



Denmark

- Population: 5.6 million
 - GDP per capita (in US dollars): 60,707
 - Constitutional monarchy
 - Human development index (HDI): 0.923 (4th rank among 187 countries)
 - Gender inequality index (GII): 0.048 (4th rank among 147 countries)
 - Corruption Perceptions Index (CPI): Score of 91 on a scale from 0 (highly corrupt) to 100 (very clean)
 - Member of the European Union since 1973.
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- Danish social services estimate that there were at least 2,908 prostituted persons in Denmark in the period of 2013 to 2014.
 - Regulationist country. In 1999, Denmark decriminalized prostitution: Danish law authorizes legal residents in Denmark over the age of 18 to prostitute themselves under the status of 'independent contractors'.
 - Procurement or owning a brothel is a criminal offense with a maximum sentence of 4 years imprisonment. Paying for sex is illegal. Human trafficking leading to sexual exploitation is punishable by law, with a maximum sentence of 10 years imprisonment (or more in cases involving aggravated circumstances).
 - In 2014, the government pursued 15 cases of persons accused of human trafficking leading to sexual exploitation. Of these cases, 9 people were found guilty and condemned to prison sentences between 18 and 36 months.
 - Denmark is a destination country for victims of human trafficking. These victims primarily come from Sub-Saharan Africa (Nigeria) as well as from Eastern Europe (Romania).

Unlike in surrounding Scandinavian countries, prostitution is decriminalized in Denmark, while procuring or owning a brothel is illegal. There are no penalties in place for the clients of prostituted persons. If we look at Danish public opinion regarding the legalization of prostitution, about 50% of Danes polled in 2014 do not support a ban, while some 25% believe that prostitution should be illegal. More women than men favor the ban, while 20% of those polled said they did not believe a ban would reduce the presence of prostitution (*The Copenhagen Post*, May 12th, 2012). This attitude is reflected in the various opinion pieces

found in Danish newspapers, which often tend to portray the ‘right’ to legal prostitution as being a matter of a women’s right to do what she will with her own body (*The Copenhagen Post*, January 10th 2013, February 17th 2013, November 7th 2014 ; *Science Nordic*, March 14th 2014). Despite the fact that prostitution is decriminalized, prostituted persons often face violence and exposure to disease.

Denmark is primarily a destination and transit point for prostitution through human trafficking. Although it is difficult to get a clear picture of the real extent of trafficked prostituted persons, it is clear that the numbers of identified cases has increased each year. This increase may simply be due to the fact of an improved identification process. Information from recorded cases of human trafficking in Denmark show that whilst many of the trafficked are physically free to go where they wish, and that many of them understand know the nature of the activity in which they would be engaging, they remain dependent on the traffickers. Moreover, some traffickers take their passports and lend them money they cannot repay so that prostituted persons remain dependent and controlled by threats and violence.

Overview of legislation in place

Since Bill 141 was passed in 1999, engaging in prostitution is not a criminal offense for anyone over the age of 18 in Denmark. Buying services from a prostituted person is also not a crime. However, buying services from anyone under the age of 18 carries a sentence of up to 2 years imprisonment. Procuring or owning a brothel remain illegal activities with penalties of up to 4 years imprisonment (Section 228 of the Danish Penal Code). It is also illegal to knowingly rent a room or apartment for the purpose of prostitution, and to do so can result in a fine or imprisonment of up to 1 year (Section 229 of the Danish Penal Code). Prostituted persons are expected to register as independent contractors and pay taxes on their economic activities. Should these prostituted persons become unemployed they do not qualify for unemployment benefits. Moreover, it is illegal to engage in prostitution without a valid residency permit, and to do so can result in arrest and deportation.

Human trafficking for the purpose of prostitution is illegal. Perpetrators can face a maximum sentence of 10 years, and other sentences for crimes such as rape or assault can be added. Victims of human trafficking, who do not possess legal residency, are classified by the Danish Immigration Service using information from the Danish Centre Against Human Trafficking (CMM). Once victims are identified, those without residence permits in Denmark are offered aid for a given period of 120 days to prepare them for the return to their country of origin. This support includes access to protected housing, legal assistance, counseling, and socio-educational assistance. A contact person is assigned to each victim to help them create a personal action plan. The International Organization for Migration (IOM) has managed the program of assisted voluntary return and reintegration for minors since 2008. This program offers further support for up to 6 months to victims who have returned to their countries of origin. In March 2012, Bill 275 was passed – which aligned Danish criminal legislation with EU directive 2011/36/EU. This legislation raised the maximum penalty for human trafficking from 8 years imprisonment to 10. The Aliens Act was also amended in May 2013 to extend the maximum consideration period from a total of 100 days to 120. Denmark has no

particular legal basis to grant residence permits to victims of human trafficking, as demanded by Article 14(1) of the Council of Europe Convention on Action against Trafficking in Human Beings. This is due to Denmark's particular status in the European union. The country is not in fact bound by this directive, although it is strongly recommended for all signees of the Convention. In place of this, victims must instead apply for residence based humanitarian grounds or under temporary circumstances. Article 9(b)(1) of the Aliens Act allows residence permits to be granted on the basis of humanitarian grounds, however the qualifying conditions for these permits are quite stringent and are not geared towards the particular problems surrounding victims of human trafficking, but rather any illegal alien residing in Denmark who upon return would risk torture, the death penalty...

Permanent residence permits are not offered to victims who are aiding the police with criminal proceedings against traffickers, which consequently does not motivate victims to aid the police in their prosecution. Residence permits valid for the duration of an investigation are sometimes offered, though they are rarely accepted by victims. Victims can receive legal advice from the CMM, in collaboration with Pro Vest and the Danish Prostitution Centre.

Relevant figures

It is extremely difficult to gather accurate estimates of the numbers of prostituted persons operating in Denmark, despite prostitution's legal status. Copenhagen's red light district represents a small portion of the sex trafficking that goes on in the country, the majority of which takes in private residences, massage parlors or on the internet. NGO's and government organizations in charge of gathering statistics emphasize that their facts and figures are limited to observational data only. Danish Social Services provides yearly estimated counts of prostituted persons. From the period 2013 – 2014 there was at least 2,908 active prostituted persons in Denmark. They estimate that the number of underground prostituted persons as well as the number of foreign prostituted persons is increasing. The greatest number of prostituted persons work in massage parlors (961) followed by street prostituted persons (400), then private prostituted persons (368). A significant number of identified prostituted persons did not disclose the locations of their prostitution activities (785). Of the prostituted persons contacted for this survey, 18 were men, 108 were transgender and the remaining 2,782 were women (*Social Styrelsen* September 21st, 2015).

The main actors responsible for collecting data on human trafficking are the Department for Gender Equality, the Inter-Ministerial Working Group on Human Trafficking, the CMM, the Danish National Police and the Danish Immigration Service. There has been a steady increase in the number of victims identified by the authorities, with most victims being identified specifically by the police (67% in 2014). In 2014, 71 victims of human trafficking were identified, down from 76 in 2013, but up from 66 in 2012. Of these 76 victims in 2013, 57 were women sold into prostitution. The victims were predominantly from Nigeria (54%), Romania and Uganda (both 7%), Ghana and Kenya (both 4.2%) (*Centre mod Menneskehandel*, July 2015). In 2014, 9 people were convicted of human trafficking with an average penalty of 2 years and 3 months of imprisonment (*GRETA*, February 11th, 2015).

A recent poll from YouGov estimates that around 1 in 6 Danish men have paid for sex at least once in their lives – which corresponds to between 260,000 and 280,000, the predicted

number of sex customers. On average, clients visit their first prostituted person before the age of 25, with 35% saying they have visited just once and 9% saying they have visited over 50 times (*The Copenhagen Post*, May 12th, 2014).

Health and prostitution

The main objective of NGOs in Denmark regarding prostitution and healthcare is to limit the spread of sexually transmitted diseases by offering free sexual health clinics and educating prostituted persons about the existence of these clinics. NGOs point out the fact that while it is relatively easy to contact street prostituted persons, to give out free condoms and inform them of clinic opening hours, it is harder to get in contact with the majority of prostituted persons who operate behind closed doors. In December 2014, the NGO Reden International publicized its concerns regarding the effects of market pressures on the prostituted persons – who in the face of fierce competition and lower demand than usual, were resorting to offering customers the option of not using a condom to make extra money (*The Copenhagen Post*, December 2nd, 2014). There is also a problem of violence against prostituted persons – 18% of prostituted persons polled reported encountering violence in the last year (*The Copenhagen Post*, May 12th, 2014).

Initiatives put in place to fight against prostitution

Denmark is currently implementing their fourth National Action Plan (NAP) to fight Human Trafficking. This plan is being supervised and implemented by the Department for Gender Equality. There has been a steady increase of funding with each successive plan: 40 million DKK (5.36 million €/5.8 million US\$) for the First NAP (2003-2006), 80 million DKK (10.72 million €/11.6 million US\$) for the Second NAP (2007 to 2010), 85.6 million DKK (11.47 million €/12.42 million US\$) for the Third NAP (2011 to 2014), 88 million DKK (11.79 million €/12.77 million US\$) for the Fourth NAP (2015-2018).

The most recently completed third National Action Plan of 2011 to 2014 had a 5 point approach: identification of victims; offering optimum support for victims; reducing the demand for services; preventing human trafficking; identifying and punishing traffickers.

Much of the work focused on educating the various actors involved in identifying or caring for victims: ensuring that the police were well informed of the signs of forced prostitution, that they had the appropriate on site support after a police raid to process potential victims, educating the public on how to report suspicious behavior, outreach work involving young people, and education and awareness campaigns designed to reduce the demand for services. There was also 29.5 million DKK (3.95 million €/4.28 million US\$) dedicated to the Neighborhood Program, which works to combat human trafficking in Eastern Europe, as part of an effort to combat the problem of human trafficking at the root.

There is also significant amounts of funding allocated to various NGOs who are crucial to the successful implementation of the NAPs and work in the field providing support, shelter and reintegration to victims of human trafficking or prostituted persons in general. 18.5 million DKK (2.71 million US\$/2.48 million €) is earmarked each year from the state budget for contracts with NGOs such as Hope Now, The Nest International, Pro Vest and the Danish

Red Cross. While these NGOs form an invaluable part of the fight against human trafficking and prostitution in general there are no formalized networks or agreements with the Government. NGOs also form the backbone of EXIT programs for prostituted persons who are looking to enter into labor market. There is significant funding available to prostituted persons and such programs are overseen by the local authorities (*Friis, et al.*, June 2011).

Recent developments and recommendations

In their most recent reports both the Group of Experts on Action Against Human Trafficking (GRETA) and the U.S. Department of State advised that Denmark make serious efforts to change the default treatment of victims of human trafficking as illegal aliens in need of repatriation. While residency permits exist for victims on humanitarian grounds, of the 200 victims of human trafficking identified over the last three years only four permits have been granted, and while a 2013 amendment to the Aliens Act allows for a delay of deportation to be granted in order for a victim to aid investigations, it has never been used. Furthermore, a large number of victims do not choose to enter into the program of assisted return, often because they see it as merely an incarceration period to be undertaken before being deported, and because the victims' debt bondage to traffickers serves as a deterrent to accepting the return. This period of prepared return does not correspond to the minimum 30 day period of reflection and recovery recommended by the Council of Europe. Denmark needs to focus on implementing a more victim-centered approach, giving the victims alternatives to returning to a country where they may face retribution from traffickers or hardship due to their loss of income and their social status as ex-prostituted persons.

The minimum estimated number of prostituted persons is the lowest it has been since records began in 2002, while this is good news, more needs to be done to ensure that prostituted persons who wish to enter into professions are supported – as it is impossible to receive unemployment benefits, prostituted persons who fear losing their source of income find it difficult to leave the activity (85% of prostituted persons polled in 2014 said that they engaged in their activity because of economic reasons) (*The Copenhagen Post*, May 12th, 2014).

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