

The Legal Affairs Committee 2010-11
REU ordinary part, final answer to Question no. 604
Public

Ministry of Justice

Folketinget
The Legal Affairs Committee
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We forward herewith the answer to Question no. 604 (ordinary part) that the Danish Parliament's Legal Affairs Committee submitted to the Minister for Justice on 11 February 2011.
The question was asked at the request of Line Barfoed (The Unity List – the Red-Green Alliance).

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Question no. 604 (ordinary part) from the Danish Parliament's Legal Affairs Committee:

“What training are judges, solicitors, public prosecutors, the police force and the immigration authorities given to enable them to identify and help victims of human trafficking in the best possible manner?”

Answer:

In order to answer this question, the Ministry of Justice obtained statements from the Danish Court Administration, the National Commission of the Danish Police, the Director of Public Prosecutions and the Ministry of Refugee, Immigration and Integration Affairs.

The Danish Court Administration provided the following information:

“Judges and other practising lawyers receive training in “handling” injured parties, including the victims of human trafficking in order to enable them to identify and help victims of criminality in general. This training forms part of the ordinary course of education and further education for judges and other practising lawyers.

The Danish Court Administration can also inform you that the complexity of cases involving human trafficking was most recently reviewed and discussed in November 2010 at the Judicial Training Centre (*Domstolsakademiet*), which provides further education for judges and practising lawyers. In this connection, among other matters, the focus was on the means of coercion used against victims of human trafficking, on how victims were exploited and on how victims were forced to continue with a life of prostitution, for instance.

In addition, the following subjects were touched on during the course:

- Section 262 a of the Danish Penal Code on human trafficking
- Denmark's international obligations
- A review of concrete cases of human trafficking
- The role of the authorities
- Opportunities for victims of human trafficking to obtain asylum
- Bringing charges
- The text of Section 26 a of the Danish Aliens Act (on foreign citizens who have been subject to human trafficking)
- The reliability of witnesses
- The Danish Government's action plan for combating human trafficking 2007-2010, the Danish Centre against Human Trafficking (CMM) and facts regarding human trafficking in Denmark.”

The National Commission of the Danish Police provided the following information:

“All students at the Danish Police College attend classes on the subjects mentioned during the 1st module of Basic Police Training (PG I). In this connection, students study relevant aspects of prostitution, the people behind trafficking in women and human smuggling.

In connection with teaching, which is planned and performed by staff from the Danish National Investigation Centre (NEC) in collaboration with the Danish Centre against Human Trafficking (CMM), students are informed about the current state of prostitution in Denmark and about the police collaboration with external and international parties. In addition, the collaboration with CMM is described, including the police force's inclusion of CMM in planned actions in the haunts of prostitutes. Furthermore, there are reviews of relevant legislation and the police force's areas of responsibility, from implementing and performing control activities and investigations, to the subsequent preparation of charges.

The aim of teaching is to provide students with a broad understanding of the phenomenon of human trafficking, including methods to identify indicators of such trafficking. This also includes what are the often difficult circumstances that reputed victims of human trafficking find themselves in, among other things, with the aim of helping students to understand reputed victims' patterns of reaction in connection with questioning, etc. Emphasis is also placed on the significance of this area and on teaching students that the ability to treat a reputed victim with the necessary respect and understanding can increase the possibility of indicting a perpetrator.

Students are also taught the above-mentioned subjects during the final part of their training and, in this connection, attend classes in relation to investigating organised crime.

The subject is also incorporated into other areas of police training, including subject areas such as the theory of police work, criminal law, psychology, sociology, international relations and human rights, foreign citizens, etc.

We can also inform you that a series of information meetings for all Danish police districts was held in the autumn of 2010. Teaching was performed by police personnel who possess extensive experience of investigating human trafficking. Approximately 200 members of the police force and public prosecutors attended the classes. This is a continuation of the annual, nationwide theme days connected with investigating the haunts of prostitutes that the NEC, as a national monitoring body, has held with the aim of passing on the good and bad experiences gained in the police districts.

Finally, we can inform you that there are classes on the subject of human trafficking and the people behind prostitution in connection with the further training courses for police officials held locally in the police districts. Particular emphasis is placed on the concrete problems and challenges that the police may be confronted with in the individual districts when arranging these courses. The purpose is to provide participants with the knowledge and skills to enable them to detect indicators of human trafficking and procuring, to carry out intensified controls in the haunts of prostitutes and to gather information for use in investigating cases involving human trafficking and the people behind prostitution.”

The Director of Public Prosecutions provided the following information:

“There is a series of rules, etc., in connection with prosecuting criminal cases, whose purpose is to support and guide the victims of criminality. It is self-evident that these rules also apply to cases involving human trafficking.

For example, it is consequent on Section 741 a of the Administration of Justice Act that in cases involving violations of Section 262 a of the Penal Code on human trafficking, among other matters, it is possible to assign a solicitor to represent the injured party. One of the solicitor's tasks is to support the injured party during questioning by the police and in court, and to provide support when a claim for damages, where applicable, is heard. According to the circumstances, the solicitor can also provide advice regarding specific help, provide personal support and guidance and perform other tasks for the injured party of a more general character.

It is also consequent on Section 741 b of the of the Administration of Justice Act that the police must advise the injured party about the rules regarding the appointment of a solicitor and that such advice must be repeated in connection with and prior to a second questioning.

The Prosecution Service pays close attention to the prosecution of cases involving human trafficking in pursuance of Section 262 a of the Penal Code, including the treatment of victims with regard to these cases.

In this connection, I can inform you that the treatment of injured parties and witnesses in general is included as a theme in the practical and theoretical basic training that all public prosecutors receive during the first three years of their appointment.

I can also point out that, after the Danish Police Reform, cases involving human trafficking are prosecuted in the police districts by the advocacy for crimes involving battery and that this contributes to the breadth of the experience and expertise of the public prosecutors who are involved with these cases, including in relation to the treatment of victims.

Furthermore, the Office of the Director of Public Prosecutions plays a part in instructing the relevant participants in this area. In collaboration with the police, SKAT, CMM and others, the Director of Public Prosecutions has held nationwide theme days for the police and the Prosecution Service in connection with investigating the haunts of prostitutes. The Director of Public Prosecutions, together with CMM, among others, has instructed judges in connection with cases involving human trafficking, including the treatment of victims, under the auspices of the Danish Court Administration.

At present, the Director of Public Prosecutions is also considering a revision of Section 262 a of the Penal Code as described in the Director of Public Prosecution's notice no. 9/2005 on sentencing in cases involving violations of the Penal Code, and the notice also contains an account of the particular issues connected with victims of human trafficking that could be of relevance for the work of the Prosecution Service on these cases.

It can be added to the above that the Office of the Director of Public Prosecutions is represented in the general work of coordination in this area, including in the reference system established by CMM, in which the central participants in the area are represented, including the police, the Danish Immigration Service and organisations such as the Danish Red Cross and Save the Children. As part of this, among other things, it is possible to exchange experiences regarding the prosecution of cases involving human trafficking in relation to the victims of human trafficking.”

The Ministry of Refugee, Immigration and Integration Affairs provided the following information:

“The Immigration Service contributes to the training of expert staff in connection with human trafficking at many different levels.

It is a natural part of training staff who interview asylum applicants that they receive instruction in identifying victims of human trafficking. In this connection, a series of advisory questions has been drawn up that staff can use in connection with issues involving human trafficking. Training also includes paying particular attention to the problem in relation to applicants from certain countries, such as Nigeria.

A special group of staff members is responsible for determining whether a person has been exposed to human trafficking and detailed instructions have been drawn up for their use in this connection. In addition, this group takes part in internal and external interdisciplinary cooperation on the area. Ongoing, internal coordination meetings are held by the Immigration Service with the participation of the various people in the administration. Furthermore, the Immigration Service has held several classes for CMM staff, including for contacts for social workers at local crisis centres, outreach staff and for Danish Red Cross staff, especially those from the Women's Centre (special centres of refuge for single women with and without children), where the various cases, the legal foundation and the special offers for people who have been trafficked are reviewed.

The Immigration Service regularly holds classes on the rules regarding deporting and turning away foreign citizens for police personnel. In this connection, it is emphasised – especially with regard to illegal work in the haunts of prostitutes – that they must pay particular attention to reputed victims of human trafficking, and their attention is drawn to any indicators that a foreign citizen has been subject to human trafficking.

In addition, the Immigration Service holds talks, coordination meetings and a cooperation forum on an ongoing basis where the administration discusses practical issues with organisations such as CMM, the International Organisation for Migration, the Danish Red Cross, the police and Save the Children.”