

Crime prevention policy	
EU- priority	Illegal migrant smuggling
Country	Denmark
Year	2019

1. Overview of the field

Definition of Illegal migrant smuggling

The Danish criminal law §125: With a fine or imprisonment for up to 2 years, a person is punished as 1) for evading someone from prosecution for a crime or keeping a person concealed, helping a person escape or imprisoning the person for another, 2) destroy, distort or dispose of items of significance to a public inquiry or annihilation and crime trail.

He who commits the acts mentioned to evade himself or any of his relatives from persecution or punishment shall not be punished.

Danish National Act § 59, 8: A fine or imprisonment of up to two years is punished for anyone who:

- 1) willfully assists a foreigner in entering or traveling through the country illegally;
- 2) willfully assists a foreigner of illegally residing in this country;
- 3) willfully assist a foreigner to enter this country for the purpose of illegally entering another country;
- 4) willfully assists a foreigner in entering or traveling illegally through another country;
- 5) for the sake of winning, a foreigner assists in staying illegally in another country or
- 6) by intentionally providing shelter or means of transport to a foreigner, the person in question assists in working in this country without the necessary permission.

The Danish criminal law §125a: Any person who is guilty of migrant smuggling under section 59(8)(i)-(v) of the Aliens Act for the purpose of gain and in other particularly aggravating circumstances is sentenced to imprisonment for a term not exceeding eight years. Especially situations endangering the lives of others or offences committed in a systematic or organized manner are considered particularly aggravating circumstances.

Assessment of trends and developments

National Centre of Investigation (NCI) considers it less likely that the EU's external borders will be exceeded by large migrant flows.

NCI considers it very likely that there will be an increase in the number of human smuggling charges if the EU's external borders are exceeded by large migrant flows and these move towards the Nordic countries.

NCI considers it very likely that in the future, advanced methods will be used to smuggle people who want to enter the EU, including Denmark.

Recent overview of statistics and research

On 4 January 2016, Denmark introduced temporary border control against Germany, with the latest extension being valid until 12 May 2020.

On November 12 2019, Denmark also introduced temporary targeted, random border checks on the border with Sweden.

Figure 1 reflects the historical development in the number of charges. The fluctuation in 2015 and 2016 are estimated to be due to the migrant crisis in the same period. A total of 1,654 charges for violation of the Criminal Code and the Aliens Act.

According to international information held by the NCI, human trafficking worldwide is considered an industry with high profit and low risk. Although the area has a large number of darkness, it is assumed that demand for human smuggling is not declining.

In May 2016, Europol and Interpol have estimated that criminal networks facilitated more than 90% of illiterate migrants who came to Europe. The UN has estimated that 2.5 million migrants smuggled in 2016 generated a profit of nearly \$ 7 billion for the backers. As an example of the price of being smuggled into Europe, reference can be made to a Spanish investigation, where it is stated that illegal migrants smuggled from Palestine to northern Europe via Southern Europe paid between 5,000 and 8,000 Euro per. person. The network in question facilitated 1,200 migrants in that case.

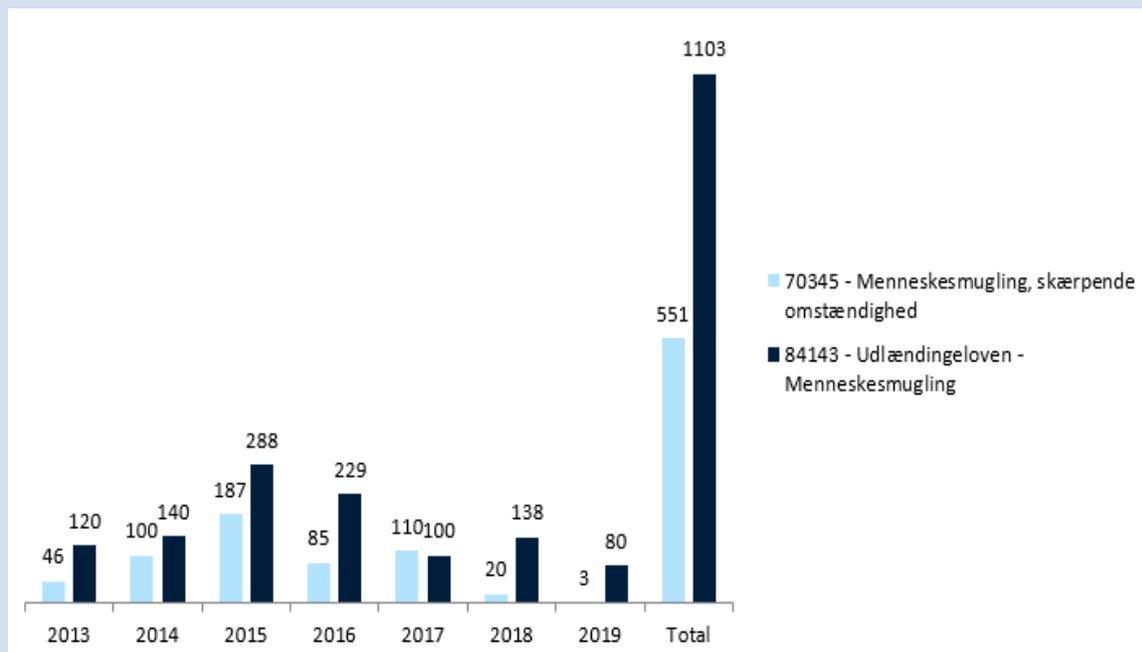
There is an increased degree of risk taking in connection with human trafficking / illegal migration. Thus, there are examples from both abroad and in Denmark that criminal networks are increasingly using life-threatening methods to store migrants in connection with smuggling.

The smugglers usually use their own vehicles as well as third-person vehicles, including rental, to transport the illegal migrants. NCI believes that the reason why rental cars are often used is that human traffickers will avoid having the vehicle confiscated by the Danish Police.

Figure 1: Number of charges regarding human trafficking - period: 01-01-2013 to 31-12-2019.

Human smuggling after the criminal law.

Human smuggling after the Aliens Act.



2. Crime strategy and coordination

Objectives of the crime strategy

- Ongoing training and knowledge sharing of staff at the borders and airports in the mode and trends used by human traffickers.
- Police districts and especially the border districts and airports should focus on human smuggling by local human smuggling groups.
- Ongoing investigations should help to create a lasting pressure on the perpetrators.
- Police districts should follow the National Aliens Center's operational strategy "Police efforts in the Danish border areas 2017-2020".
- The prosecution in each district should have prosecutors with in-depth knowledge of cases of human trafficking. If this is not the case, an in-depth discussion with prosecutors from other police districts should take place. This should ensure that

cases concerning human trafficking is not simply settled by a fine, cf. the Aliens Act.

- Establishing closer cooperation with SØIK in identifying criminal networks behind human trafficking by following the cash flow.

Role of prevention in the crime strategy on state/regional/local level

- That development in the area of crime continue to be closely monitored and that the efforts are supported analytically.
- That the National Police continues to teach the police about use of the profiling tool and latest trends and modus.
- That informers are actively sought in Danish criminal environments where human trafficking takes place.

Implementation of the policy (which level is responsible for the implementation and how is the implementation coordinated?)

Stakeholders (working groups, specialized agencies, partners, etc.)

TAX authorities, Centre against human trafficking, Labour inspectorate, Immigration Service, Ministry of Environment and Food of Denmark, 3F union, NGO organizations etc.

Participation in European/ international networks, working groups, etc.

Nordic cooperation with Norway, Sweden, Finland, Island and Denmark. Video conferences monthly. Members of Illegal Immigration FII (Facilitating Illegal Immigration) at Europol.

3. Good practices

Overview of recent good practices, prevention programs, etc.

NCI has a database with information on “offender Profiling” for the use on border controlling.

