

Switzerland

Office To Monitor and Combat Trafficking in Persons

2016 Trafficking in Persons Report

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—although victims also come from Brazil, Cameroon, China, the Dominican Republic, Nigeria, and Thailand. Forced labor exists in the domestic service sector and in agriculture, catering, construction, and tourism. During the reporting period, Thai transgender individuals were subjected to sex trafficking within the country.

The Government of Switzerland fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government co-hosted several awareness campaigns, provided training to law enforcement officials, allocated 400,000 Swiss francs (\$417,000) in funding to NGOs, and a government-supported NGO assisted the most trafficking cases in its history. Authorities also continued to prosecute and convict sex traffickers, although 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 and victims of labor trafficking. NGOs said that some victims were occasionally penalized for actions committed as a direct result of being subjected to human trafficking. This, however, occurred prior to their identification as victims. The government did not finalize a new national action plan during the reporting period.

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; finalize and implement a current national action plan; enhance efforts to provide specialized care for trafficking victims seeking asylum; increase trafficking-specific

services for children and male victims; continue efforts to identify and assist victims of forced labor; improve the collection and compilation of law enforcement and victim assistance data; and continue to raise public awareness about trafficking in persons.

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. In 2015, authorities investigated 306 cases of human trafficking, compared with 300 in 2014. The government initiated prosecutions of 46 defendants under article 182 and 50 defendants under article 195 in 2014—the most recent year comprehensive government data were available—compared with 51 under article 182 and 77 under article 195 in 2013. In 2014, authorities reported 15 convictions under article 182 and 26 convictions under article 195, compared with 12 and 21, respectively, in 2013. Some traffickers were convicted under both articles 182 and 195. Only 11 of the 41 convicted traffickers were sentenced to prison in 2014, with terms ranging from 182 days to 14 years. The government did not disaggregate data on law enforcement efforts between sex trafficking and forced labor; however, Swiss officials could only confirm two convictions for forced labor to date, demonstrating potentially inadequate efforts to address this form of the crime, especially when compared to the increasing number of forced labor victims receiving assistance from NGOs. In 2015, authorities provided training to law enforcement officials on investigating trafficking cases and victim identification, as well as training and awareness seminars for asylum personnel to improve victim identification among migrant and refugee populations. Additionally, a federal court provided the country's first judicial training for 60 officials. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government improved its 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. Three government-supported NGOs offered specialized shelter for female victims; one of the shelters was opened in June 2015 and also had services in place for children and male victims. Authorities placed male victims in assistance centers, hotels, or NGO-operated shelters for men. Several cantons maintained counseling centers for male victims of violence, including trafficking; however, none of these centers provided specialized services for trafficking victims. The federal government allocated 400,000 Swiss francs (\$410,000) to the country's anti-trafficking NGOs in 2015.

A leading NGO reported assisting 229 trafficking cases in 2015—the most ever assisted, compared with 226 in 2014. Thirty-seven of the 57 newly identified victims in 2015 assisted in investigations or prosecutions during the year, compared with 45 of the 64 victims identified in 2014. Cantonal immigration offices granted a three-month reflection period for victims to consider whether to participate in an investigation to 25 victims and issued 54 short-term residence permits to victims for the duration of legal proceedings against their traffickers in 2015, compared with 25 reflection periods and 52 short-term residence permits in 2014. The government also granted 15 victims long-term residence permits on personal hardship grounds in 2015, a decrease from 19 victims in 2014. Twenty-eight victims received restitution payments from their traffickers following their convictions. NGOs expressed concern that it remained difficult for victims to obtain victim protection and hardship residence permits without the assistance of a judge, making it particularly difficult for victims who were not prepared to testify against traffickers. Observers reported victim identification among vulnerable populations, particularly asylum seekers and victims of labor trafficking, remained a problem. NGOs said that victims were occasionally penalized for unlawful acts committed as a direct result of being subjected to human trafficking, although this occurred prior to their identification as victims.

PREVENTION

The government maintained prevention activities. A specialized unit within the federal police coordinated national efforts, including anti-trafficking policy, information exchange, cooperation, and training. The unit organized the second national meeting of the heads of the cantonal roundtables focused on trafficking to exchange information and best practices. The government's national action plan expired in 2014 and it did not finalize or implement a new national action plan during the reporting period. In October 2015, the government co-hosted and co-funded several awareness-raising events in collaboration with NGOs. Also in October, the city of Zurich issued a new law reducing the hours persons in street prostitution could solicit clients, from 10 to four hours a night, in an effort to reduce the number of clients in this area and increase protection of persons in prostitution; however, NGOs reported that this and other related efforts aimed at limiting street prostitution had a negative effect on victim protection and identification by pushing street prostitution underground. In November 2015, the government supported the OSCE's launch of a French-language handbook to prevent the exploitation of domestic workers in diplomatic households. Officers from the federal police's child sexual exploitation unit participated in several international conferences on child sex tourism and supported the production of a documentary on the subject, which was broadcast on public television in June 2015. Authorities continued to regulate the employment of domestic servants in diplomats' homes, including monitoring salaries and working conditions of domestic workers. The government provided anti-trafficking training for its diplomatic personnel.

