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Department for Gender Equality

**Evaluation of the Danish
Action Plan for combating of
trafficking in human beings,
2007-2010**

Summary in English

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Introduction

This report contains COWI's evaluation of the "Danish Action Plan for combating of trafficking in human beings 2007-2010". The report was commissioned by the Department for Gender Equality and was undertaken between 15 March and 15 June 2010.¹

Background

The 2007 Action Plan is an extension of the Action Plan against Trafficking in Women from 2002 and its supplement concerning children from 2005. A total of DKK 80 million has been allocated to activities in Denmark during the period 2007-2010. Funds were also made available from Danish development assistance in relation to preventative activities in countries of origin. This is a considerable increase from the DKK 31.5 million allocated in the 2002 Action Plan and its supplement. The high priority attached to the area should be seen in the light of the increasing awareness of the phenomenon and the need for targeted responses to it following the adoption of the UN Protocol against Trafficking in Persons (the Palermo Protocol) in December 2002 and the European Convention on Trafficking of Human Beings in May 2005. The latter was ratified by Denmark in September 2007 and came into force on 1 February 2008.

The International Organisation for Migration (IOM) estimate that up to 800,000 people are trafficked across country borders every year. Precise figures are notoriously difficult to determine as they depend upon the ability to identify victims. Most observers agree that trafficking has become more extensive over the past decade, especially in Europe, as a consequence of a variety of "push and pull" factors connected with globalisation. These include the wish to gain access to the economic and social opportunities that are seen to exist beyond national borders. As with other forms of migration, trafficking involves the movement of people from one location to another, typically from poorer areas to more affluent ones. Where it differs is in the absence of free consent of the victim. Traffickers use threats, force and other forms of coercion, including abduction, fraud, deception, and abuse of power, in order to persuade and control their victims. According to Europol, an increasing number of people are being trafficked for forced labour. There is also an increasing number of children subject to trafficking. Experience from Eastern Europe is that an increasing proportion of those trafficked are now men, primarily for forced labour.

The recent statistics indicate that the vast majority of the 111 adults identified in Denmark between 2007 and mid 2010 were women trafficked for prostitution. Over the same period, 2 minors (under the age of eighteen) were also assessed by the Danish authorities as trafficked. It should be noted that the

¹ COWI's evaluation team comprised Lise Heiner Schmidt (team leader), Julian Brett and Anne-Catherine Legendre.

actual figures may be higher because not all victims are identified. Those who have been identified come from a range of countries, including Brazil, Ethiopia, Ivory Coast, Nigeria, Uganda, Romania, Latvia, and Thailand.

The second Danish Action Plan has sought to respond to the recent trends in trafficking in a holistic fashion by:

- Strengthening investigation, so that traffickers are identified and punished.
- Supporting victims through strengthening the social assistance available in Denmark.
- Preventing trafficking by raising awareness and limiting demand.
- Preventing trafficking through enhancing international cooperation, including improving prevention activities in countries of origin.

The second Action Plan is considerably more ambitious than its predecessor: while women trafficked for the purposes of prostitution remain the primary target group, there is also an explicit focus on minors (children) and people trafficked for forced labour. In addition, it includes activities intended to prevent trafficking in countries of origin and the efforts of the Danish Police to curb the activities of people behind prostitution.

The Action Plan draws from a strong cooperation between the Danish Government ministries for Gender Equality, Social Affairs, Integration, Employment, Justice, and Foreign Affairs and also involves a number of social organisations in Denmark. A key coordinating and knowledge management role is played by the Centre against Human Trafficking (Center mod Menneskehandel - CMM). The Centre was established following the first Action Plan in 2007 as a project under the Ministry of Social Affairs.

Other important contributors include the International Organisation for Migration (IOM), which provides services relating to the return of victims to their countries of origin, and Danish social organisations supporting victims and potential victims in Denmark. The latter include: Reden International, Pro Vest, Hope Now, the National Association of Shelters (LOKK), Danish Red Cross, Save the Children, and Kompetencecenter Prostitution.

These different groups of stakeholders are linked through a National Referral Mechanism (NRM) comprising a national reference group (involving all principal national counter trafficking actors, including the Danish police) and six regional reference groups spread throughout Denmark. The latter ensure that actors at the local level are also involved. To provide overall policy coordination, an inter-ministerial group involving the key Danish government ministries also meets on a regular basis. The purpose of the national reference mechanism is to ensure that all the parties involved in the Danish counter trafficking effort are linked to the Action Plan's implementation and monitoring.

Key findings from the evaluation

The Evaluation shows that there have been considerable advances in the overall Danish response to trafficking over the past three years. An effective institutional system has been developed and a large number of activities implemented as a result of the Action Plan. National authorities as well as social organisations expressed their satisfaction with the results so far achieved. The development of the national referral mechanism is consistent with international best practice.

An important result has been the establishment of the Centre against Human Trafficking (CMM). The Evaluation Team considers that the Centre should take a large part of the credit for the improvements in Denmark's response to trafficking and it is difficult to see how the protection activities undertaken would have achieved the same level of success without CMM's contribution.

Likewise, the inter-ministerial working group and the regional reference groups contribute to effective coordination, knowledge dissemination, and empowerment of contributing organisations. Overall, the Evaluation assesses that the implementation of the Action Plan has been characterised by a common, coordinated, and dedicated input from many actors, including social organisations and the police, where it has been important that the different actors are familiar with each others roles and responsibilities.

The Evaluation shows that inputs in the area of prevention have been strengthened through the Action Plan. Denmark has taken an active role in international cooperation and has made an effort to ensure that relevant actors (including within the police, social workers, and health workers etc.) are familiar with trafficking indicators and will contact CMM's hotline where there is a suspicion that a person has been trafficked. The Evaluation highlights the importance of ensuring that the actors involved are suitably trained and informed so that they are able to identify people who have been trafficked and facilitate their access to the assistance that is available through the Action Plan.

The Evaluation notes that activities undertaken in connection with the Action Plan remain primarily targeted at women trafficked for prostitution, which was also the case with its predecessor. The focus has been on building up a structure and procedures that ensure a consistent approach to people who may be, or have been, identified as victims of trafficking throughout the country. This focus has meant, however, that other forms of trafficking have received relatively less attention. Efforts in relation to forced labour, for example, have only really started since 2009 and the degree to which this form for trafficking is prevalent in Denmark remains unclear (although it is now being studied). The Evaluation concludes that the response to trafficking in the future should draw from the good experience that has been gained in relation to women trafficked for prostitution so that the other areas can benefit from a solid knowledge base, effective response capacity, identification, rehabilitation, reintegration, investigation/prosecution and productive cooperation between actors both in and outside Denmark.

Assessment of results achieved

The Action Plan has an objective to increase the **international contribution** to combating trafficking and reduce the number of its victims. The Evaluation shows that a variety of inputs have been made by Danish actors to achieve this, including indirectly through international advocacy, contributions to policy and best practice, through direct contributions in countries of origin, and through international police cooperation.

The Danish Ministry of Foreign Affairs has had a number of programmes directly relating to combating trafficking in Asia, Africa and Eastern Europe. A particular contribution has been made in Belarus, Moldova and Ukraine to develop national referral mechanisms in the three countries. As a result of which, rehabilitation and reintegration support was provided to 729 people in the three countries during 2009. While recognising these efforts, the Evaluation nonetheless concludes that it would be worth considering whether more could be done to combat trafficking directly through Denmark's development assistance.

The Action Plan includes the objective of raising **awareness of trafficking** amongst the Danish population. A telephone survey undertaken by Catinét in 2009 showed that 82% of respondents had heard of

the problem in relation to women, 22% in relation to children and 9% in relation to men. The survey also showed that 66% of respondents would contact the police if they knew of a person who had been trafficked to Denmark. These results represent a considerable increase since a previous survey conducted in 2006. However, they should not be taken as implying an understanding of the complexity of the phenomenon. The Evaluation also notes that relatively few activities have been undertaken to limit demand for prostitution, despite this being an objective of the Action Plan.

In terms of **protection** services, the Action Plan has the objective of ensuring that victims of trafficking in Denmark receive the support and help that they need. The Evaluation shows that the inputs relating to trafficked women have been strengthened considerably and that a targeted and effective response has been achieved based on good cooperation between CMM, the Immigration Service, and the police at both central and local levels.

CMM has developed a "definition and identification" paper which has the purpose of promoting a common understanding and definition of trafficking. In practice, it is often the police who first come in contact with individuals who may have been trafficked. The police alert CMM about raids and routine visits to massage parlours etc. in advance, which enables CMM and/or social organisations to be present and support any women who are subsequently detained.

The Evaluation has identified three key issues relating to the legal and bureaucratic processes concerning possible and actual victims of trafficking.

The *first* issue concerns the official identification process which requires cooperation between a number of parties, including the police the Danish Immigration Service, CMM and the individual. Under current arrangements, individuals without legal status in the country are referred by the police to the Immigration Service as the competent authority in relation to trafficking cases. Under current legislation, this should normally occur within a 72 hour time period (the limit within which the police are able to detain the person without referral to a judge). The Evaluation considers this to be an extremely short period of time in which to gather the necessary information from a person who is likely to be highly stressed.

For illegal immigrants who are possible victims of trafficking, the decision of the Immigration Services is critical as it results in either immediate deportation (if the person is not identified as a trafficked person) or opens access to a 30 day "reflection period" during which social support is available through the Action Plan (if the person is identified as trafficked).² The reflection period can be extended to 100 days if the person agrees to cooperate on an assisted return to their country of origin or residence. IOM is responsible for organising assisted return. In cases of foreigners with legal status in Denmark (e.g. EU citizens and third country nations with valid visas) where the Immigration Service is not involved, CMM is responsible for providing the support under the Action Plan.

The *second* issue raised by the Evaluation is the phrasing used in the foreword to the Action Plan concerning victims "who are trafficked to Denmark." The Evaluation shows that some social organisations have understood this to mean that only persons trafficked directly from their country of origin to Denmark will be treated as trafficked by the Immigration Service when, in practice, the determining issue for the Immigration Service is whether or not the person is in a trafficking situation when he or she arrives in Denmark. The Evaluation highlights that this misunderstanding could have unforeseen consequences, including possibly that persons are not referred to the relevant authorities for support under the Action Plan. It also means that persons trafficked to a third country (where they may have residency) but not further trafficked to Denmark will not be treated as trafficked by the Immigration Service and

² A further possibility open to the person is to seek asylum.

will be returned to that third country. In cases where the person has limited connections in that country, such a return could have detrimental consequences for the person concerned. The Evaluation concludes, therefore, that it would be relevant to consider further the implications of the phrasing "trafficked to Denmark" in order to ensure that all relevant actors have a common understanding of the basis on which decisions are made by the Danish authorities and that the security and rights of possible and actual victims of trafficking are met.

The *third* issue identified by the Evaluation in relation to the protection objectives of the Action Plan concerns the possibility for withdrawal of criminal convictions handed down when the person was under a trafficking situation. Under current arrangements, prosecutors can take into account that the person may have acted under duress, with the result that a criminal charge will not be pursued. In this situation, it is essential that the person is identified as trafficked before a judgement is made or that an appeal is made within the timeframe allowed. The Evaluation shows, however, that CMM is not always present when possible victims come into contact with the authorities and that there may be cases where victims effectively come to be "punished" twice. Aside from this issue, the Evaluation highlights also the unfortunate consequence that the risk will prevent victims of trafficking from seeking help when they are aware that they have acted illegally, although under pressure. The Evaluation concludes that changes to the law ought to be considered that will make it easier for convictions to be dropped in cases where the person is under a trafficking situation.

The Evaluation considers that the methods developed by CMM have contributed significantly to a more consistent and systematic approach to protection of possible and actual victims and that contact has been established with a large number of individuals (1750 between 2007-2009), some of whom have been identified as trafficked. Despite this, identification remains a challenge, not least because possible victims do not necessarily see themselves as trafficked or have other reasons constraining them from approaching the police or social organisations. The Evaluation concludes that there could be a need for better guidance regarding the various forms of assistance available. It is of concern that the system loses contact with people and that many do not make use of the support that is available through the Action Plan or protection that is possible through the asylum system.

When social support is provided, it generally concentrates on helping victims to cope with their situation rather than pro-actively offering them concrete opportunities for return and reintegration. The Evaluation notes a general reluctance from identified victims to take advantage of the offer of assisted return through IOM. Only ten people (all adults, out of 29 cases) were actually returned through the assisted voluntary return scheme during the period. The significant drop-out rate is thought to be because participants have difficulty visualising life following return, in particular overcoming the reasons for their initial migration (i.e. the original push factors).

The Evaluation notes that, without an effective and sustainable rehabilitation and reintegration, there is a risk of further migration and of re-trafficking and that there must be a close linkage between the support provided during the reflection period and the subsequent reintegration in the country of return. The Evaluation concludes that there would be value in undertaking an external evaluation of the Assisted Voluntary Return (AVR) scheme in order to understand better its results and to provide an opportunity to re-establish confidence in the scheme. It is suggested, inter alia, that the reflection period be automatically extended to 100 days for victims of trafficking and that more relevant education and training opportunities be developed that come closer to meeting actual needs (including the context existing in the country of return).

In relation to **minors**, the Evaluation shows that the protection effort is generally stronger than under the first Action Plan, notably because clear procedures have been established for identification and process-

ing cases of potential trafficking. Particular strengths include the possibility to appoint a representative for unaccompanied minors and that the responsibility for protection of minors is placed with the Danish Red Cross which has relevant expertise available. There would be merit in ensuring this capacity covers the country as a whole. However, the Evaluation also points to the need to strengthen identification and develop methods to deal with cases below the age of criminal responsibility where there is no basis for detaining them. There is a need to ensure that a broader range of actors are familiarised with the phenomenon in relation to children. It also notes that the indicators developed for trafficking are not always used systematically in relation to EU citizens and there may therefore be cases of which CMM and Danish Red Cross are unaware. There may be value in considering a more graduated system of indicators (the so-called "Dutch model") that is able to reflect different types of situation and vulnerability.

In relation to the **investigation and prosecution** of traffickers, the Evaluation shows that 79 people were charged with trafficking between 2006 and 2009 and 37 of these were sentenced. These results reflect both the increased attention being paid to pro-active investigation of the prostitution area by the police and the cooperation with CMM and social organisations. The Danish national police (Rigspolitiet) have the overall coordinating role in relation to investigations and return of illegal migrants. Routine control visits and investigations are undertaken by the 12 local police districts across the country. In 2006, the National Police issued a *strategy for a strengthened police action against people behind prostitution* which provides the overall framework for the police's contribution to the Action Plan as far as it concerns trafficking of women for prostitution. The strategy highlights the different roles of the national police authorities, local police districts and linkages to international police cooperation through EUROPOL and INTERPOL. Following the establishment of CMM in 2007, the police adjusted its guidance to police districts so that CMM is now contacted via the CMM hotline in advance of routine control visits and raids (to massage parlours etc.).

The Evaluation concludes that there has been a positive trend in relation to the results of investigations, which live up to the objectives of the Action Plan. A generally positive relationship has developed between the police and CMM/social organisations. The police value the latter's contribution because it can improve the atmosphere surrounding interviews with possible victims and thereby led to concrete results in investigation. However, the Evaluation also shows that the approach taken by the police is equally important and that a number of the police officers assigned to this area have developed considerable knowledge and understanding of the phenomenon, particularly relating to prostitution, and that this raises overall effectiveness. Police recruits receive an introduction to trafficking issues as part of their standard training package. The Evaluation suggests that awareness raising and training efforts should be maintained in police districts and that prosecution and judicial authorities also receive familiarisation training. An extension of the police focus to also include other forms of trafficking (for example, forced labour) should be considered to ensure a more comprehensive input is made.

In relation to the police's international cooperation, the Evaluation highlights the positive benefits of the inter-Nordic cooperation and the results achieved in combination with the Danish Ministry of Foreign Affairs concerning visa screening (in Thailand). The latter resulted in two convictions for trafficking.