

SWITZERLAND 2015 TIP REPORT

Switzerland – Tier 1

Switzerland is primarily a destination and, to a lesser extent, a transit country for women and children subjected to sex trafficking and men, women, and children subjected to forced labor, including forced begging and criminal activities. Trafficking victims originate primarily from Central and Eastern Europe—particularly Romania, Hungary, and Bulgaria—though victims also come from Asia (Thailand and China), Latin America (Brazil and the Dominican Republic), and Africa (Nigeria and Cameroon). Forced labor exists in the domestic service sector and increasingly in agriculture, catering, construction, and tourism.

The Government of Switzerland fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the government expanded funding opportunities for organizations combating trafficking and supported efforts to increase access to services for male trafficking victims. A government-supported NGO assisted the most victims in its history, and authorities provided more victims with short- and long-term residency options to assist recovery and provide protection from hardship. Authorities continued to convict sex traffickers, though law enforcement action did not focus as heavily on labor trafficking, and many convicted traffickers did not receive prison sentences commensurate with the crime committed. Officials did not consistently identify and protect victims among vulnerable populations, particularly asylum applicants, children in forced begging, and individuals in prostitution.

RECOMMENDATIONS FOR SWITZERLAND:

Increase the number of convicted traffickers who receive sentences commensurate with the severity of the crime; amplify training on and enforcement of labor trafficking laws, including laws covering forced begging and forced criminal activities; develop and implement a current national action plan; provide specialized care for trafficking victims seeking asylum; enhance trafficking-specific services for children and male victims; train police officers on identifying victims, including screening individuals engaged in prostitution for signs of trafficking; enhance the collection and compilation of law enforcement and victim assistance data; and raise awareness of sex and labor trafficking among the public, as well as potential clients of the sex trade and consumers of products made and services provided through forced labor.

PROSECUTION

The government sustained law enforcement efforts. Switzerland prohibits all forms of trafficking through Articles 182 and 195 of the Swiss penal code, with penalties of up to 20 years' imprisonment, which are commensurate with those prescribed for other serious crimes, such as rape. The government did not disaggregate data on law enforcement efforts between sex trafficking and forced labor. In 2014, authorities investigated 300 cases of human trafficking, compared with 396 in 2013. The government initiated prosecutions of 51 defendants under Article 182 and 77 defendants under Article 195 in 2013—the most recent year comprehensive government data were available—compared with 71 under Article 182 and 130 under Article 195 in 2012. In 2013, authorities reported 12 convictions under Article 182 and 21 convictions under Article 195, compared with 13 and 17, respectively, in 2012. Some traffickers were convicted under both Articles 182 and 195. Only 22 of the 33 convicted traffickers were sentenced to prison in 2013, with terms ranging from 183 days to 13 years. Switzerland has only ever recorded two convictions for forced labor, despite an increasingly larger number of forced labor victims receiving assistance from NGOs. A study found punishment for traffickers in Switzerland tended to be low compared to other serious crimes. In June 2014, a court convicted 10 individuals for trafficking at least 23 women in brothels in Switzerland. In this case, one trafficker received 32 months' imprisonment, one received 21 months' imprisonment, and six received 12 to 32 months' imprisonment; however, most of the prison sentences were suspended. Additionally, nine of the ten perpetrators received monetary fines. Both the prosecutor and the defendants submitted appeals.

In August 2014, an appellate court confirmed the November 2013 conviction of a former city council member for forced prostitution, but cleared him of the charge under the trafficking statute; the court sentenced him to two years' imprisonment. Since November 2013, Zurich authorities have investigated at least five Zurich police officers who allegedly warned businesses engaged in prostitution of upcoming police checks; the investigations were still ongoing at the close of the reporting period. In 2014, authorities provided training to law enforcement officials on victim identification and communication, as well as seminars on forced begging and theft, screening unaccompanied children, and labor exploitation in the restaurant and catering industry. Experts noted some cantons did not have adequate resources or experience to investigate and prevent illegal prostitution and human trafficking.

PROTECTION

The government made progress in victim protection efforts. Trafficking victims were entitled to shelter, free medical aid, living stipends, and psychological, social, and legal assistance from government-funded victim assistance centers. Two government-supported NGOs offered specialized shelter for female victims. Authorities placed male victims in assistance centers, hotels, or NGO-operated shelters for men. Two cantons maintained counseling centers for male victims of violence, including trafficking. The federal and cantonal governments allocated a combined 1.14 million francs (\$1.17 million) to the country's primary anti-trafficking NGO in 2014. Beginning in 2014, federal authorities received grant applications from public and private Swiss organizations for counter-trafficking programs; authorities could disburse up to 400,000 francs (\$412,000) total through these grants.

A leading NGO reported assisting victims in 226 trafficking cases in 2014—the most ever assisted, compared with 198 in 2013. Forty-five of the 64 newly identified victims assisted investigations or prosecutions in 2014, compared with 45 of the 51 newly identified victims in 2013. Cantonal immigration offices granted a three-month reflection period—a time to rest and consider whether to participate in an investigation—to 25 victims and issued 52 short-term residence permits to victims for the duration of legal proceedings against their traffickers in 2014, compared with 23 reflection periods and 44 short-term residence permits issued to victims in 2013. The government also granted 19 victims long-term residence permits on personal hardship grounds, an increase from 12 victims in 2013. Some victims received restitution payments from their traffickers following their convictions. Observers found trafficking victims in asylum proceedings were not referred to care; in October 2014, authorities provided training to personnel working at asylum centers. A February 2015 UN report stated specialized services for children, including safe accommodation, were not available in all cantons, law enforcement often failed to identify child victims, and children forced to beg or steal were often not regarded as victims. Experts reported authorities deported some victims despite criminal proceedings having been launched on the basis of information the victims provided. Additionally, authorities were reported to have deported victims who provided unclear statements, which experts assess was due to their psychological trauma. Observers found some sex trafficking victims were penalized for prostitution violations prior to their identification as victims.

PREVENTION

The government made progress in prevention activities. A specialized unit within the federal police coordinated national efforts, including anti-trafficking policy,

information exchange, cooperation, and training. In November 2014, this unit organized the first national meeting of the heads of the cantonal roundtables focused on trafficking to exchange information best practices. The government did not have a replacement for the 2012-2014 national action plan, which expired in 2014 with some actions not yet implemented. Experts noted the lack of a national database on prostitution and human trafficking crimes and victims hindered national coordination and policymaking. Several cantons launched public awareness campaigns. Authorities continued to regulate the employment of domestic servants in the homes of diplomats, including monitoring salaries and working conditions of domestic workers. The government provided anti-trafficking training or guidance for its diplomatic personnel. Swiss authorities launched two investigations of Swiss nationals engaging in child sex tourism. The government did not take action to reduce the demand for commercial sex acts or forced labor.