

THB in relation to the Cleaning Industry.



Danish Presentation

- Denmark represented by:
- Helle Just Krag, Chief Prosecutor
- Camilla Brinch Rasmussen, Prosecutor
- Kristine Scharling , Senior Prosecutor
- Henrik Holm Sørensen, Investigation Team Leader.



Short Introduction

- Trafficking for Labour Exploitation is a crime type in growth.
- We need to determine demands to - and limits for the investigation by bringing cases to court
- Overall status for the Danish courtcases



Current State of Play.

- What can we do while waiting for the judgments of High Court ?
- § 262 a in the Danish criminal code and alternative possibilities.



Experiences working with Eurojust

- - Contacts
 - Coordination
 - Procedures



S. family.



THB into forced labour in the cleaning industry.

- A case about the S. family
- 3 weeks of forced labour in May/June 2011
- The S. agree to go to Denmark
- Promised working conditions > < the reality
- The employer – J.N. (the accused)



Sanitary conditions.



Living conditions:



Renewed investigation:

- A journalist digs into the story
- The episode at a gas station and earlier contact with the police
- Victims interviewed in Danish court in July 2012
- Investigation in Romania
- Center against Human Trafficking - evaluation and compensation.



Challenges in legal proceeding:

- 4 witnesses show up suddenly for the trial in Feb. 2014
- The indictment was rejected during the trial
- Subsidiary accusation of practicing usury
- Lack of investigation in the first place.
- Was it all a setup to gain money?



“The Garage case” :



Starting Point:

- 2 Romanian men are kept as slaves, working for a Roma family .
- Living in the cellar of the house and are treated badly.
- The Head of the Roma family is one of the Leaders of the Roma Community.
- The family seems to have a lot of money
- Links to the Cleaning Industry.



The Garage:



The indictment:

- THB into forced labour.
- Usury
- Fraud
- Violence and threats.
- Upcoming case of Tax Evasion.



The verdict:

- Not THB but usury.
- Conviction for fraud, violence and threats.



Legal challenges:

- Definition of forced labour.
- Complicated legislation – based on International conventions.
- Lack of trust in victim's statements.
- Comparison of Danish standards to Romanian standards.



Investigative challenges – and the way forward:



Investigative challenges:

- Limited time for investigation.
- Not possible to build a case solely on victim statements.
- Perpetrators and victims live together.
- Perpetrators speak "Romani".



What to look for:

- Investigation into recruitment in Romania and transport to Denmark.
- Investigation into how victims are treated during their stay in Denmark.
- Investigation into signs of slavery or forced labour.

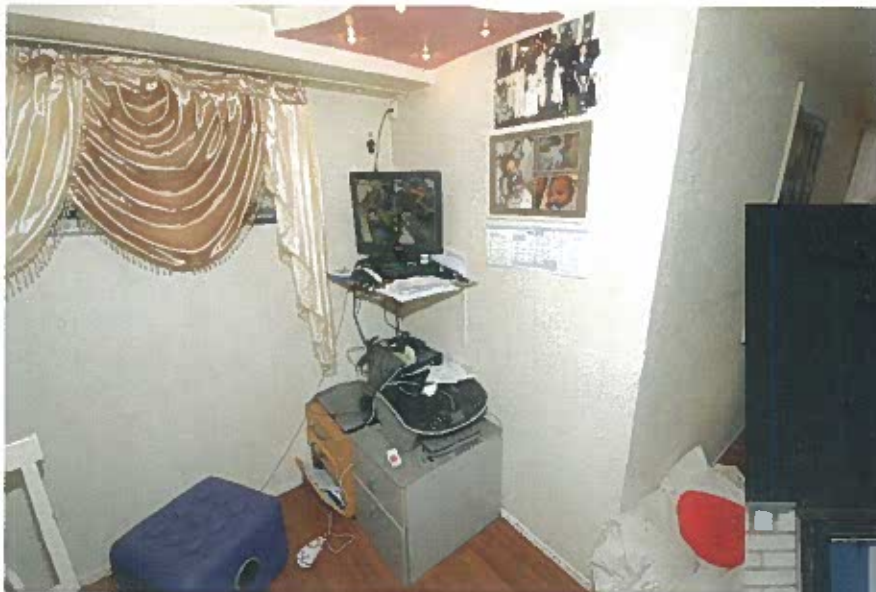


Recruitment and transport:

- No new victims during the Investigation.
- Not possible to contact travel agencies before arrests.



How were victims treated:



Surveillance and wire taps :

- Surveillance was difficult – many people lived at the same place.
- Perpetrators had their own CCTV.
- Not possible to find interpreters who understand “Romani”.



Signs of slavery or forced labour:

- No current jobs or enterprises in the cleaning industry
- The son had been in prison for 6 months for theft – in a case together with 3 Romanian citizens.
- Interrogation of 3 arrested Romanian citizens revealed what had happened.



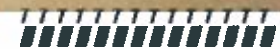
Arrests and house search:



What to look for:

- Living conditions for the victims
- ID papers, working contracts, money etc
- Crime scene investigation – photo of all rooms and findings.





Gypsy palace in Serbia:



What were the challenges:

- The exploitation of victims was prior to the investigation.
- The victims were driven by money and from another culture.
- The relationship between perpetrators and victims had been accepted by the victims for many years.



The way forward:

- Need for international co-operation (JIT) in relation to the recruitment phase.
- “Build” the case before arrests.
- Surveillance and wire tapping of victims in order to get the “right picture”.
- Focus on the difference in living conditions and earnings.
- Focus on working conditions and work hours.

