

Action Plan to Combat Trafficking in Human beings 2007–2010

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Children trafficked into prostitution, forced labor or other exploitation

Children who are victims of trafficking are subjected to a gross violation of their rights, and they are entitled to individual support. They constitute a particularly vulnerable group because of their lack of development and maturity, and because they are being forced to leave their families and usual surroundings in their countries of origin. For these reasons the Government is now also strengthening its efforts concerning trafficked children. It is the Government's goal that individual action plans be developed for each child in which the individual child's interest will constitute a priority for the further progress in the case. The Government will furthermore strengthen legislation in the area.

Trafficked children have special needs and rights as compared to trafficked adults. This action plan is, among other documents, based on the United Nations Convention on the Rights of the Child and the particular rights described therein.

Assistance for unaccompanied minors, who are victims of human trafficking, is provided within the framework of the Danish immigration laws. It is therefore primarily the Danish Immigration Service that has the decision-making authority concerning children trafficked in Denmark. The principles contained in the Danish Act on Social Services are applied when the immigration authorities do not possess the requisite aid options, and this includes decisions relating to placement of the child.

As mentioned above, a network of NGO's and relevant government agencies focusing on trafficking in children has functioned well and received support in the previous action plan. The network continues to meet and exchange experiences concerning domestic and international developments, and it is used more actively as a resource base in relation to development of initiatives. The network will be collaborating with the VKM in the future.

In arranging the process for the child, efforts will be further developed building on the already existing collaboration with social organizations and authorities. This will ensure that individual action plans are well thought-out and have been discussed with relevant professional staff.

In respect of efforts made by the police, the NEC's monitoring of human trafficking also includes children who may have been victims of human trafficking. The effort and the initiatives in the strategy against prostitution kingpins also comprise children who are exploited for prostitution. In that respect, the police will pay particular attention to cases involving the exploitation of children.

Prevention and support

No children should be trafficked to Denmark. Professionals and authorities must therefore have the tools to intervene early, if it is suspected that the child is a victim of human trafficking. Preventive work will be implemented both nationally and to a high degree in cooperation with the authorities and NGO's in the exporting countries.

Children must have a safe and sound stay in Denmark as well as have their return home arranged in the best possible manner. The children will receive social-pedagogical support as well as other relevant psychological support during the stay. The children will also receive relevant health treatment during their stay in Denmark.

Children are entitled to education during their stay in Denmark. Such education will be arranged around the needs of the individual child.

In this context it is important that the information provided to the social authorities and NGO's can be utilized in police efforts within the area and that such information is disclosed to the police. This information might potentially be submitted anonymously and with due regard to, among other regulations, rules concerning confidentiality.

1. Development of methods for identification

Domestic and international experiences have proven that it is difficult to identify children that have been trafficked. Indicators will therefore be developed to ascertain when there is a risk that a child might have been trafficked. Those indications shall function as a joint reference frame for the authorities and social organizations, so that work is being performed according to uniform definitions, and so as to ensure that each individual child will get uniform treatment regarding identification.

Responsible Government Agency: Danish-Ministry of Refugee, Immigration and Integration Affairs in collaboration with the Danish Ministry of Social Affairs

2. Education of professionals

Professionals who might get in contact with trafficked children shall receive education. This education must, among other elements, be based on social-pedagogical methods for building confidence so that the children dare tell their stories. Moreover, education must be provided in methods to determine age and trafficked children's special rights.

Responsible Government Agency: Danish Ministry of Refugee, Immigration and Integration Affairs in collaboration with the Danish Ministry of Social Affairs

3. Communication

In addition to that, the problem needs to be communicated to the relevant professional groups, e.g., through seminars, conferences and debate arrangements.

Responsible Government Agency: Danish Ministry of Refugee, Immigration and Integration Affairs in collaboration with the Danish Ministry of Social Affairs

4. Mandate and division of roles

It must be clear which actors are responsible for what. According to the evaluation of the first action plan there was some confusion about mandates regarding social organizations and authorities. To ensure that both victims and actors have a clear picture of divisions of responsibilities, a list of mandates will be drawn up.

Responsible Government Agency: Danish Ministry of Refugee, Immigration and Integration Affairs/Danish Ministry of Social Affairs/Danish Ministry of Justice

5. Safe stay

As a point of departure, unaccompanied minors will be sheltered in an asylum center, in which there is specially trained staff to deal with this group of children. If the center staff suspects that the child might disappear, the child may be subject to increased staff monitoring. The child might be subject to placement in accordance with the principles laid down in the Danish Social Services Act. Placement may occur if the child requires treatment or needs further social support than that which is provided under the auspices of the immigration authorities.¹

Experience proves that the present preparedness system is vulnerable when several trafficked children are admitted with short notice. The preparedness system will therefore be strengthened so that the number of spots available for trafficked children will be secured further.

Responsible Government Agency: Danish Ministry of Refugee, Immigration and Integration Affairs in collaboration with the Danish Ministry of Social Affairs

6. Personal representative

Once it is established that the subject is an unaccompanied minor seeking asylum, a personal representative will be appointed to take care of the subject's interests while the case is being processed.² All unaccompanied children will be assigned a personal representative. In respect of trafficked children, efforts will be made to ensure that the representative is a professional. The representative will provide support and guidance to the children in connection with the authorities' treatment of the case and may advise and support the child in relation to other more personal questions as well as make decisions on behalf of the child.

Responsible Government Agency: Danish Ministry of Refugee, Immigration and Integration Affairs

7. Collaboration and individual action plan

A cooperation committee consisting of social organizations will provide advice on individual cases concerning trafficked children. This cooperation committee will be continued, since the evaluation of the action plan showed that it had yielded good experiences.

The Danish Immigration Service will, in collaboration with the personal representative, draw up an action plan for the continued work for the benefit of the child or young person.³

Going forward it must be ensured that, when action plans are drawn up for the individual child, the cooperation committee will be consulted in respect of its knowledge, and the collaboration committee must be consulted, as needed, on the individual cases.

Responsible Government Agency: Danish Ministry of Refugee, Immigration and Integration Affairs

8. Return

Trafficked children may, as other aliens, seek asylum in Denmark.

However, children are considered a particularly vulnerable group, and special guidelines have therefore been drawn up for processing their applications. Thus, children's applications must be processed speedily, and the children will be sheltered in special asylum centers with specially trained personnel.

If a child's asylum application is rejected, the child will still, in certain cases, be granted a residence permit, if returning the child to the country of origin would be unsafe. A potential scenario could, for example, be that the child would have a difficult time getting by in his or her country of origin because he or she does not have a sufficient network in the form of family, other adults, public care or similar mechanisms. Information regarding the child's health and needs for special care and support will also be part of the assessment. Finally, the general situation in the child's country of origin will be taken into consideration.

Fundamentally, children should be together with their parents. The Danish Immigration Service can refer the child as well as this person's representative to have the International Red Cross tracing service search for the child's parents. This search might be performed in collaboration with a social organization and it is presumed that the child or the personal representative gives his or her consent.

The Danish Immigration Service will ensure, with the relevant organizations and authorities, that all trafficked children who are not granted a residence permit in Denmark, will be offered a wellplanned and properly managed return home. This entails that the child, to the greatest extent possible, will be received in his or her country of origin by an organization or others who can provide the child with special help in connection with his or her subsistence in the country of origin. It needs to be included in this collaboration that a child's reunification with his or her parents is not always to the benefit of the child, e.g., in cases in which the parents have participated in the trafficking. The representative can accompany the child in connection with the child's return home.

Responsible Government Agency: Danish Ministry of Refugee, Immigration and Integration Affairs

9. International network expanded

The existing international network needs to be expanded. The network needs to be spread out across more countries, just as the awareness of organizations in the countries of origin need to be strengthened so that it will be further ensured that the children can be well received when they return home. Thus, an already-established international network needs to be expanded, which will contribute to an improved and better-prepared return of human trafficking victims.

Also, good contacts to the authorities in the country of origin need to be established so that they can assist the victims upon their return home.

Responsible Government Agency: Danish Ministry of Refugee, Immigration and Integration Affairs

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¹ If there is a risk that the child or young person might harm him or herself, placement can take place within a secured environment. In other situations, e.g., where there is a need to secure the child or the young person's presence in connection with the processing of his or her case with the immigration authorities, detention may occur in accordance with the Danish Aliens Act.

² Efforts will be made to amend the Danish Aliens Act so that unaccompanied minors, too, who are not seeking asylum, will be entitled to a personal representative to represent their interests.

³ If the municipality has implemented support measures, the municipality is, under the principles laid down in the Danish Social Services Act, obligated to draw up an action plan that provides a detailed description of goals and subsidiary goals of the support.

