operated by CMM will be allocated to CSOs when relevant and in accordance with their area of responsibility. CMM and the CSOs work closely together on specific cases if expedient and shares knowledge of the cases whenever possible. In some cases trafficking interviews are carried out by the CMM and CSOs in cooperation.

A network focusing on human trafficking and outreach work at massage parlors has been initiated by the CMM with the goal of sharing knowledge and experience in the intersection between healthcare and social outreach work. CMM and the relevant CSOs participate in these meetings held twice a year.

The CSO are all part of the national referral system operated by the CMM. The inter-ministerial working group involve CSOs working in the area when developing NAPs. Reference is also made to reply to question 13.7 of this questionnaire.

#### *Private sector engagement*

With regards to private sector engagement to prevent trafficking and discourage the demand for trafficking in human beings, the CMM has developed a tool, “Managing the Risk of Hidden Forced Labor – A Guide for Companies and Employers”, which serve as a set of guidelines for companies and employers in risk of being associated with forced labor. The guidelines have been prepared in consultation with a number of different stakeholders and it describes the risk of human trafficking into forced labor and how best to avoid being associated with such cases. Furthermore, the guide includes checklists of a number of measures, which advantageously may be taken by companies to reduce the risk of forced labor in the supply chain. Since 2014 CMM has been part of the Danish Inter-Ministerial Working Group on CSR and has held awareness raising events on THB at CSR Awards.

- *The current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);*

The fifth NAP covers 2019-2021. This NAP continues and develops previous efforts and ensures that Denmark continues to live up to international conventions. The budget of the NAP is 63 million DKK (21 million yearly). The budget of the previous NAP covering four years from 2015-2018 was 88.6 million DKK (in average 22.15 million yearly)

The action plan is available in English here: <http://um.dk/~media/UM/Danish-site/Documents/Ligestilling/Publicationer/2018/153843%20Handlingsplan%20til%20bekmpelse%20af%20menneskehandel%20UK.pdf?la=da>

The objectives of the NAP are to:

- Build confidence in and knowledge about the possibilities for support and assistance for victims and potential victims of human trafficking
- Provide information on human trafficking in relevant communities and build knowledge and awareness about human trafficking and thereby prevent and reduce demand.
- Prevent human trafficking through training relevant players and through knowledge and information.
- Identify victims of human trafficking so that they can be offered assistance, support and prepared repatriation.
- Offer prepared repatriation and reintegration to foreign nationals who are victims of trafficking, and who must or want to leave Denmark, to help them to a life without human trafficking.
- Investigate and prosecute traffickers to help curb human trafficking.
- Cooperate and coordinate to contribute to flexible, targeted and effective efforts against human trafficking.
- Provide knowledge about human trafficking to strengthen efforts and limit demand for the services provided by victims.
- Cooperate internationally to ensure exchange of experience and help maintain focus on human trafficking on the international agenda.

CMM coordinates national support and assistance for victims of human trafficking. CMM is responsible for cooperation and knowledge sharing with authorities, CSOs and others working in the area.

CMM was evaluated in 2016 to ensure efficient efforts to combat human trafficking as well as an effective use of resources. In overall terms, the evaluation results were positive and resulted in a range of recommendations for adjustments to the efforts of the CMM as well as adjustments to procedures, coordination and interactions with relevant actors in the field. The recommendations were given due consideration during the development of the current NAP. The Department of Gender Equality monitors the implementation of initiatives in the current NAP. A separate evaluation of the shelters for women victims of trafficking run by Reden International (the Nest International) as part of the NAP 2019-2021.

For a description of the bodies responsible for implementing and coordinating NAP reference is made to the reply to question 12.3 of this questionnaire.

➤ *Recent case law concerning THB for different forms of exploitation.*

The Director of Public Prosecution Service has made relevant case law on THB available on the internet and on the website of the Prosecution Service <https://vidensbasen.anklagemyndigheden.dk/h/6dfa19d8-18cc-47d6-b4c4-3bd07bc15ec0/VB/70db855e-e3a4-4201-a443-1952e48ecce9>.

As recent case law reference could be made to the following convictions:

*The High Court of Eastern Denmark 5. December 2017*

Accused 1 (A1): Prison for 3 years (also convicted of fraud, procuring, violence, mistreatment of a child, coercion, detention and threats against a witness).

Accused 2 (A2): Prison for 2 years (also convicted of procuring, involvement in mistreatment of a child, involvement in coercion and involvement in detention).

The two accused women were convicted of trafficking of a Thai woman for the **purpose of prostitution**. The two defendants were found guilty of, in association, having carried out business with prostitution of the injured, as they organized and managed the prostitution, which took place partly from an address in a Danish village, and partly as an escort company. They also organized periodic prostitution in Sweden. It was assumed that prostitution in the beginning was voluntary, but gradually came under the use of illegal coercion, violence and threats, as the defendants evoked and exploited a mistake by the perpetrators that she owed them \$ 200,000, threatened to want reveal a criminal offense on the use of narcotic drugs, as well as threatened the victim and her son with violence.

A1 was also convicted of violence against the injured party and for violence and mistreatment of a child (the victims son) who, at the time of the crime, who stretched over a period of approx. one year and three months, was 8-9 years old. A2 was also convicted of involvement in mistreatment of the child. A1 was also convicted of threats and detention of the injured, and of detention of the son of the offender. A2 was convicted of involvement in these conditions. T1 was further convicted of witness threats in relation to the son of the injured and for violence, coercion and possession of child pornography

At the sentencing, the court emphasized the gravity of the offenses and the lengthy period over which the abuses took place, as well as the fact that the injured persons who were subjected to the offenses had to be considered particularly vulnerable. It was assumed that A1 was the leading figure. A2 who was a Thai citizen was conditionally expelled from Denmark.

A more detailed (Danish) summary can be found on the Prosecution Services website: <https://vidensbasen.anklagemyndigheden.dk/h/6dfa19d8-18cc-47d6-b4c4-3bd07bc15ec0/VB/3630397d-cf53-43a8-9d2e-fdc0965f15e9> where the judgment also can be found (AM2017.12.059): <https://vidensbasen.anklagemyndigheden.dk/h/6dfa19d8-18cc-47d6-b4c4-3bd07bc15ec0/VB/73fd52d3-67dd-4f41-b646-294949290221>

#### *The Wasp Nest case*

The case comprises three linked cases and were processed at 3 different courts. The three court cases will be summarized below as Court Case 2, Courts Case 3 and Court Case 4. The Wasp Nest case concerns trafficking in human beings for the **purpose of forced criminality**.

In February 2015, the Danish police arrested a large number of persons suspected of trafficking for exploitation for forced criminality and extensive economic crime. The defendants recruited poor Romanians in Romania promising them work in Denmark. The defendants transported the persons to Denmark, where they were housed under miserable conditions at many different addresses around the country. The purpose was to utilize the persons and their identity to commit fraud and data fraud to traders and tax authorities. In

the autumn 2015, a total of 22 defendants were prosecuted for among other things, trafficking in human beings, gross fraud and data fraud.

The first case is called "Cell 3" and is described in the following: The final judgment was issued by the Supreme Court.

The Supreme Court passed sentence on among other things human trafficking of 3 persons. The defendants were found guilty of having exploited the victims to commit criminal offences by promising the victims jobs in Denmark and transported them to Denmark. The defendants were sentenced to between 3 years and 3 years and 6 months of prison. The defendants, not being Danish citizens, were also expelled from Denmark. The Supreme Court stated that it is not a requirement in section 262a of the Danish Criminal Code for trafficking in human beings that the exploited person has participated in the execution of the offenses or must have been aware of this.

Case number AM2017.05.29H, <https://vidensbasen.anklagemyndigheden.dk>

In the second case of the Wasp Nest case, "Cell 1", a total of 14 people were charged of among other things trafficking in human beings. 13 of the defendants were convicted of trafficking by a total of 19 people (3 of these defendants convicted appealed the sentence by the District Court to the High Court, but were subsequently convicted by the High Court on the 10.11.2017). The defendants were found guilty of having recruited, transported, housed and exploited the victims in order to make them commit a criminal act. All 14 defendants were convicted of gross fraud, gross data fraud and gross tax fraud by utilizing a total of 116 persons' identities for total amounts of between approx. 3.6 million DKK and approx. 10.4 million DKK. The defendants were sentenced to sentences of between 3 years and 7 years and 11 months in prison.

Case numbers AM2017.06.30Ø, AM2016.03.14B, AM2017.11.10B, <https://vidensbasen.anklagemyndigheden.dk>

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Case numbers AM2017.06.30Ø, AM2016.03.14B, AM2017.11.10B, <https://vidensbasen.anklagemyndigheden.dk>

In the last case "Celle 2/5" a total of five defendants were charged of among other things trafficking in human. Four defendants were convicted of trafficking by a total of 18 people (1 of these defendants appealed the District Court's sentence to the High Court, and was convicted by <sub>40</sub> the High



Court on the 19.01.2018). They were convicted of exploiting the victims to commit criminal offences. All five defendants were convicted of fraud by exploiting a total of 48 persons' identities for between DKK 4.8 million and DKK 16.4 million. They were sentenced to between 3 years and 7 years in prison.

Case numbers AM2018.01.19Ø and AM2016.07.12B, <https://vidensbasen.anklagemyndigheden.dk>

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

- *Establish an independent National Rapporteur or designate another mechanism as an independent organisational entity with a view to ensuring effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned;*

Denmark does not have a national rapporteur, but CMM works as an equivalent mechanism.

- *Extend the time-frame for the identification of victims of trafficking with an irregular migration status, and ensure 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;*

Aliens with an irregular migration status can be detained in accordance with the Danish Aliens Act, if it is not possible to secure the alien's attendance with less coercive measures.

In regards to victims of trafficking with an irregular migration status, the identification is normally made within the first 72 hours of an alien being held in detention, which helps to minimise the victims' time spend in detention. The time period can be extended if more time is needed to determine victim status.

Foreign nationals who are defrayed by DIS and who have been formally identified as victims of trafficking are offered extended access to health care services, accommodation and social and psychological support. Accommodation is provided either in asylum centres or in shelters, safe houses or other suitable accommodation based on an assessment of the individual needs of the person in question.

- *Take steps to address effectively the problem of disappearance of unaccompanied children from reception facilities, by providing suitable safe accommodation and sufficient numbers of adequately trained supervisors;*

As stated in the Report submitted by the Danish authorities on measures taken to comply with Committee of the Parties Recommendation CP (2016) 4 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, it is noted as a general rule, that unaccompanied minors are accommodated in specialized centres for unaccompanied minors or other appropriate accommodation based on their individual needs. The specialised accommodation available to unaccompanied minors provides a safe environment staffed with trained personnel. The Danish Government further notes that the operators of the centres are contractually obliged to have sufficient and qualified staff available at the centres. The minors are supervised by staff all day, and members of the staff are present at all times.

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- *Ensure that all victims of trafficking are provided with adequate assistance, and provide a permanent solution for offering safe and suitable accommodation for male victims of human trafficking;*

The individual needs of each victim are taken into account when assistance and support is granted in accordance with the NAP. Gender-specific considerations are included in this assessment. Consideration can i.a. occur during the identification interview where men have a tendency of being more reluctant to present their stories of trafficking due to shame and an aversion of appearing weak. The different needs of men and women are also taken into account when accommodation is arranged.

With the current NAP 2019-2021 the shelter for women victims of trafficking run by Reden International (the Nest International) has been spread geographically to two locations across Denmark. The aim is to make the accommodation more flexible to the individual needs of each victim and to use different kinds of accommodation for smaller groups of women in more vulnerable positions. A separate evaluation of the shelter is carried out in 2019-2021.

Lately, there has been an increase in the number of male victims mainly exploited into forced labor. Since the last report, the CMM has therefore focused on finding suitable accommodation and offering relevant support under the NAP for this group and in general to gather knowledge on the different needs that male and female victims might have.

- *Review the application of the system for granting residence permits to victims of trafficking;*

In accordance with the NAP 2019-2021, published by the Ministry of Foreign Affairs in September 2018, foreign victims of THB without a valid residence permit must leave the country. In accordance with Article 13 of the Council of Europe Convention on Action against Trafficking in Human Beings, and section 33 (14) of the Danish Aliens Act, a recovery and reflection period of at least 30 days is granted, when there are reasonable grounds to believe that the person concerned is a victim. The reflection period can be extended to a maximum of 120 days.

Pursuant to the Danish Aliens Act section 9 (c) (5), a temporary residence permit may be issued to an alien whose presence is required for the purpose of police investigation or prosecution, see the reply to question 8.1 of this questionnaire.

- *Take steps to ensure that the return of victims of THB is preferably voluntary, and is conducted with due regard to their rights, safety and dignity, including the right to non-refoulement and, in the case of children, by fully respecting the principle of the best interests of the child. What co-operation exists with countries of origin of victims to ensure a risk and security assessment prior to their return, and to favour victims' reintegration?*

CMM, in collaboration with the IOM and the DIS, offers support for voluntary return and reintegration to trafficked persons in Denmark. The IOM is responsible for conducting a risk

assessment prior, during and after the return of a victim of trafficking. Effective risk assessment involves a generic risk assessment conducted in the country, continuous review of the risk assessment and specific assessment of risk in response to specific events. To facilitate this process, a range of risk indicators are to be considered in each case. Depending on the circumstances in each country and each case, the local staff at the IOM office will assess according to their best knowledge of local circumstances and expertise. Where there is strong cooperation between the IOM and a relevant local or national law enforcement authority, the process of risk assessment will be conducted in close consultation with them.

In certain complicated cases, CMM will contact other social organizations that help CMM in the victims return country, to cooperate on the victims' reintegration plan and proper risk assessment.

Further reference is made to the reply to question 10.5 of this questionnaire.

- *Consult civil society during the evaluation of previous National Action Plans and the drawing up of new plans; were representatives of civil society involved in evaluating the National Action Plan against THB for 2015-2018 and in the preparation of the new National Action Plan for 2019-2021?*

The evaluation of CMM included 39 interviews with representatives from organizations and authorities working in the field, including CSOs.

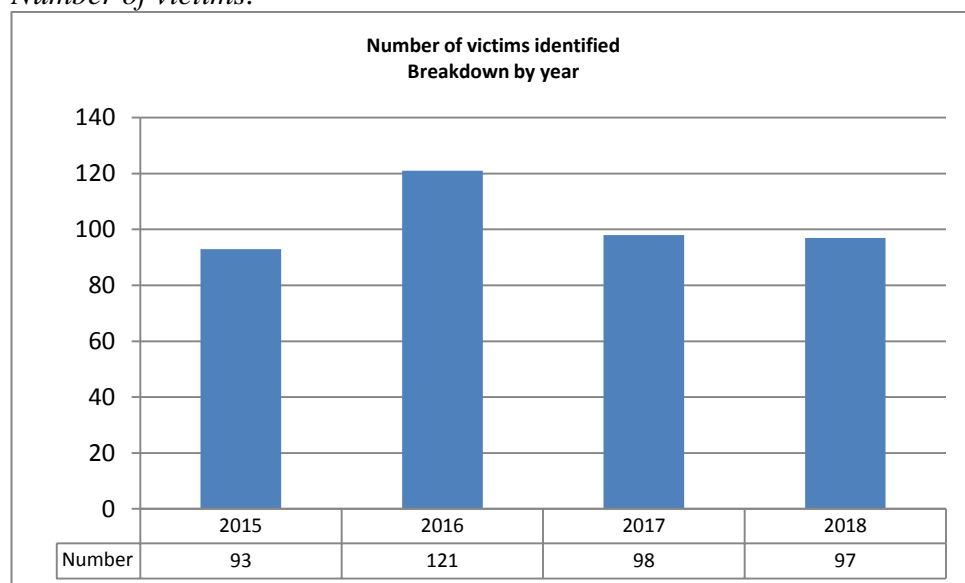
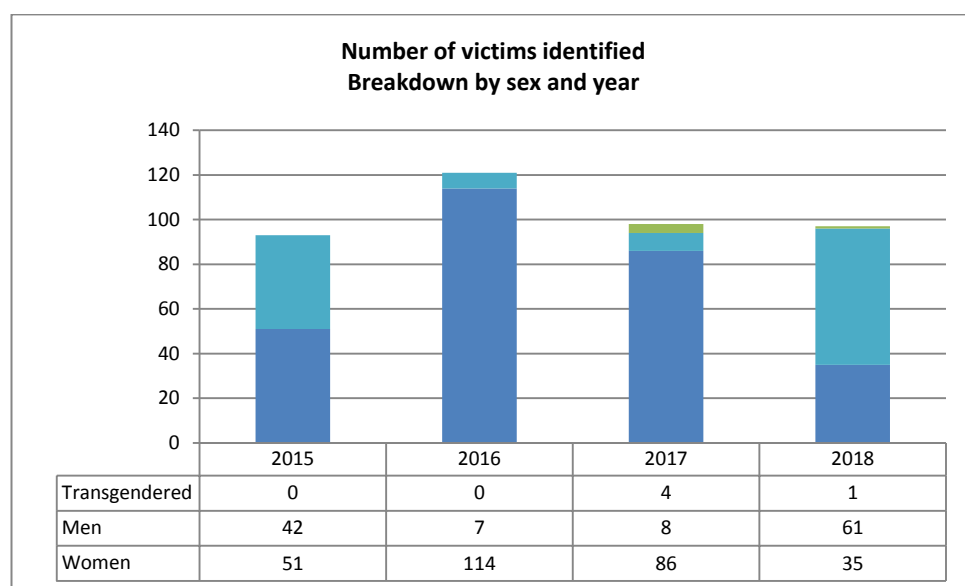
CSOs were systematically involved the initial phase of preparing the current NAP. CSOs were invited to take part in a meeting with government officials and provided written inputs, which were given due consideration during the development of the NAP.

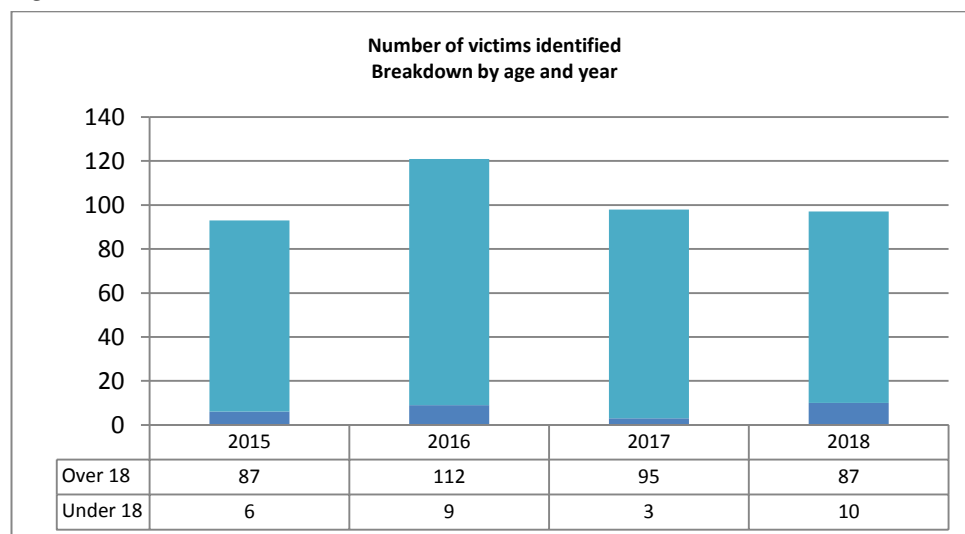
### **Part III - Statistics on THB**

14. Please provide the following statistics, per year starting with 2015, where available disaggregated as indicated below:

- *Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights 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).*

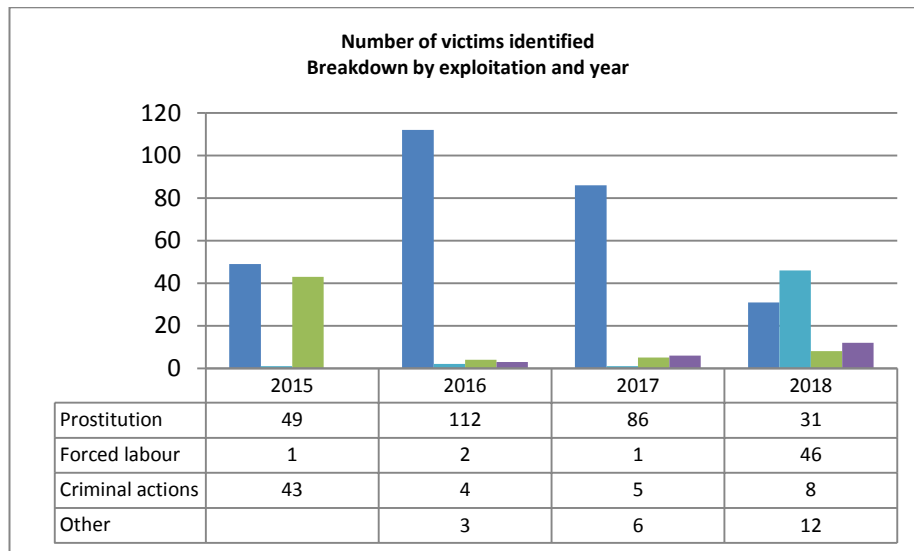
Denmark does not register presumed victims. Thus the following statistics includes victims of THB identified by the Danish Authorities with the competence of stating the status of victim of human trafficking.

*Number of victims:**Sex:*

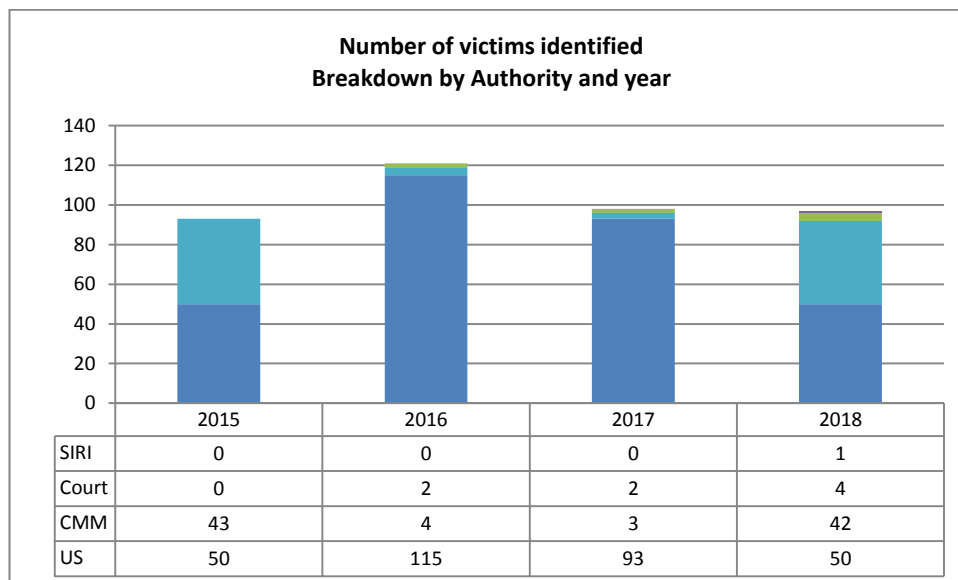
*Age:**Nationality:*

Nationality	2015	2016	2017	2018
Nigeria	35	99	63	20
Romania	41	2	1	3
Thailand	4	5	12	5
Philippines				26
Morocco	3	1	1	8
Vietnam	2		1	8
Uganda		3		2
Ghana			3	2
Bulgaria		1		4
Sri Lanka				4
Kenya				3
Serbia		1	2	
Congo			3	
Pakistan				3
Sierra Leone			1	2
China			2	
Ukraine	2			
Afghanistan	1	1		
Columbia	1			1
Ethiopia		1	1	
Somalia		2		
Brazil			1	
Cameroun			1	
Denmark			1	
Dominican Rep.				1
Gambia			1	
Poland	1			
Burundi			1	
Eritrea		1		
Mali				1
Albania			1	
Bangladesh		1		
Burma		1		
Macedonia	1			
Nicaragua	1			
Sudan		1		
Syria				1
Tanzania			1	
Tunis	1			
Zambia			1	
Equatorial Guinea		1		
Egypt				1
Libanon				1
Bosnia and Herzegovina				1

*Exploitation:*



*Authority:*



Anm: SIRI: The Danish Agency for International Recruitment and Integration; CMM: The Danish Centre against Human Trafficking; US: The Danish Immigration Service

Of the four victims identified by court in 2018, three were also identified by US.

- *Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).*

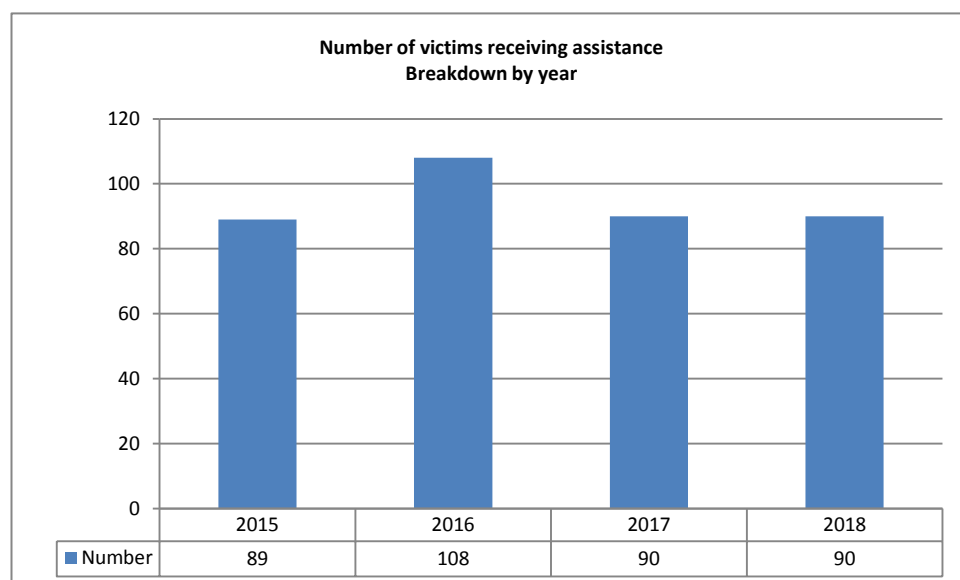
DIS does not maintain structured data with the required quality regarding the subject in the case processing system, which is a prerequisite for compiling the statistics requested. A manual examination of all Danish asylum cases would be required in order to provide such information. Therefore we are not able to provide any statistics in this regard.

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

According to the NAP, all identified victims of human trafficking are offered support and assistance. The number of victims identified and the number of victims accepting assistance under the NAP differs from year to year.

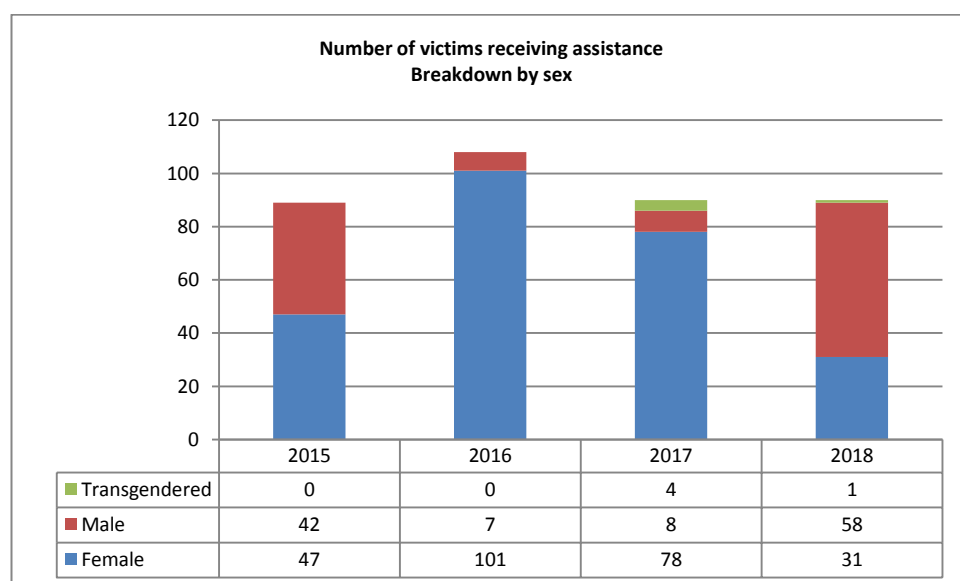
*Identified victims receiving assistance disaggregated by year:*

In the period 2015-2018 377 identified victims received assistance such as accommodation, appointment of a contact person, health care and juridical assistance.



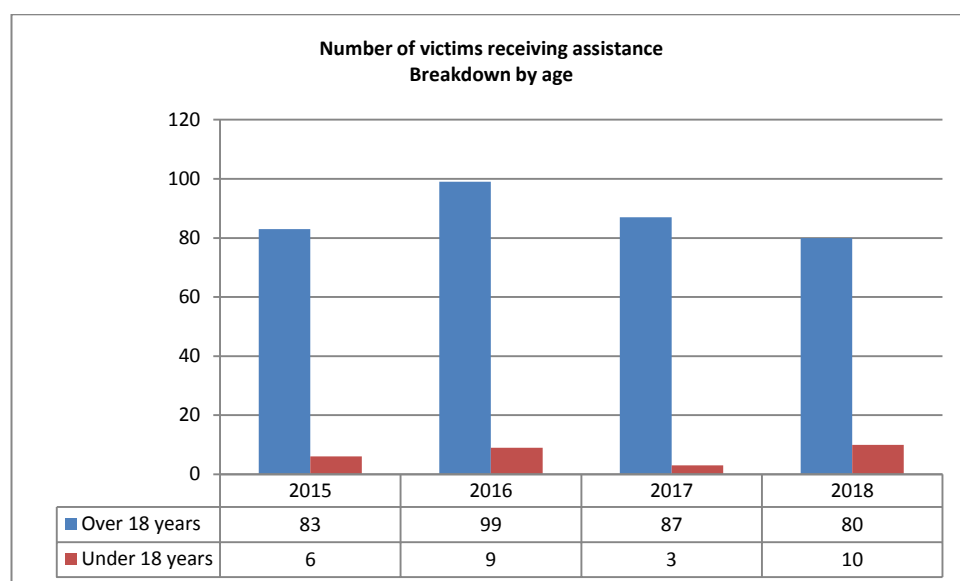
*Identified victims receiving assistance disaggregated by year and sex:*

A total of 257 female victims, 115 male victims and 5 transgendered victim received assistance in the period 2015-2018.



*Identified victims receiving assistance disaggregated by year and age:*

In the period 2015-2018 a total of 349 adult victims and 28 minors received assistance.



*Identified victims receiving assistance disaggregated by year and nationality:*

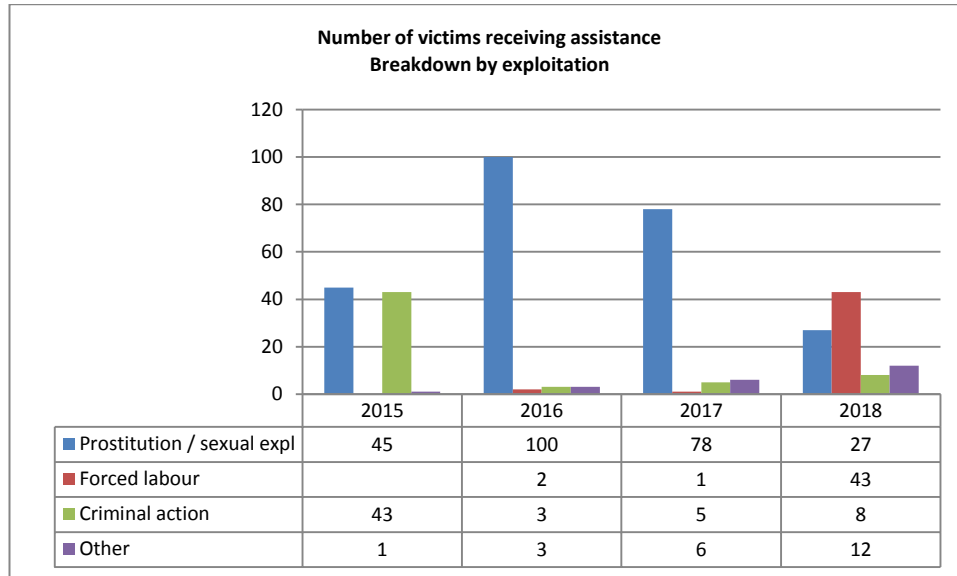
In the period 2015-2018 identified victims from 44 different countries received assistance under the NAP.

Nationality	2015	2016	2017	2018	TOTAL
Nigeria	31	87	55	17	190
Romania	41	2	1	3	47
Thailand	4	5	12	5	26
Philippines	0	0	0	23	23
Morocco	3	1	1	8	13
Vietnam	2	0	1	8	11
Uganda	0	3	0	2	5
Ghana	0	0	3	2	5
Bulgaria	0	1	0	4	5
Sri Lanka	0	0	0	4	4
Kenya	0	0	0	2	2
Serbia	0	1	2	0	3
Congo	0	0	3	0	3
Pakistan	0	0	0	3	3
Sierra Leone	0	0	1	2	3
China	0	0	2	0	2
Ukraine	2	0	0	0	2
Afghanistan	1	1	0	0	2
Columbia	1	0	0	1	2
Ethiopia	0	1	1	0	2
Somalia	0	1	0	0	1
Brazil	0	0	1	0	1
Cameroun	0	0	1	0	1
Denmark	0	0	1	0	1
Dominican Rep.	0	0	0	1	1
Gambia	0	0	1	0	1
Poland	1	0	0	0	1
Burundi	0	0	1	0	1
Eritrea	0	1	0	0	1
Mali	0	0	0	1	1
Albania	0	0	1	0	1
Bangladesh	0	1	0	0	1
Burma	0	1	0	0	1
Macedonia	1	0	0	0	1
Nicaragua	1	0	0	0	1
Sudan	0	1	0	0	1
Syria	0	0	0	1	1
Tanzania	0	0	1	0	1
Tunis	1	0	0	0	1
Zambia	0	0	1	0	1
Equatorial Guinea	0	1	0	0	1



Egypt	0	0	0	1	1
Libanon	0	0	0	1	1
Bosnia and Herzegovina	0	0	0	1	1
TOTAL	89	108	90	90	377

*Identified victims receiving assistance disaggregated by year and exploitation:*



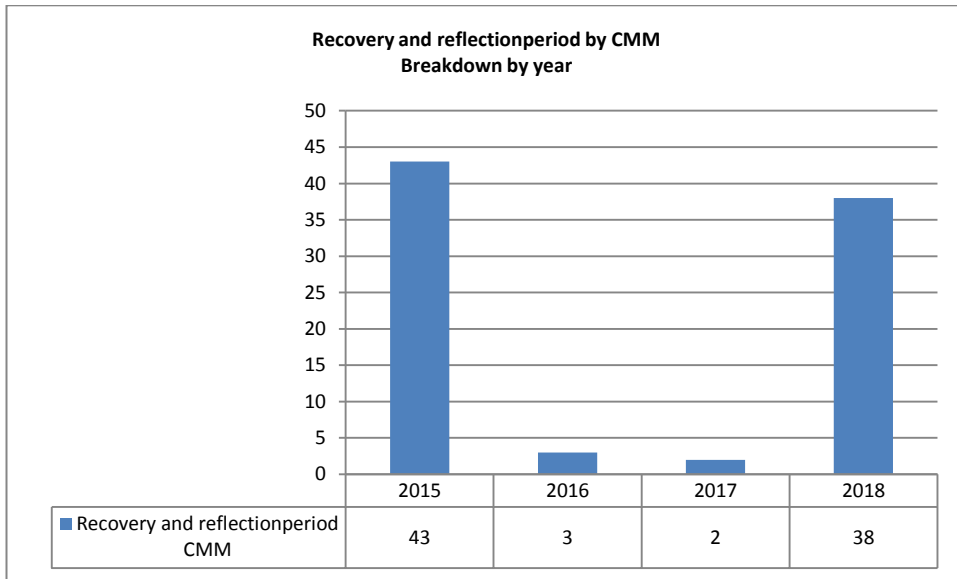
➤ *Number of child victims of THB who were appointed legal guardians.*

DIS does not maintain structured data with the required quality regarding the subject in the case processing system, which is a prerequisite for compiling the statistics requested. A manual examination of all Danish asylum cases would be required in order to provide such information. Therefore we are not able to provide any statistics in this regard.

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

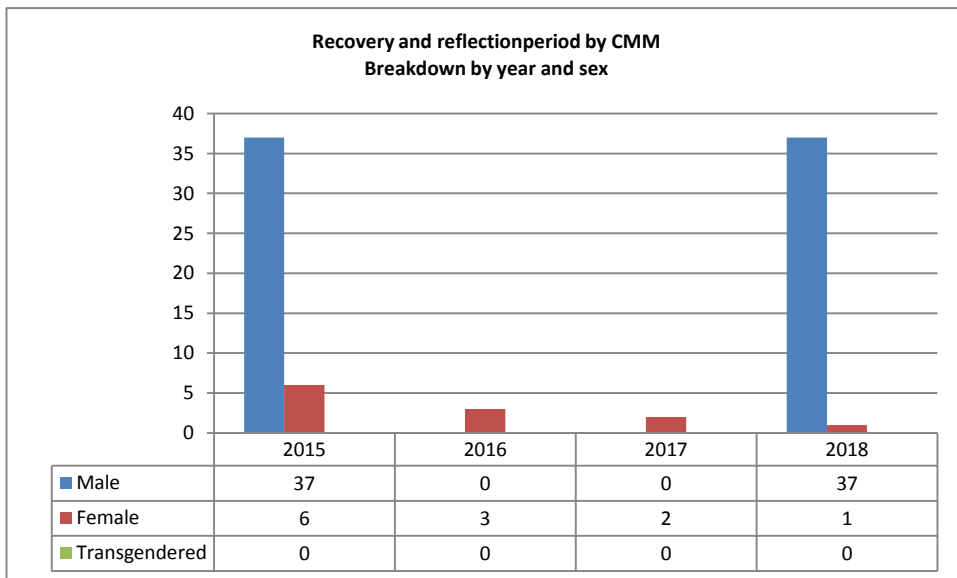
DIS does not maintain structured data with the required quality regarding the subject in the case processing system, which is a prerequisite for compiling the statistics requested. A manual examination of all Danish asylum cases would be required in order to provide such information. Therefore we are not able to provide any statistics in this regard.

CMM identifies and grants recovery and reflection periods for victims with a legal stay in Denmark. In the period 2015-2018 a total of 86 victims of human trafficking identified by CMM was given a recovery and reflection period.



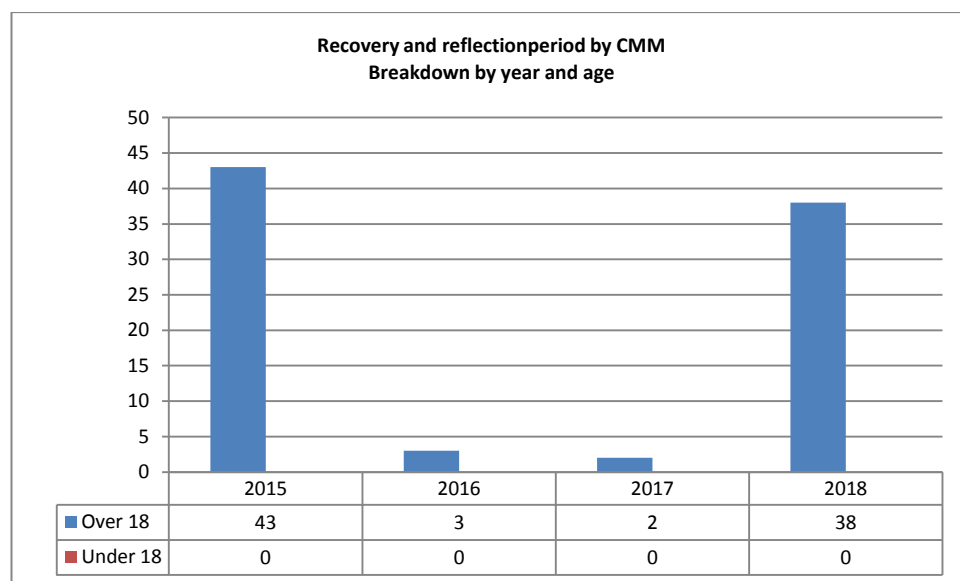
*Sex:*

In the period 2015-2018 a total of 74 male victims and 12 female victims of human trafficking identified by CMM was given a recovery and reflection period.



*Age:*

In the period 2015-2018 a total of 86 victims of human trafficking over the age of 18 years identified by CMM was given a recovery and reflection period.



### *Nationality:*

In the period 2015-2018 a total of 86 victims of human trafficking identified by CMM from 10 different countries was given a recovery and reflection period.

Nationality	2015	2016	2017	2018	TOTAL
Poland	1	0	0	0	1
Romania	41	3	1	3	48
Ukraine	1	0	0	0	1
Serbia	0	0	1	0	1
Bulgaria	0	0	0	4	4
Philippines	0	0	0	23	23
Libanon	0	0	0	1	1
Pakistan	0	0	0	2	2
Sri Lanka	0	0	0	4	4
Syria	0	0	0	1	1
TOTAL	43	3	2	38	86

### *Exploitation:*

In the period 2015-2018 a total of nine victims trafficked for prostitution/sexual exploitation, 37 victims trafficked for forced labor, 39 victims trafficked for criminal actions and one victims trafficked for other forms of exploitation was identified by CMM and given a recovery and reflection period.

- *Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).*

**Table 1: Number of victims of THB granted a residence permit, with an indication of the type of the permit (disaggregated by sex, age, nationality).**

<u>Gender</u>	<u>Nationality</u>	<u>Age</u>	<u>Permit</u>	<u>Durati- on in Num- days ber</u>
<u>Women</u>	Bangladesh	31	<u>Family reunification</u>	365 1
<u>Women</u>	Etiopien	21	<u>Asylum</u>	365 1
<u>Women</u>	Somalia	20	<u>Asylum</u>	365 1
<b>Total</b>				<b>3</b>

It must be stressed that the permits granted not necessarily have a connection to the assessment of a person being a victim of THB. The permit granted is based on a concrete and individual assessment on the ground on applicable laws.

- *Number of persons given refugee status or subsidiary/complementary protection on the grounds of beings victims of THB (disaggregated by sex, age, nationality, form of exploitation).*

It is not possible to provide statistics on the number of persons given refugee status or subsidiary/complementary protection on the grounds of beings victims of THB. DIS does not maintain structured data regarding the grounds for given residents permits in our case processing system, which is a prerequisite for compiling the statistics requested. A manual examination of all Danish asylum cases would be required in order to provide such information. Therefore we are not able to provide any statistics in this regard.

- *Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (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).*

From 2015 and until now the Criminal Injuries Compensation Board of Denmark (Erstatningsnævnet) has processed three cases regarding victims of human trafficking. The cases are listed below. The provider of the compensation is the State.

<b>Year</b>	<b>Sex</b>	<b>Age</b>	<b>Nationality</b>	<b>Amount claimed</b>	<b>Amount awarded</b>	<b>Form of exploitation</b>	<b>Compensation</b>	<b>Status</b>
2017	Female	19	Bulgaria	DKK 60.000	DKK 18.000	Prostitution	Tort compensation	The application is still under consideration by the Board regarding

								permanent injuries.
2018	Female	40	Thailand	DKK 60.000	DKK 50.000	Prostitution, threats.	Tort compensation	The case is closed
2019	Male	56	Bulgaria	Euro 50.000	0,00	Fraud, identity theft, financial crime.		The application awaits translation of the Boards decision.

➤ *Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.*

As part of the support under the NAP victims of human trafficking in Denmark will be offered support for assisted voluntary return. This includes support for a six-month period after arrival at destination. In the period 2015-2018, 83 persons received a voluntary prepared return.

Under the current contract with the IOM, there are six different categories of support:

<b>1a) Cash support for single people</b>	<b>USD 1550</b>
Cash support for single people is given to people who do not support minor children in their home country. The support is paid in six monthly installments of times \$ 200 plus \$ 350 when monitoring the reintegration project. The victim must not document the use of the aid. Cash benefits cannot be paid at one time.	
<b>1b) Cash support for parents</b>	<b>USD 3100</b>
Cash support for caregivers is provided to people who are the sole parents of underage children in their home country. The support is paid in six monthly installments of \$ 400 plus \$ 700 when monitoring the reintegration project. The victim is not required to document the use of the aid, but to prove that he or she is a parent of a minor child. The cash benefit cannot be paid at one time.	
<b>2) Support for housing</b>	<b>USD 1200</b>
All victims can receive housing support, which ensures that they have housing for the first months after returning home. The aid is not paid in cash to the victim, but for example to a landlord, as reimbursement of expenses for rented accommodation, etc. Expenses must be documented.	
<b>3a) Reintegration support for adults/ income generating</b>	<b>USD 4500</b>
The support is granted to everyone and cannot be paid in cash to the victim. It can be used to start your own business, where materials and the like are paid directly by IOM. It is also possible to take education or similar in the home country. Expenses must be documented.	
<b>3b) Reintegration support children (per child)</b>	<b>USD 1350</b>
The support can be granted to the children under the care of a victim of human trafficking. The support must provide for the child and therefore cannot be used for the adult's business. The support can for example be used for payment of school supplies and schooling or other activities directly aimed at the child. Expenses must be documented.	

<b>4) Medical support</b>	<b>USD 300</b>
The support is only granted if the victim needs support for, for example, medicine, treatment, hospitalization or the like. Expenses must be documented.	

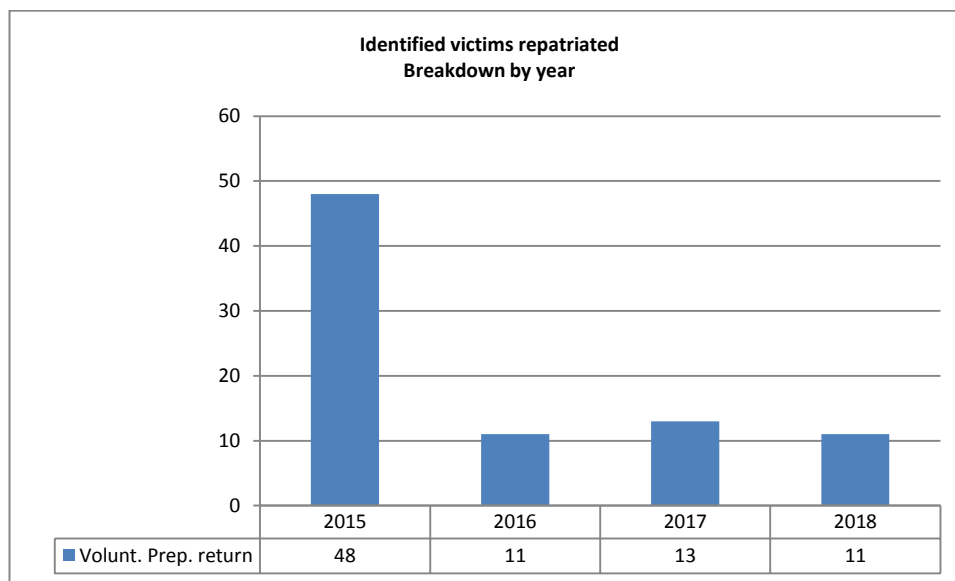
➤ *Number of victims of THB who received free legal aid.*

The Ministry of Justice is not in possession of any statistics regarding number of victims of THB who received free legal aid.

➤ *Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).*

In the period 2015-2018, 83 persons were returned with assistance (received a voluntary prepared return).

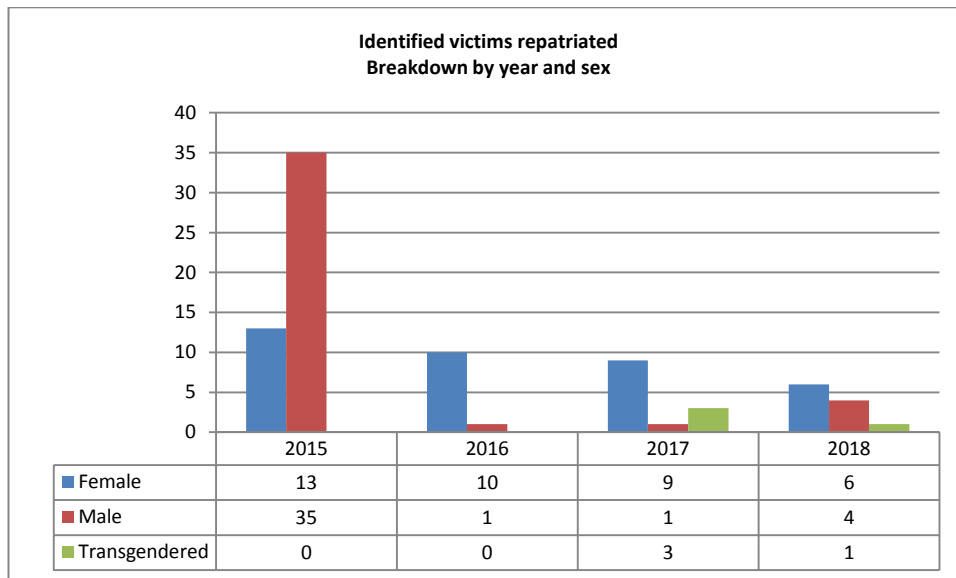
Denmark has no identified cases of Danish citizens being repatriated to Denmark as victims of human trafficking.



*Ann: Data in the figure covers identified victims each year who received a voluntary prepared return. Some returns thus can be completed the year after a victims was identified.*

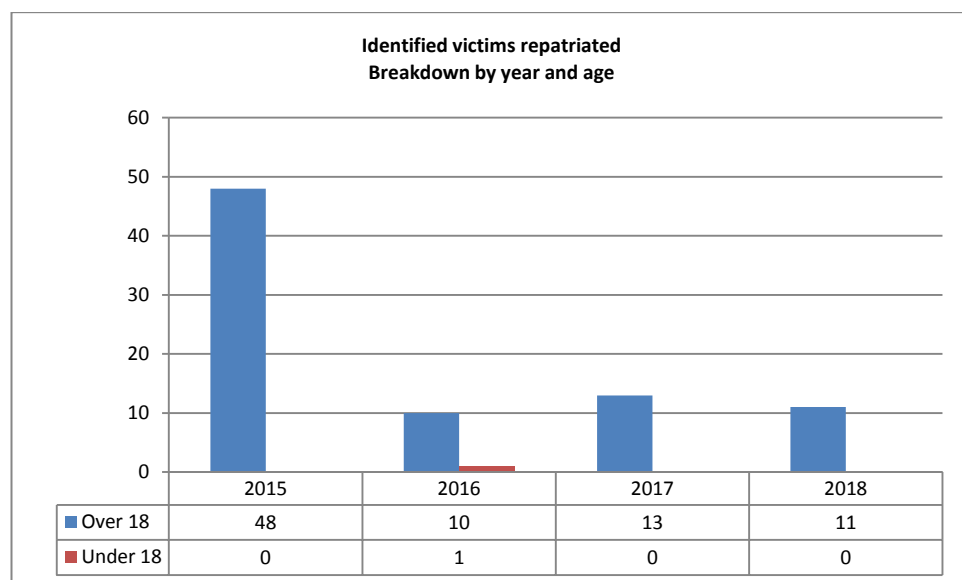
*Sex:*

In the period 2015-2018 a total of 38 female victims, 41 male victims and 4 transgendered victims were repatriated (received a voluntary prepared return).



*Age:*

In the period 2015-2018 a total of 82 victims over the age of 18 and one victim under the age of 18 were repatriated (received a voluntary prepared return).

*Country of destination:*

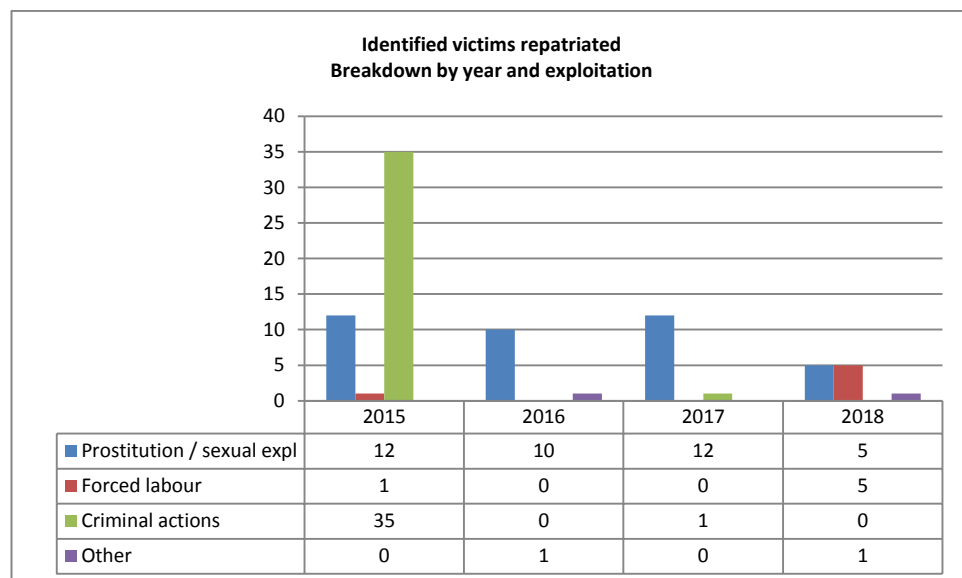
In the period 2015-2018 a total of 83 victims were repatriated (received a voluntary prepared return) to 13 different countries.

Destination	2015	2016	2017	2018
Belarus	1			
Columbia				1
Italy		1	1	
Kenya				1
Nicaragua	1			
Nigeria	1	4		3
Philippines				4
Romania	37	1		
Spain	2			
Thailand	4	4		8
Uganda		1		
Ukraine	1			
Vietnam				1



*Exploitation:*

In the period 2015-2018 a total of 39 victims trafficked for prostitution/sexual exploitation, six victims trafficked for forced labor, 36 victims trafficked for criminal actions and two victims trafficked for other forms of exploitation was identified by CMM and given a recovery and reflection period.



- *Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).*

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	TBH cases
2015	8
2016	6
2017	9
2018	20
2019	6

Please note, that the statistics have been drawn from the polices' case file processing system (POLSAS) on 31th of July 2019. The statistics are dynamic and they can as such change over time.

- *Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).*

Prosecutions in THB cases are defined as number of defendants pr. offence. Number of defendants is defined as number of individual persons prosecuted pr. year. Accordingly, a person with several prosecutions (cases) for THB will appear only once pr. year.)

Number of prosecutions in THB cases and number of defendants					
Year	2015	2016	2017	2018	2019
Cases	95	1	9	0	1
Number of defendants	29	1	5	0	1

Note: Data concerning the form of exploitation and the number of victims are not immediately available in the standard data models used by the Director of Public Prosecutions.

The data are withdrawn from the police case management system POLSAS, which is a journalising system and not an actual statistics program. Please note that for all the above statistics there is a backlog in updating data. Data from previous years are not considered reliable until two months into the new year. Reservation are made for typing errors. Data are dynamic and the number may change due to corrections or delayed updates of the data in POLSAS, new convictions etc.

The relatively high number of prosecutions in 2015 and convictions in 2016 is partly attributed to the Wasp Nest case. Data are updated on 27 July 2019.

For information of the type of exploitation and the number of victims concerned reference is made to the reply to question 12 of this questionnaire.

- *Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).*

Number of convicted perpetrators is defined as number of individual persons convicted pr. year. Accordingly, a person with several convictions for THB will appear only once pr. year.

Number of convicted perpetrators of THB break down by sex					
	2015	2016	2017	2018	2019
Female	1	2	3	0	0
Male	3	12	5	1	0
Total	4	14	8	1	0

Number of convicted perpetrators of THB break down by age at the time of the crime					
Age	2015	2016	2017	2018	2019
19					
20		1			
24		2	1		
25		2	1		
26		1			

27			1		
28		1			
29		1			
30		1			
32			2		
33		2	1		
34		1	2		
35		1			
36			1		
37			1		
40		1			
41		2			
45			2	1	
47		1			
<b>Total</b>		<b>14</b>	<b>8</b>	<b>1</b>	

Number of convicted perpetrators of THB break down by nationality					
Nationality	2015	2016	2017	2018	2019
Bulgaria	3				
Denmark			2		
Romania		13	5		
Stateless				1	
Sweden		1			
Thailand			1		
Turkey	1				
<b>Total</b>	<b>4</b>	<b>14</b>	<b>8</b>	<b>1</b>	

Note: Data concerning the form of exploitation and the number of victims are not immediately available in the standard data models used by the Director of Public Prosecutions. The data are withdrawn from the police case management system POLSAS, which is a journalising system and not an actual statistics program. Please note that for all the above statistics there is a backlog in updating data. Data from previous years are not considered reliable until two months into the new year. Reservation are made for typing errors. Data are dynamic and the number may change due to corrections or delayed updates of the data in POLSAS, new convictions etc.

The relatively high number of prosecutions in 2015 and convictions in 2016 is partly attributed to the Wasp Nest case. Data are updated on 27 July 2019.

For information of the form of exploitation reference is made to the reply to question 12 of this questionnaire.

- *Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.*

Number of convictions is defined as number of individual persons convicted for THB pr. case.

<b>Number of convictions for THB</b>
--------------------------------------

2015	2016	2017	2018	2019
10	23	17	1	0

Note: Data concerning the form of exploitation and the number of victims are not immediately available in the standard data models used by the Director of Public Prosecutions. The data are withdrawn from the police case management system POLSAS, which is a journalising system and not an actual statistics program. Please note that for all the above statistics there is a backlog in updating data. Data from previous years are not considered reliable until two months into the new year. Reservation are made for typing errors. Data are dynamic and the number may change due to corrections or delayed updates of the data in POLSAS, new convictions etc.

The relatively high number of prosecutions in 2015 and convictions in 2016 is partly attributed to the Wasp Nest case. Data are updated on 27 July 2019.

For information of the type of exploitation reference is made to the answer to question 12 of this questionnaire. For the type and duration of the penalties please see the answer to question 12. None of the penalties mentioned are suspended. Data concerning the form of exploitation the age of victims are not immediately available in the standard data models used by the Director of Public Prosecutions.

➤ *Number of judgments in THB cases resulting in the confiscation of assets.*

Reference is made to the reply to question 5.2 of this questionnaire.

➤ *Number of convictions of legal entities for THB.*

There are no convictions of legal entities for THB.