

SWITZERLAND

and the fight against Human Trafficking

Mid-Term Implementation Assessment

UPR – Second cycle

February 2015

The Universal Periodic Review of Switzerland took place on October 29, 2012. Considering that over two years have now passed since that review and that we are half way until the next examination takes place, the World Evangelical Alliance and the Swiss Evangelical Alliance would like to present a mid-term implementation assessment for Switzerland, focusing in particular on human trafficking.

Recommendations accepted by Switzerland (Document A/HRC/WG.6/14/L.9):

122.27	Implemented
122.28	Implemented
122.29	Partially implemented
122.30	Implemented
122.31	Implemented
122.32	Partially implemented
122.33	Implemented
123.66	Partially implemented
123.67	Implemented
123.68	Partially implemented
123.69	Partially implemented

ACTION PLAN TO COMBAT HUMAN TRAFFICKING / STEPPING UP EFFORTS

122.27. Consider developing a comprehensive plan to combat trafficking in human beings (Poland);

122.29. Adopt a strategy to combat trafficking in persons, particularly women and children... (Greece)

122.30. Step up national efforts to prevent trafficking in persons (Libya);

122.31. Intensify efforts to combat trafficking in persons (Malaysia)

IMPLEMENTED - Just a couple of days before the UPR Review took place on 29 October 2012, Switzerland adopted its first [National Action Plan to Fight Human Trafficking \(2012-2014\)](#). We welcome this Action Plan as a very positive step. The Action Plan foresaw 23 measures in the fields of prevention, prosecution, victim protection and co-operation. The implementation of this Action Plan now needs to be evaluated. In any case, Switzerland should pursue its efforts. One important future development would be to continue to improve victim identification and to seek change in the law in order to provide for harsher minimal sentences in case of prosecutions. Another one is still to improve the number of cantonal roundtables¹ coordinating local efforts against trafficking. Such roundtables should be set up systematically in all cantons. Only 17 out of 26 cantons have roundtables or co-operation agreements.

Another major development worth mentioning is that finally, the necessary steps for the prohibition of prostitution of all minors nationwide have been taken in 2013. The new legislation entered into force on 1 July 2014. On the same day, the Council of Europe Convention on action against trafficking in human beings was also entering into force in Switzerland.

In addition, the status of “cabaret dancer” has been abandoned (entry into force of this decision: 1 January 2016), considering that women benefiting from this working permit were exposed to be victims of human trafficking.

PROTECTION

122.29. ...improve the protection of victims (Greece)

123.68. Design a strategy against trafficking and sexual exploitation of women and girls covering the proper detection and protection of victims, with an impact on the whole country (Mexico)

PARTIALLY IMPLEMENTED - In 2013, 305 victims of trafficking and forced prostitution benefited from assistance, compared to 206 in 2012. This number is still low, compared to the estimated 3'000 persons who annually are victims of trafficking in Switzerland, according to police estimates. Under the Swiss Victims Assistance Law, all trafficking victims are entitled to shelter, free medical aid, living stipends, psychological, social and legal assistance from government funded assistance centres. Trainings have been given to immigration officers to ameliorate victim identification, as well as to members of victim advisory centres and social services. However, women in need of shelters are still often placed with victims of domestic violence. More places dedicated to the specific needs of victims of trafficking are needed. The National Action Plan also foresaw the compilation of a national protection programme for victims of trafficking, providing information on protection procedures and tools. A new tool, COMPETO, was presented in October 2014, in order to increase coordination between migration services, the police and the NGOs. In some cantons, this is implemented, but in many others not.²

The new Federal Act on Extra-Procedural Witness Protection entered into force on 1 January 2013 and offers better protection for witnesses also outside or after the proceeding, which is a

¹ Co-ordination platforms gathering public prosecution agencies, law enforcement police, victim assistance and social welfare, advisory bureaus counselling prostitutes, migration authorities, and trade inspectorates, NGOs, etc.

² Steps in COMPETO:

1. First contact with migration office
2. Legal status of residence
3. Tasks of victim support
4. Temporary stay for Victims (Bedenkzeit). Police investigations
5. Approval Process for permanent residence
6. Return Assistance and Reintegration phase.

important requirement for victims of trafficking to testify. This was a requirement of the Council of Europe Convention on action against trafficking in human beings.

RESOURCES (PROTECTION)

122.31. ...provide adequate resources and services in relation to those efforts (Malaysia)

123.66. Protect victims of trafficking in persons by allocating additional resources and services in all cantons... (Honduras)

PARTIALLY IMPLEMENTED – Switzerland has increased the resources allocated to the fight against human trafficking, for example by creating a fund to finance prevention activities (CHF 400'000.- / year, starting in 2015).

17 cantons now have either roundtables (co-ordination platforms gathering public prosecution agencies, law enforcement police, victim assistance and social welfare, advisory bureaus counselling prostitutes, migration authorities, and trade inspectorates, NGOs, etc.) or co-operation agreement... This is a step forward. However, the objective should be that these structures are systematically put in place in all cantons. There is also a need for better coordination between those cantonal bodies and for common standards. A joint strategy is needed to improve victim identification and assistance, and increase the number prosecution of traffickers.

PROSECUTION

122.28. In the fight against trafficking in human beings (...) prosecute and punish those responsible (Republic of Moldova)

122.29. ...prosecute and punish perpetrators (Greece);

123.66 ...prosecute and punish perpetrators according to the severity of their crime (Honduras)

PARTIALLY IMPLEMENTED. The government initiated prosecutions of 129 defendants in 2013, compared to 201 in 2012, 119 in 2011 and 161 in 2010. In 2013, it registered and resolved 129 offenses for human trafficking (art. 182 and 195 of the Criminal Code), compared with 207 in 2012 and 97 in 2011. According to the numbers indicated to the US Department of State Trafficking in Persons' report Swiss authorities convicted 30 traffickers in 2012, compared with 14 in 2011 and 31 in 2010. Swiss courts sentenced 22 of the convicted traffickers to prison sentences ranging from 20 days to seven years; the remaining eight convicted traffickers received suspended prison sentences. There is a tendency for Swiss judges to sentence some convicted traffickers to longer prison sentences than in previous years.

The number of convicted traffickers is still relatively low and the Swiss authorities recognize that only the tip of the iceberg is visible. There are still too few judges and judicial officers fighting these crimes with dedication and the necessary expertise. Training sessions for law enforcement personnel, judges, federal lawyers etc. are needed. In addition, Switzerland should have specialized courts in each canton, which would take care of all the serious offenses against life and limb including human trafficking.

AWAIRENESS RAISING

122.33. Step up its efforts to raise awareness on the issue of human trafficking, in particular sex trafficking, targeting the general public as well as potential clients of the sex trade (Canada)

IMPLEMENTED. Switzerland has considerably stepped up its efforts in the awareness-raising, following the adoption of its Action Plan. In October 2013, Switzerland conducted its first nationwide anti-trafficking awareness raising-campaign (18 events in 12 different cantons). Switzerland also passed the *Ordinance on Measures to Prevent Criminal Offences in Connection with Human Trafficking* (Anti-Human Trafficking Ordinance), that came into force on January 1.

The Ordinance allows the federal authorities to become more involved in combating human trafficking by carrying out or providing financial support for preventive measures, with a budget of CHF 400'000.-, starting in 2015.

COOPERATION WITH COUNTRIES OF ORIGIN

122.28. In the fight against trafficking in human beings, step up cooperation with countries of origin, protect victims... (Republic of Moldova)

122.32. Further develop its strategy to combat trafficking and sexual exploitation in cooperation with countries of origin (Hungary)

123.69. Encourage the expansion of the bilateral cooperation between the Swiss and Romanian task forces against human trafficking to more countries of origin (Maldives)

IMPLEMENTED (except 123.69) - While Switzerland chaired OSCE, it largely contributed to a conference entitled "Not for Sale – Joining Forces Against Trafficking in Human Beings" jointly organized by OSCE and the Council of Europe. The focus was on international cooperation against human trafficking.

The Swiss-Romania bilateral Working Group is pursuing its activities, and other bilateral cooperation with countries of origins are conducted, such as for example with Nigeria. In Sudan, Switzerland is investing CHF 500'000.- in a project to assist victims of trafficking (2013-2016). The model of the Swiss-Romania Working Group however has not been extended as such to other countries so far.

LEGISLATION

123.67. Adopt and promote human trafficking legislation that focuses on the sexual exploitation of women and girls and provides full support to victims, and which factors in the role of cantons (United Kingdom);

IMPLEMENTED - Art. 182 and 195 of the Criminal Code already cover this recommendation.