

Handout – Recommendations to Fight Human Trafficking and Exploitation in Switzerland



ACT212 is a Swiss consulting and training centre that aims to combat human trafficking and exploitation. The association provides counselling, training and advocacy and collaborates with experts, like-minded organisations and the Swiss Government. Our trainings for professionals address police officers, prosecutors, psychologists, social workers, health care staff, victim assistance councillors and others. In collaboration with the Swiss Government, we provide specific trainings for medical staff and labour inspectors. We also run the National Hotline against Human Trafficking and Exploitation and form part of NEGEM, the National Expert Group on Human Trafficking that advises the Government, currently on the development of the third National Action Plan 2023-2027.

ACT212 makes the following **recommendations** to the Government of Switzerland:

1. Ensure that trainings on human trafficking are available to all professional groups potentially dealing with trafficking victims. Given the ongoing migratory movements and the arrival of refugees, border protection units should be specifically trained. Ensure a sustainable impact of the information campaigns already carried out among medical personnel and labour inspectors.
2. Raise awareness about sex and labour trafficking among the general public, especially regarding consumption of products and services provided through forced labour.
3. Increase the number of convicted traffickers by improving mechanisms to identify and support victims of trafficking. Significantly increase the sentences for perpetrators: the latter should receive sentences commensurate with the severity of the crime.
4. Enhance the collection and compilation of law enforcement and victim assistance data and ensure that an analysis of case law is carried out.
5. Include an explicit definition of labour exploitation in the current legal definition of human trafficking in order to provide for an easier criminal prosecution of such cases. Adapt the mandate of labour inspectors so that they can check and denounce cases of trafficking as part of their daily work.
6. Improve the identification of victims of trafficking for forced begging and forced criminal activities. Ensure that victims receive the necessary support instead of being criminalised for their actions.
7. Recognise the interlinkages between human trafficking and forced marriage by including forced marriage in article 182 CC.
8. Provide specialised care and assistance to persons, including asylum seekers, who have become victim of trafficking abroad and reconsider the current expelling and return practice of victims of trafficking based on the application of the Dublin Regulation.
9. Sustain the support of victims of illegal adoptions from Sri Lanka. Extend the efforts concerning illegal adoptions to other countries of origin of adoptees.

We kindly thank you for your attention and respectfully request your support on these points during the UPR Working Group on Switzerland. Please contact us for any further information.

To **download our full report from July 2022**, please go to www.act212.ch/en > Media > UPR documents > UPR 4th Cycle_SWITZERLAND_ACT212

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Context

Switzerland continues its efforts to counter human trafficking. **Progresses** have been made in several areas, however, some **setbacks** had to be accepted since the last UPR review. For example, it has been criticised, that there are still little convictions of traffickers and that the imposed sentences are not commensurate to the gravity of the crime, a point already raised by Greece in the UPR cycle of 2012-16.

From 2017-20 a **Second National Action Plan** was implemented. The evaluation carried out in 2021 showed that most of the 28 measures were implemented successfully. Continued and improved coordination of anti-trafficking measures at State level was however necessary. In this regard, it should be mentioned that the Swiss Coordination Unit against Trafficking of Persons and Smuggling of Migrants (KSMM) who was in charge of these coordination tasks at national level has undergone some reorganisations. This made civil society organisations question the ability to carry out this important task given the restructuration. An important milestone in Switzerland's efforts was the decision to develop a **Third National Action Plan** in October 2021. It should be adopted this very month and will cover the years 2023-27. One thematic focus will be on labour exploitation.

During the 28th session of the **UPR Working Group** held in **2018**, Switzerland accepted seven recommendations addressing the issue of trafficking. According to the official statement, six out of these recommendations had already been implemented. The recommendations concerned improved protection and assistance of victims, irrespective of their immigration status; the adoption of a new National Action Plan; the implementation of a national helpline for victims; strengthened coordination between the Confederation, cantons and civil society and cooperation with countries of origin. A recommendation concerning increased sentences for the crime of smuggling of persons was merely noted by Switzerland.

Additional Areas of Concern

Analysis of case law: So far, a thorough and comprehensive analysis of case law regarding human trafficking cases in Switzerland is missing. The publication of case files is regulated differently in each canton. The lack of analysis of the Swiss jurisdiction on human trafficking and thus also the lack of transparency has already been criticised internationally on several occasions such as the 2021 TIP Report.

Legal framework: Switzerland is a party to most of the international conventions addressing human trafficking which are all mentioned in our full report on our website.

Loverboy method: Awareness about the Loverboy method has increased since the last UPR. In total, the National Hotline run by ACT212 has received 52 declarations suspecting Loverboy exploitation since 2017. At first, cases were handled in a chaotic way as knowledge on this issue was not widespread. In consequence, ACT212 has been very active in this regard and made the topic one of its focuses in the advocacy work, created prevention material and conducted trainings for specific target groups and the general public. The first Loverboy cases are now being heard in courts, the first conviction in Switzerland occurred in July 2022.

Prosecution: According to the numbers provided by Swiss authorities, 71 cases of trafficking in human beings (Art. 182) were investigated in 2021, compared to 67 cases in 2020, 99 cases in 2019 and 85 cases in 2018. In addition, 59 cases of encouraging prostitution (Art. 195) were investigated, compared to 84 cases in 2020, 108 cases in 2019 and 146 cases in 2018. As regards sexual acts with minors against payment (Art. 196), 43 cases were investigated in 2021, compared to 32 cases in 2020, 23 cases in 2019 and 19 cases in 2018. Over these four years, there were 35 convictions under Article 182, 70 under Article 195 and 49 under Article 196. However, the number of undetected and thus not investigated cases is expected to be much higher than these numbers reflect.

Protection: All trafficking victims are entitled to assistance from government funded assistance centres. While shelters for adults are available all over Switzerland, places for minor victim of trafficking (especially in the context of the Loverboy method) are very limited. Malaysia, Bosnia and Herzegovina and China asked in previous cycles to enhance efforts and provide adequate resources and services to victims.