

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

**Recommendation CP/Rec(2021)02
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Denmark**

*adopted at the 28th meeting of the Committee of the Parties
on 4 June 2021*

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

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

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

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

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

Recalling Committee of the Parties' Recommendation CP(2016)4 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Denmark and the report of the Danish authorities on measures taken to comply with this recommendation, submitted on 23 May 2017;

Having examined the third report concerning the implementation of the Convention by Denmark, adopted by GRETA at its 39th meeting (18-20 November 2020), as well as the comments of the Danish Government received on 26 February 2021;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Denmark;

Welcoming the measures taken and progress achieved by the Danish authorities in implementing the Convention, and in particular:

- the adoption of a national action plan on combatting trafficking in human beings (THB) for the period 2019-2021, supported by a dedicated budget;
- the issuing of detailed instructions by the Director of Public Prosecutions on how to deal with victims of human trafficking;

- the setting up of a website for victims of THB, providing information in seven languages, and the issuing of leaflets for victims;
- the increased detection of victims of trafficking for the purpose of labour exploitation, thanks to the work of the Danish Tax Agency and the involvement of trade unions;
- the opening of five children's houses which enable the adoption of a child-sensitive approach and procedures in respect of child victims and witnesses of crime;
- the engagement in international co-operation in the fight against trafficking in human beings.

A. Recommends that the Government of Denmark take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:
 - simplifying, to the extent possible, the procedures for applying for compensation in court; prosecutors and judges should use all the possibilities the law offers them to uphold compensation claims, and courts should state, where applicable, why compensation is not considered;
 - facilitating access to State compensation by reviewing the eligibility criteria and threshold for granting moral damages in order to ensure their applicability to all forms of THB;
 - granting residence permits to victims of THB for the duration of the legal proceedings, including compensation proceedings, with a view to facilitating access to compensation and redress;
 - making full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of THB;
 - providing training to prosecutors and judges on the issue of compensation;
 - exempting victims of THB resident outside the European Economic Area from the possible demand of providing security for the costs of the court procedures related to their compensation claims (paragraph 76);
2. allocate necessary human and financial resources to ensure that cases of THB are proactively investigated, prosecuted and lead to effective, proportionate and dissuasive sanctions, including by:
 - prioritising the use of special investigation techniques and financial investigations in THB investigations, which will make prosecution less dependent on the testimony of victims of THB;
 - providing adequate resources to the police and the Prosecution Service, and setting specific targets concerning THB in the annual target plan of the Prosecution Service (paragraph 100);
3. ensure compliance with Article 26 of the Convention through further developing the existing guidance and promoting its application (paragraph 108);
4. ensure that the practice of cross-examination (direct confrontation) of victims and defendants in THB cases is avoided, to the extent possible, making use of audio-visual equipment and other appropriate methods (paragraph 117);

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

5. step up efforts to identify victims of trafficking for all forms of exploitation, in particular among third-country nationals who might be staying irregularly in Denmark as a direct consequence of having been trafficked, including by:

- further strengthening co-operation with NGOs which may come into direct contact with victims of trafficking;
- introducing measures to identify victims of trafficking in immigration detention centres;
- improving the identification of victims of THB in the asylum procedure, including by increasing efforts to create an atmosphere of trust in asylum interviews, which would make it easier for victims to speak of their trafficking experiences;
- increasing efforts to identify possible victims of THB among Danish nationals;
- abandoning the concept of "currently trafficked", and ensuring that all victims of trafficking are identified as such and have access to the measures included in Articles 12, 13, 14, 15, 16, 26 and 28 of the Convention (paragraph 183);

6. make further efforts to improve the identification of child victims of trafficking, especially amongst unaccompanied asylum-seeking children, and 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 (paragraph 201);

7. review the legislation in order to ensure that all persons for whom there are reasonable grounds to believe that they are victims of trafficking, including those to whom the Dublin II Regulation is applicable, are provided with a recovery and reflection period, in line with Article 13 of the Convention, rather than a time-limit to prepare their departure from the country as irregular migrants (paragraph 207);

8. review the application of the system for granting residence permits to victims of trafficking with a view to ensuring that the victim-centred approach which underpins the Convention is fully applied and in order to prevent re-trafficking (paragraph 208).

9. improve the procedures for repatriation of victims of THB, including by:

- ensuring that there are in place repatriation assistance arrangements suitable for all victims of trafficking, with due regard for the rights, safety and dignity of the person concerned and the state of judicial proceedings; this encompasses protection against reprisals and/or against re-trafficking;
- prior to deciding on the return of victims, ensuring the systematic carrying out of comprehensive assessments of the risk of them being re-victimised and re-trafficked, including victims falling under the Dublin procedure and children, taking into account the best interests of the child; there should be possibilities to stay in Denmark if there are no guarantees that the return would comply with the principle of non-refoulement;
- further strengthening co-operation with the countries to which victims of THB return, with a view to improving their protection, reintegration and rehabilitation (paragraph 221).

B. Recommends that the Danish authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of Denmark to report to the Committee of the Parties on the measures taken to comply with this recommendation by **4 June 2023**.

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