

# The EU Mutual Learning Programme in Gender Equality

## Combatting trafficking in women and girls for the purpose of sexual exploitation

Spain, 30-31 October 2018

### Comments Paper - Denmark



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*This publication is supported by the European Union Rights, Equality and Citizenship Programme (2014-2020).*

*This programme is implemented by the European Commission and shall contribute to the further development of an area where equality and the rights of persons, as enshrined in the Treaty, the Charter and international human rights conventions, are promoted and protected.*

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# Prevention and multi-agency coordination in the combat against sex-trafficked women and girls in Denmark

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## 1. Introduction

Denmark has been committed to combat human trafficking since the country signed and ratified the United Nation Convention on combatting transnational organised crimes and its protocols (the Palermo Protocols) in 2000 and the European Convention on Action against Trafficking in Human Beings in 2005. Due to the international commitment, Denmark launched in December 2002 its first national *Action plan to Combat Trafficking in Women 2002-2006*.

In the first national action plan, Denmark linked the issue of trafficking to human rights and gender inequality by relating it mainly to violence against women and global structural inequalities caused by poverty, unemployment, poor opportunities for education, corruption or political instability (Danish Government, 2002:7). Moreover, the Danish Government linked the issue of trafficking to the demand for women in the global sex industry (Spanger, 2011).

The gender perspective in relating trafficking to *women in prostitution* changed from the first national action plan in 2002 to the second national action plan, launched in 2007. The perspective changed into what Spanger calls 'a more gender-neutral term, 'human trafficking' and for purposes other than prostitution (other unskilled work)' (Spanger, 2011:528). Due to the authorities' observations of exploited men and children in prostitution and other forms of forced work, men and children were included in 2007 in the second national action plan, and other forms of exploitation than prostitution were included as well (Danish Government, 2007).

To understand the Danish gender-neutral policy in combatting trafficking it is important to underline that feminism in Denmark has historically not been an important perspective in policymaking on prostitution until the phenomenon of trafficking occurred. It is argued that feminism got its breakthrough with the first action plan as it embraces a feminist discourse with its views on *trafficked women for prostitution* as *victims* of violence and global gender equality (Spanger, 2011).

After the implementation of the first action plan, an invisibility and silencing of feminism has occurred and is still current in 2018. Spanger (2011) argues that the invisibility and silencing of the feministic grass-root actors in Denmark relate to the different developments the grass-root institutions involved in political making up the first action plan have undergone. Some grass-roots institutions changed for instance from being a semi-public, local, grass-roots institution to become a national public institution employing professional social workers to provide services to the ministry (Spanger, 2011).

Compared to the current policy debate in Spain on reducing the demand for sexual services from males to prevent sexual exploitation of trafficked women, this debate is absent in the Danish policy debate on trafficking. A ban on the purchase of sexual

services has been discussed, but as Skilbrei and Holmström (2011: 492) argue, the 'Danish society seems to be ambivalent towards prostitution. This because 'the debate embraces both a 'liberal' argument that prostitution belongs in the private's sphere and the arguments of the 'radical' feminist that prostitution is exploitive and that any purchase of sex should be punished' (Ibid).

To sell and buy sexual services in Denmark is not a criminal offence. Sex work is legalised under the permission that the sex worker is tax registered, which demands a work permit. To arrange for someone to engage in sexual activities with a client for payment or promise of payment or otherwise exploiting another individual's sexual activity with a client for payment or promise is a criminal offence.<sup>1</sup> Founded on the UN and EU policies to combat human trafficking, pimping (§ 229) and the organisation of human trafficking (§ 262a) has been adapted as a violation of the Danish Penal Code. This included a criminalisation of individuals buying sexual service of a trafficked person (§162a, part 2).

### **1.1. Figures of women and girls trafficked for sexual exploitation**

Despite the gender-neutral trafficking policy, the majority of identified trafficked victims in Denmark *are* women trafficked for the primary purpose of sexual exploitation in prostitution. Denmark is primarily a destination and transit country for men, women and children subjected to sexual exploitation for sex traffickers. This is apparent in the national statistical figures on identified trafficked people presented in the following.

The figures presented are from The Danish Centre against Human Trafficking (CMM), the national coordinating multi-agency, which has the task of making annual records of trafficking in Denmark. The annual records regard the numbers of identified victims of human trafficking, more specifically victims identified by the Danish authorities. Hence, the presented figures give a picture of victims of trafficking by the authorities and not a comprehensive picture of the actual number of women and girls trafficked for sexual exploitation in prostitution in Denmark.

According to CMM, the Danish authorities identified 730 trafficked victims in the period of 2007–2017 (Socialstyrelsen, 2018:7). Of these were 86% women in prostitution i.e. women trafficked for the purpose of sexual exploitation in street prostitution in Copenhagen's red light district, brothels, massage clinics, clubs, escort or elsewhere within the Danish sex industry.

In the year 2017, the authorities identified 98 individuals as trafficked victims. Of these were 80 of the identified victims women trafficked for sexual exploitation. The nationality of the 80 identified women were as follows: Nigeria (62), Thailand (8), Ghana (2), Cameroun (1), Sierra Leone (1), Tanzania (1), Zambia (1), Burundi (1), Romania (1), Albania (1), China (1) and Brazil (1) (Socialstyrelsen, 2018:11).

Regarding the countries of origin, the majority group of trafficked women in prostitution in Denmark is from Nigeria. Nigerians have constituted the majority of sex-trafficked women identified by the Danish authorities over a ten-year period of 2007-2017 (Socialstyrelsen, 2018:5). This followed up by Thai women and Romanian women as the second and third largest majority groups.

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<sup>1</sup> The Danish Penal code, § 233.

According to CMMs annual statements in the period of 2010-2017, 10 girls under the age of 18 were identified as trafficked for sexual exploitation in prostitution (Socialstyrelsen, 2018:10). Within the same period, 3 girls under the age of 18 were identified as trafficked to other forms of exploitation than sexual exploitation (forced housework, childbirth etc.). In its evaluation of Denmark's implementation of the Council of Europe's convention on actions against trafficking in human beings, GRETA (2016) has criticised the rather low number of identified children and advised Denmark to increase their efforts to raise awareness of child trafficking.

In the latest annual statement from 2017 CMM states a new tendency observed among Nigerian women in prostitution: In the last couple of years, they have become younger than earlier as well as Denmark is more often their first country of destination i.e. the girls arrives without previous registration in Italy, Spain or any other European country (Socialstyrelsen, 2018:11).

CMM (Socialstyrelsen, 2018:14) states moreover a strong tendency among identified victims to leave the repatriation programme offered by the authorities, which is a part of the action plan to help and support the trafficked women to get free of their traffickers. Within the 30-day reflection period, 50 victims (51%) of the total number of 90 victims in the programme in 2017 had left the programme and disappeared. The majority of those who leave the repatriation programme is Nigerian victims who step out of the programme in order to continue earning money in the sex industry. In 2017, 24 of the 90 victims in the repatriation programme were Nigerians who already once or several times had been identified as victims and previously left the programme.

## 2. The policy context

Since 2000, when Denmark made an international commitment to combat human trafficking by ratifying the UN Convention, the Palermo protocols, some revision of the legal system has taken place in Denmark to adapt it to the international law. This regards specifically section 262(a) that was inserted in the penal code to bring the Danish Penal legislation in accordance with the European Parliament and Council directive 2011/36EU of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims. Likewise, the launch of the action plan in 2002 was to ensure the effort followed by the international commitment. The action plan constitutes today of a series of plans. In September 2018, the government launched the fifth plan (2019-2021) in the series that comes into force in 2019.

The aim of the series is overall to prevent trafficking and to identify and support victims of human trafficking in Denmark to help them free from their traffickers. Hence, the action plan constitutes an instrument – or as Spanger (2011) calls it, the governmental tool – to achieve the goals of combatting trafficking in human beings. To achieve the goals, the action plan is in the current plan (2015-2018) structured around the following five action areas:

- 1) Preventing trafficking in human beings in Denmark and internationally
- 2) Victims of trafficking are sought out and identified
- 3) Victims of trafficking are offered individually tailored and coordinated support
- 4) Traffickers are prosecuted
- 5) Partnership and coordination

Each of the five action areas includes a wide range of different aims, actions and actors from different ministries, national departments and other public and private actors.

To implement the Public Policy of the action plan, the plan is financial funded by the 'rate adjustment pool scheme ('satspulje'). The funding of the fifth action plan (2019-2021) is 63 million Danish crowns (approx. 8.5 million euros)

### 3. Good practice examples

In the context of this comment paper, the action areas of the action plan (2015-2018) regarding prevention (1) and partnership and coordination (5) will be discussed in the following as examples of good practices in the field of policies against trafficking in women and girls for exploitation.

#### Prevention

The overall goal of the prevention in action area 1 is to help people at risk of becoming victims of trafficking both in Denmark and abroad. The effort entail training of relevant actors in identifying potential victims of trafficking and increasing the public awareness of trafficking to reduce the demand for services from trafficked persons.

Internationally, Denmark supports and funds relevant organisations to prevent and combat trafficking in human beings, mainly through the UN where Denmark has status as one of the most important donors (Cowi, 2014). In addition, Denmark also participates actively in the Council of Europe, UN and EU in combatting trafficking transnationally.

Regarding initiatives of awareness campaigns in order to reduce the demand for commercial sex, the United States State department underpins in *The Trafficking in Persons Report, 2018* that Denmark has made no effort in this aspect. CMM has however initiated different awareness programmes and materials. In 2011, for example, launched CMM the awareness campaign 'Ud med bagmændene'. The evaluation of the campaign showed that 58 % of the Danish population knew about sexual trafficking (Cowi, 2014).

In August 2018, the Department of Gender Equality launched a virtual awareness campaign Tell-you-story.<sup>2</sup> The campaign seeks to reach mainly sex-trafficked women and girls in prostitution by bringing them an awareness of their rights and possibilities in Denmark. More specifically, the campaign embraces different awareness aspects. It seeks partly to support professionals and others in identifying signs of trafficking in order to offer victims guidelines on how to get professional help. Furthermore, it seeks to reach potential victims of trafficking for self-identification as a victim as well as to inform them about their rights and possibilities. Even though the campaign strives to bring awareness to professionals and (potential) victims in a human rights perspective, there seems to be another opaque agenda of the campaign since the website registers its visitors. It is not transparent what this means, i.e. who has the mandate to trace you as a visitor. This puts the victims in an uncertain situation, even though there is an explanation of how they can visit the website anonymously. The question is whether all potential victims have the skills to follow these instructions.

<sup>2</sup> See the website of the campaign on the following link: <http://tell-your-story.info/>

### **The multi-agency coordination**

The coordination and monitoring of the action plan have since 2002 been attributed to the Department of Gender Equality in the Ministry of Foreign Affairs of Denmark, which heads the inter-ministerial working group in combatting trafficking in human beings.

In 2007, the Danish Centre against Human Trafficking (CMM) was established as the coordinating multi-agency responsible for the coordination and cooperation in combatting human trafficking between relevant involved sectors, institutions and organisations – public as private. CMM is organisational attached to the National Board of Social Services and is responsible for coordinating and developing social work services for victims of human trafficking as well as ascribed to contribute to the identification of victims through outreach work and cooperation with the police and the Danish Immigration Service.

Despite the fact that the establishment of CMM has strengthened the overall coordination and effort in combatting human trafficking (ALS Research, 2016), there is an improvement to be made - particularly in the coordination and communication between CMM and the involved NGO'.<sup>3</sup> The ascribed role of CMM is, among others, to contribute to the social outreach dimensions of the national action plan throughout Denmark as well as to conduct interviews of potential victims to identify indicators of human trafficking. These tasks are aligned with the practice of the NGO' who carries out outreach work in the prostitution area identical with CMM. Selected NGO' has an authoritative mandate to conduct interviews of potential victims to identify indicators in human trafficking align with CMM. The identical task and practice of CMM and the NGO' makes it opaque and difficult for the victims to distinguish between the NGOs as private actors and CMM as a public actor. For the victims, it is opaque that CMM together with the Danish Immigration Service constitutes the public authorities who are responsible for the formal identification of victims of trafficking and the following assessments and services the victims will be offered, depending on the legal status of the victim.

## **4. Policy debates and transferability aspects**

The anti-trafficking policies of Spain and Denmark are comparable in the sense that a victim-centred approach is a key element for both countries in combatting trafficking. In terms of the multi-agency coordination issues, Spain could, as a suggestion, benefit from the establishment of a coordinating multi-agency centre like CMM. The restrictive Danish migration policy is, on the other hand, a constraint to the Danish anti-trafficking policy and is thus, not recommendable as transferable to the Spanish anti-trafficking policy. This because, the restrictive Danish migration policy has narrowed the focus on 'trafficking victims' to their legal migrant status, which has led to a practice where trafficked victims are incarcerated during the immigration services review of their legal status. During incarceration, 'trafficked victims are not systematically offered a screening for indicators for being a victim of human trafficking. Consequently, Denmark is deporting non-EU residents to their country of origin without offering them victim protection according to the anti-trafficking policy of the action plan. In other words, the Danish restrictive migration policy has led to a practice that in some cases contradicts with the victim-centred approach of the anti-trafficking policy by de facto criminalising trafficked victims as illegal migrants – and this no matter the gender of the trafficked victims.

<sup>3</sup> In relation to the planning of the 2019-2021 action plan, NGOs has reported concerns about their inputs not being taking into account (US State Department, 2018).



## 5. Conclusions and recommendations

Taken the high number of identified victims of trafficking in Spain compared to the low number of identified number of sex-trafficked women and girls in Denmark into account, there is a need for exchanges of practices internationally in order to strengthen and improve the international effort in combatting trafficking in women and girls for sexual exploitation.

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