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and Smuggling of Migrants (KSMM)



National Action Plan to Fight Human Trafficking 2017-2020

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1. Introduction

Human trafficking is a reality in Switzerland. Each year, cantonal police forces and NGOs identify dozens of victims and numerous criminal proceedings are instituted. These cases reveal the ugliness of human exploitation: vulnerable people are deceived, forced into prostitution under threat of force or harm to their family at home, or are forced to work against their will. And human trafficking has become worse with the refugee and migration movements of recent years. Many refugees and migrants cannot afford the trafficking costs for a passage to Europe. They become indebted to international trafficking rings and are forced to work off these debts under exploitive conditions, either in prostitution or as labour power, when they arrive at their destination. Because it is often difficult to identify exploitive situations (including those resulting from the current movement of refugees and migrants) increased vigilance is required by everyone engaged in identifying victims.

Switzerland is firmly committed to combating human trafficking. The Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM), a national-level bureau within the Federal Office of Police (fedpol), has been operational since 2003, thus ensuring that Switzerland complies with international standards. Its commitment is in line with the UN 2030 Agenda for Sustainable Development, which explicitly calls for an end to all forms of human trafficking.¹ The KSMM brings together all stakeholders at national and cantonal level, and from civil society organisations (see Annex 2 for information on KSMM's composition and tasks) to jointly develop and implement national anti-trafficking strategies, measures and instruments. Furthermore, combating human trafficking is one of the priorities of the FDJP's crime prevention strategies for the 2016-2019 legislative period.

Tangible examples of Switzerland's commitment to fighting human trafficking include the INTERPOL Global Trafficking in Human Beings Conference, held in the canton of Ticino in October 2016 and organised mainly by fedpol, and fedpol's collaboration in Europol's anti-trafficking analysis group and with it its substantial support of the cantons in their investigations.

¹ See goals 5.2, 8.7 and 16.2 in the Resolution of the UN General Assembly on 25.9.2015; http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

2. The second National Action Plan (NAP2)

In 2012, the KSMM compiled and approved Switzerland's first *National Action Plan to Fight Human Trafficking* for the 2012-2014 period. Since then, it has gained much experience in working with this instrument. The two-year time frame proved to be too short, and work on implementing the actions is still ongoing despite expiry of the timetable. The actions implemented to date are beginning to yield positive results: the new multidisciplinary process known as COMPETO has harmonised the different cantonal practices for issuing residence permits for human trafficking victims so that now a single standard applies throughout Switzerland. And at international level, closer cooperation with victims' countries of origin as part of the enlargement contribution projects² is another good example of the benefits of the action plan.

This second *National Action Plan to Fight Human Trafficking* for the years 2017-2020 has been compiled under the lead of the Permanent Secretariat of the KSMM and in cooperation with experts from the various agencies represented in the KSMM. The serious debate that took place on the challenges involved in fighting human trafficking has yielded a NAP2 containing actions that are expedient, practice-orientated and workable. Once again, they are based on the four pillars of combating human trafficking: prevention, prosecution, protection of victims and partnership. The actions are financed by the agency or authority responsible for implementation.

An important basis for NAP2 – and decisive for the timing of its compilation – was the *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Switzerland* of October 2015 by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA). GRETA examined to what extent Switzerland had so far implemented the provisions of the Convention of 16 May 2005, which entered into force in Switzerland on 1 April 2013. GRETA's proposals highlight where action is still required and have been incorporated into NAP2.³

The overriding objectives of NAP2 are the same as those of the first national action plan, namely:

- identify where action against human trafficking in Switzerland is required;
- specify strategic focal points in combating this form of crime in the coming years;
- clarify which cantonal and federal services are mainly responsible for combating human trafficking;
- foster implementation of international obligations and recommendations made by the competent supervisory bodies;⁴
- demonstrate Switzerland's will to take decisive action against human trafficking.

² In particular the projects with Romania and Bulgaria.

³ Action points are based on the importance of the GRETA Proposals, Switzerland's OSCE self-evaluation of 2014, the 2015 Trafficking in Persons (TIP) Report by the U.S.A., the FIZ Shadow Report on the GRETA Evaluation and assessments by KSMM's own experts.

⁴ Primarily the European Convention on Human Rights (ECHR), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Convention on the Elimination of All Forms of Discrimination against Women and the CEDAW Recommendations of 2009, the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, the International Covenant on Economic, Social and Cultural Rights and the Recommendations of the UN Committee on Economic, Social and Cultural Rights of 2010, and the European Convention on Action against Trafficking in Human Beings dated 16 May 2005.

3. Comprehensive strategy for fighting human trafficking

The starting point for fighting human trafficking in Switzerland is the definition of trafficking in persons under Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, which supplements the UN Convention against Transnational Organized Crime.⁵ Switzerland ratified the Protocol in October 2006 and at the same time amended the definition of human trafficking⁶ in the Swiss Criminal Code (SCC)⁷ to bring it into line with Article 3.

Fighting human trafficking does not only mean prosecuting traffickers. Rather, it is a multidisciplinary challenge that places assistance to victims at the centre of all action. Switzerland's measures against human trafficking are based on four pillars: **prevention, prosecution, protection of victims and partnership**.⁸ These four pillars therefore form the starting point of all strategic considerations and are in keeping with international practice, ensuring a multi-layered course of action against trafficking in, and the exploitation of human beings. Special attention is focused on trafficking in minors. Children are particularly vulnerable, which is why it is all the more important to take a closer look at situations where this group could be especially at risk.

The thrust of Switzerland's strategy for fighting human trafficking is fourfold:

- **To increase public awareness and information** to highlight that human trafficking is a social problem that cannot be tolerated, and **raise awareness amongst specialists and provide them with better information** to equip them with greater skills to fight this crime;
- **To intensify the prosecution of traffickers** as a credible deterrent against human trafficking and to underscore that the exploitation of human beings does not pay off;
- **To improve the identification of victims, and provide better assistance and greater protection** to help alleviate the consequences of the injustice they have suffered, and to help them assert their rights and facilitate their reintegration into society;
- **To strengthen cooperation with partners in Switzerland and abroad**, since only a multidisciplinary, co-ordinated and joint response can help combat human trafficking.

Many countries around the world are affected by human trafficking. As a result, a multitude of standards and best practices have been developed at international level and based on the UN Convention against Transnational Organized Crime. The standards have been developed by international and regional organisations in which Switzerland is represented, and either take the form of recommendations or are incorporated into international agreements such as the European Convention on Action against Trafficking in Human Beings. Since the KSMM was established, its strategic tasks have consisted of identifying areas requiring action against human trafficking in Switzerland and examining whether the various international standards and best practices are useful for Switzerland as a transit and destination country. If they are, they must be adapted to, and implemented in accordance with the specific situation in Switzerland. By way of example: a national witness protection office was set up at fedpol at the same time the Council of Europe convention was ratified. This measure ensures that witnesses in federal and cantonal criminal proceedings receive extraprocedural protection aimed at encouraging them to testify against perpetrators of human trafficking. International standards and best practices are based on the above-mentioned four pillars and will continue to form the basis of the KSMM's strategic tasks. NAP2 follows this concept, although some actions may not be strictly ascribed to one particular 'pillar'.

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁶ For a definition of labour exploitation see also the ILO Convention Concerning Forced or Compulsory Labour (C29).

⁷ Article 182 Swiss Criminal Code.

⁸ In international terminology the 4 p's for fighting human trafficking are *Prevention, Prosecution, Protection, Partnership*.

4. NAP2 in the context of the 2015 GRETA Proposals

The ongoing development of measures against human trafficking is evidence of Switzerland's commitment to combat exploitation and its related criminal offences. The 25 proposals in the GRETA evaluation report⁹ of October 2015 reflect its assessment of Switzerland's implementation of the provisions of the Council of Europe Convention on Action against Trafficking in Human Beings. The proposals are the subject of an ongoing process and dialogue with the Council of Europe on improvements in fighting human trafficking. The following description provides a thematic overview of GRETA's findings and their relevance to the actions of NAP2 from the perspective of the authorities.

On 'Core concepts and definitions'

GRETA considers that Article 182 of the Swiss Criminal Code (Trafficking in human beings) could be better implemented if the provision explicitly mentioned the various forms of labour exploitation according to the international definition and the irrelevance of the victim's consent to exploitation. However, Switzerland takes the view that Article 182 contains all notions of human trafficking for the purpose of labour exploitation. Moreover, the prosecution authorities have long been aware of the practice of the Federal Court, which stipulates that it is not the victim's consent but their actual will that must be taken into account. A legislative amendment is therefore not an objective, but the Swiss authorities do intend to raise awareness of the issue through some of the actions.

On 'Comprehensive approach and coordination'

GRETA's expectation that the various working groups continue their activities has been realised in that the results of their work have again been translated into actions in NAP2. In this regard, it should be noted that the work was not stopped but only postponed. New political and civil society initiatives and projects since 2012 have made it necessary to prioritise the ongoing work. In addition, a new communication platform will be created (Action 24) to identify the risks and need for action concerning human trafficking in minors and unaccompanied minor asylum seekers (UMA).

The Swiss authorities agree with GRETA that *all cantons should have a roundtable and cooperation mechanisms for dealing with questions of human trafficking*. Experience has shown that the existence of such mechanisms is beneficial to the operative work on combating human trafficking. Unfortunately, some cantons have not yet established such mechanisms, and due to the federal structure of Switzerland they cannot be placed under an obligation to do so. However, an evaluation of the efforts by the cantons to counter human trafficking should reveal where action is still needed to overcome existing deficits (Action 25).

GRETA's findings that Switzerland's efforts to combat human trafficking for the purpose of labour exploitation are insufficient are correct. Indeed, in the past, law enforcement has focused on tackling *human trafficking for the purpose of sexual exploitation*. In order to better identify the exploitation of labour, various courses of action are necessary:

- It is necessary to support operative players in identifying victims of labour exploitation because there is no universally recognized definition of the meaning of 'the exploitation of labour'; often, it is a question of scope regarding the violation of employment law. Nor is there an established practice on how to identify situations involving exploitation. Guidelines should provide the necessary clarification (Action 9).
- Labour inspectors and labour market regulators are to be integrated into efforts to combat human trafficking since they are best suited to identify cases of exploitation. This is to be discussed first at cantonal level in roundtables and then implemented. The federal authorities can provide support by making practical information available (Action 7).

⁹ <http://www.ksmm.admin.ch/dam/data/ksmm/dokumentation/berichte/greta/ber-greta-e.pdf>.

- In addition, raising awareness among consumers is a means of discouraging demand for products or services that have been manufactured or provided under exploitive conditions (see 'Measures to discourage the demand'). Also, the private sector is to be encouraged to comply with standards to prevent exploitation in manufacturing products or providing services. One measure directed at the private sector is contained in Action 6. At present, it is only realistic to attempt to raise awareness and call on voluntary measures. The initiative on corporate responsibility, which was submitted to the Federal Chancellery in October 2016, will trigger a political dialogue on the role of businesses in Switzerland in protecting human rights and consequently on exploitation in the supply chain.

Ratifying the Protocol on the ILO Convention No. 29 (Action 8) will provide the framework for measures against labour exploitation. Although the Protocol does not require any amendments to national law, it provides a basis for measures for preventing forced labour, for protecting victims and for guaranteeing victims access to legal protection and legal redress mechanisms.

GRETA invites the Swiss authorities to establish an independent anti-trafficking National Rapporteur. It should be noted however that numerous, regular evaluations and reports on Switzerland's anti-trafficking efforts already exist and there is little doubt on where further action is required. The benefits do not justify the financial outlay for such a step at present.

On 'Training of relevant professionals'

GRETA has established an additional need to raise awareness among and train professionals who are working in areas where human trafficking could potentially be taking place with a view to help identify victims. Indeed, considerable efforts have already been undertaken to train the major professional groups, such as the training at the Swiss Police Institute (SPI) of law enforcement officers and the staff of other services, and the training of cantonal migration authorities and staff at the State Secretariat for Migration (SEM). Furthermore, joint interdisciplinary training courses have been held for cantonal prosecution and migration authorities, and for victim assistance centres in the French-speaking part of Switzerland. Training other groups of professionals can help to improve the identification of trafficking victims. It is necessary to first identify what training is required for other groups of professionals and who should carry out and finance these measures. A working group will clarify this question and compile a training strategy (Action 4).

On 'Data collection and research'

GRETA's considerations will be implemented by adapting the data collection system of the national Police Crime Statistics (PCS) and by gathering data on victims from NGOs for the purpose of victim assistance statistics (Actions 10 and 11).

On 'International Cooperation'

GRETA's expectations on international cooperation are met in Actions 26 to 28. In the forefront of these efforts are projects to improve cooperation with the main countries of origin of victims based on the enlargement contribution. In addition, the topic of human trafficking is to be addressed and discussed regularly during bilateral dialogues with other countries.

On 'Measures to raise awareness'

The foundation for a national public awareness campaign was laid in Actions 2 and 3 of the 2012-2014 NAP. Statutory provisions exist for federal financing of a campaign and a conceptual plan provides the framework for its realization. As mentioned in the 'Remarks' column, such a campaign requires a connection to a current topic/event. Following a thorough analysis of the situation, it has been decided that measures aimed at raising the awareness of a particular target group are more effective than a large-scale campaign aimed at the general public which attempts to deal with such different phenomenon as sexual exploitation and labour exploitation as a single entity¹⁰. For this reason, the Swiss authorities have decided to conduct

¹⁰ Only few evaluations of campaigns in similar countries exist. Despite the partly favourable assessments of campaigns in England, the Netherlands and Sweden, no conclusion has been reached on whether the effects of the campaigns have been in proportion to the costs.

an awareness campaign firstly among the healthcare sector, since healthcare workers are often the first or only point of contact between trafficking victims and civil society (Action 1).

On 'Measures to discourage the demand'

Measures to reduce the demand for products or services made or provided under exploitive conditions are often discussed in the debate on fighting human trafficking and are called upon by GRETA. However, the measures discussed are often not specific, and little is known about their real preventive effect. Changing or influencing consumer behaviour is nearly impossible with foreseeable resources. Although the Swiss authorities welcome the topic being addressed by experts, it is too early to start formulating actions.

On 'Social, economic and other initiatives for groups vulnerable to THB'

GRETA suggests that prevention should be strengthened among professional groups that come into contact with vulnerable persons. The proposal is worded in very general terms and it is unclear how it could be implemented. Nevertheless, there are points of contact with the previous topic ('Training of relevant professionals') since it deals with professional groups that come into contact with potential victims. Action 4 also concerns this topic. A further point worthy of mention is that Switzerland ratified the ILO Convention on Decent Work for Domestic Workers on 12 November 2014. Implementing the convention will result in better protection for this group of persons.

On 'Border measures to prevent THB'

Identifying victims at the border is difficult for two reasons: first, crossing the border and entering Switzerland for the purpose of working as a prostitute is legal; second, at the point in time when potential victims cross the border they have not yet been exploited or do not suspect their future exploitation. Therefore, border guard officers are hardly in a position to refuse entry, stop and check people or identify victims if there is no indication of exploitation. Only if they suspect trafficking can officers gather evidence at the border by possibly questioning those concerned and noting their observations in the logbook for later use by the prosecution authorities. For this reason, no action points have been formulated in this area. Occasional awareness-raising on the dangers of exploitation in the field of prostitution and directed at people entering Switzerland are conceivable at certain border crossings, however.

On 'Identification of victims of trafficking in human beings'

Regardless of GRETA's proposals in this field, additional efforts to identify victims are necessary to combat human trafficking effectively. Determining human trafficking is an operative task carried out by the cantons. The challenges are considerable and vary greatly from canton to canton. The cantons also have different ways of dealing with the challenges, with varying degrees of success. To assist the operative work of the police, who continue to have great responsibility in identifying victims, the Working Group on Human Trafficking and Migrant Smuggling (WGHTMS), which was appointed by the Association of Swiss Heads of Crime (ASHC), will compile in conjunction with civil society organisations an instrument containing best practices and examples (Action 14). These guidelines will help to standardise procedures in Switzerland and facilitate identification. They can also be used to identify underage victims. A working group on asylum and human trafficking will address the special situation in the field of asylum (Action 19). The measures to identify labour exploitation, which were presented in '*Comprehensive approach and coordination*', will also help to determine this form of human trafficking.

On 'Assistance to victims'

GRETA expects from Switzerland a series of improvements in accommodating and granting assistance to victims of human trafficking. For example, people who have been a victim of human trafficking abroad should also receive assistance in Switzerland. In addition, sufficient accommodation should be provided for men and minors, and NGOs should continue to receive financial support. The Swiss authorities' assessment of the proposals is as follows:

- A solution for supporting people in Switzerland who are victims of human trafficking abroad should be found within the form of emergency assistance established in the Federal Constitution (Action 22). The Victims' Assistance Act (VAA), which requires the offence to have been committed in Switzerland, does not provide the necessary legal basis.
- It is the task of the state to ensure that victims of human trafficking are granted sufficient special assistance and to provide the necessary resources. The VAA provides the legal basis for this assistance providing the offence was committed in Switzerland. The federal structure of Switzerland means that the cantons are responsible for implementing the provisions. To this end, many cantons have concluded agreements with NGOs on providing victim assistance and on remuneration for these services. In addition, fedpol subsidises organisations specialising in victim assistance with the aim of fostering the professional support of victims and their reintegration in order to prevent their re-trafficking.
- GRETA is not the first international expert group to criticise the capacity and financing of services by the Swiss authorities.¹¹ On the other hand, new NGOs have been established in recent times in the cantons of Vaud, Bern and Glarus and hence the capacity for accommodating victims – including male victims – has increased. The FIZ has also created more capacity for accommodating victims. Moreover, the Conference of Cantonal Directors of Social Affairs (CCDSA) approved a new recommendation in May 2016 for accommodating UMAs.¹² It must be noted that the demand for accommodation can fluctuate sharply depending on the number of cases the police deal with.
- Based on a survey in the cantons, CCDSA stated in its letter of December 2015 to the FDJP that the existing range of services available to victims was, on the whole, adequate. There was no general need to act with regard to accommodating victims: a solution could always be found on a case-to-case basis. Also, there was a certain deficiency in the German-speaking part of Switzerland with regard to coordination and optimisation, a deficiency that the Conference of Swiss Liaison Offices for the Victim Assistance Act (CSLO-VAA) would address.

For these reasons, KSMM decided not to develop any actions in this area but to wait and see what the outcome of the CSLO-VAA's work will be.

On 'Recovery and reflection period' and 'Residence permits'

The process known as COMPETO was established to standardise interdisciplinary cooperation at national level on granting stay to trafficking victims. The process is now part of the training of law enforcement services and other agencies. If implemented correctly, the process guarantees a basis for the whole of Switzerland for dealing with questions on the status of human trafficking victims. In-depth training on applying COMPETO is scheduled for 2018 (Action 20).

On 'Compensation and legal redress'

The victim protection program (Action 18) will provide information on how victims of human trafficking can claim compensation and damages most effectively. The program will be incorporated into training courses.

On 'Repatriation and return of victims'

The statutory provisions ensuring compliance with the GRETA proposal are contained in the Foreign Nationals Act (FNA). COMPETO, the guidelines on identifying victims and the victim protection program will create the preconditions ensuring that on proper compliance with the rules no victim will have to leave Switzerland if they are in danger abroad.

¹¹ 2015 TIP Report by the USA; CEDAW Recommendations of 7 August 2009 (UN Committee on the Elimination of Discrimination against Women); OSCE Self-evaluation of 6 May 2014; Recommendations of the UN Human Rights Committee of 29 October 2012

¹² http://www.sodk.ch/fileadmin/user_upload/Aktuell/Empfehlungen/2016.05.20_MNA-Empfehlungen_farbig_d.pdf

On 'Substantive criminal law'

The above-mentioned training for members of the law enforcement services deals with the topics mentioned by GRETA. This and the guidelines on identifying victims will provide a basis for the anticipated law enforcement measures.

On 'Non-punishment of victims of trafficking in human beings'

GRETA considers that Switzerland should adopt an explicit provision on the non-punishment of victims in its criminal law if they were forced during exploitation to commit criminal offences. However, this proposal overlooks the fact that Swiss criminal law is based on the principle of fault, and conviction in such cases is not possible under the provision on committing a mitigatory act in a situation of necessity.¹³ If a person is convicted, it means they have not been recognised as a victim. Therefore, it is primarily an error in identification, not ignorance of the legal situation that leads to a victim being unjustly punished. The identification guidelines and training will help ensure that victims can be identified more easily and not be convicted, usually for illegal stay.

On 'Investigation, prosecution and procedural law'

Existing training for police officers and public prosecutors at the Swiss Police Institute (which has been improved) and interdisciplinary training courses in the French-speaking part of Switzerland provide the basis for a more effective prosecution. Training or awareness-raising among judges is still pending. This group of professionals can be incorporated into the training strategy under Action 4. Nevertheless, bringing new cases against perpetrators of human trafficking requires first and foremost the identification of victims by the cantons, and this can only be intensified by prioritising law enforcement in the field of human trafficking.

On 'Protection of victims and witnesses'

Human trafficking victims who fulfil the requirements for admission onto the national witness protection program receive the best possible protection. If they do not fulfil the requirements, the cantons – if necessary with the support of fedpol's witness protection unit – guarantee the victims' safety as part of the protection of life and limb. Collaboration between specialised victim assistance centres and the cantonal police is to be regulated and institutionalised by cantonal roundtables and by cooperation mechanisms, thus ensuring the protection of victims.

¹³ Art. 18 SCC: Mitigatory act in a situation of necessity: Any person who carries out an act that carries a criminal penalty in order to save himself or another from immediate and not otherwise avertable danger to life or limb, freedom, honour, property or other interests of high value shall receive a reduced penalty if he could reasonably have been expected to abandon the endangered interest. If the person concerned could not have been reasonably expected to abandon the endangered interest, he does not commit an offence.

5. Table of actions 2017-2020

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
	I. Prevention and other measures					
1.	<p>Public awareness in the health sector</p> <p>Conduct an awareness campaign on identifying victims of human trafficking in the healthcare sector.</p>	fedpol/ KSMM Permanent Secretariat	2017/2018 Implementation	Awareness campaigns have taken place in hospitals throughout Switzerland.	One of the greatest challenges in combating human trafficking is identifying victims because they often live on the fringes of society under the complete control of their abusers. However, sometimes they have to undergo medical treatment and thus come into contact with the world outside the boundaries of their exploitation. Medical personnel are therefore particularly suitable for identifying potential victims, addressing the issue of exploitation and referring them further to victim protection centres. The aim of this action is to inform medical staff (in hospitals and practices) and raise awareness on the correct manner of dealing with potential victims.	11
2.	<p>Activities on European Anti-Trafficking Day (18 October)</p> <p>Conduct specific action days and weeks to raise public awareness.</p>	IOM ¹⁴	Action week: 2017 and 2019; Action day on 18 October 2018 and 2020	Action days and action weeks have taken place. Action weeks have been evaluated and requirements for 2021 have been assessed.	Regular public awareness-raising activities point out that human trafficking also takes place in Switzerland. Evaluation of the 2015 Action Week showed the need for further such action weeks. The rhythm of action weeks every two years has proven successful, providing that an awareness-raising event is held on 18 October of the following year. Action weeks should cover as large a geographical area as possible with as many partners as possible.	11

¹⁴ Providing the financing of these activities is guaranteed by the parties involved.

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
					The aim is to involve cantonal roundtables and civil society. IOM Bern will act as the Steering Committee's secretariat and co-ordinate the activities by all the partners involved, including participation by fedpol/KSMM Permanent Secretariat, HSD, SEM and SDC.	
3.	Checklist for identifying victims Adapt and update the KSMM checklist for identifying human trafficking victims.	fedpol/ KSMM Permanent Secretariat	2018	A new checklist with indicators for identifying human trafficking victims is available.	Checklists with indicators are important tools for identifying human trafficking victims. The KSMM checklist was compiled in 2004 but has not been updated since. Despite the far-sighted wording of indicators back then, new trends and findings must now be taken into account, particularly with regard to the various types of exploitation, such as the exploitation of labour, of minors and in the field of asylum. The updated checklist should take into account the issue of UMAs. It will be supplemented where possible with best practices. The checklist will be updated by a working group involving civil society.	15
4.	Awareness-raising and training Compile a training and awareness-raising strategy for all professions in Switzerland that come into contact with human trafficking.	fedpol/ KSMM Permanent Secretariat	2018	A new strategy for the systematic training of all relevant players and professions is available.	The training courses in Switzerland have focused to date on raising awareness among, and the specialised training of the key players in fighting human trafficking, namely the police, public prosecutors, migration office staff and victim assistance centres in the French-speaking part of Switzerland. A strategy is to be compiled for raising awareness among and training other state bodies and groups of professionals that come into contact with human trafficking victims, including victim assistance centres in the German-speaking part of the country. The strategy will contain information on the resources employed, the players involved in	6

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
					training and the means by which knowledge is transferred, while taking into account that financing for the training courses must be available and target groups must be interested in such training. The strategy will be compiled by a working group involving civil society and implemented from 2019.	
5.	<p>Awareness-raising among consular staff</p> <p>Raise awareness among, and train consular staff at Swiss diplomatic missions abroad as part of their further training to identify the risk of exploitation in Switzerland and take action when issuing visas.</p>	FDFA	From 2017	Awareness-raising is a fixed component of the training program for consular staff.	Precautionary measures can be taken by Swiss diplomatic missions during visa issuance procedures if staff suspect that the visa applicant could become a victim of human trafficking. For this purpose, consular staff must be trained to identify potential victims and take the correct precautions. These precautions may involve making further inquiries or informing potential victims of the dangers. Consular staff may also refuse a visa application.	6
6.	<p>Awareness-raising in the private sector</p> <p>Raise awareness among the private sector of human trafficking and exploitation, and motivate private-sector players to take countermeasures.</p>	SECO	From 2017	Together with trade associations and companies, the topic is addressed at events dealing with economic affairs and human rights.	Existing synergies within the federal administration and contacts with representatives from the appropriate organisations and the private sector can be used to raise awareness among private-sector players concerned about human trafficking. For example, this could happen within the context of developing the national action plan to implement the UN Guiding Principles on Business and Human Rights.	11, 12
7.	<p>Awareness-raising among the labour inspectorate</p> <p>Compile and distribute information materials (brochures/leaflets) to raise awareness and inform labour inspectorates.</p>	SECO	From 2017	Labour inspectorates are informed about human trafficking and exploitation.	Labour inspectors may become aware of situations involving exploitation during their inspections. Raising awareness of the problem should take place at various levels: first, labour inspectorates should be made more aware about the phenomenon of human trafficking; second, those concerned should be made	4, 6, 15

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
					aware about the legal consequences of reporting human trafficking or exploitation in order to allay any fear of repercussion; third, employers should be better informed in order to repress situations of exploitation. Other instruments, such as training, are also to be considered.	
8.	Ratification of the Protocol on the ILO Convention No. 29 Ratify the Protocol of 2014 on the ILO Convention No. 29 on Forced Labour.	SECO	2017	Switzerland has ratified the Protocol on the ILO Convention No. 29.	The Protocol strengthens the legal framework for fighting human trafficking for the purpose of forced or compulsory labour. It calls on member states to take measures to suppress forced labour, to protect victims and guarantee them access to legal protection and redress mechanisms, thus helping to strengthen the position of vulnerable groups of people. It underlines the role played by employers and employees in combating forced labour.	15
9.	Exploitation of labour Compile guidelines on fighting human trafficking for the purpose of labour exploitation in Switzerland to help identify situations involving exploitation.	fedpol/ KSMM Permanent Secretariat	2018	The guidelines have been approved by the KSMM Steering Committee.	Although the compilation of guidelines was an action point of the previous NAP, work on the guidelines could not be completed due to other priorities within the KSMM Permanent Secretariat. The work done to date will now be updated and continued. The guidelines are intended as a tool for operative and strategic action and will strengthen anti-labour exploitation measures. The existing draft will be discussed with stakeholders represented in the KSMM and from civil society.	1, 2, 4, 15, 24
10.	Statistics I Change the recording and representation of police crime statistics	fedpol	From 2019: Record statistics under new codes.	A differentiated evaluation of statistics is published in 2020.	Current crime statistics record various prosecution-related information concerning Art. 182 SCC. At present, it is not possible to evaluate the statistics according to different types of exploitation (sexual exploitation, labour exploitation or exploitation for the purpose of removing	8

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
	(PCS) in order to distinguish between the various types of exploitation under Article 182 SCC.				organs). Differential statistics are important, however, in order to compile a situation analysis. Fedpol will therefore initiate a process to change the way in which statistics are registered. This process will require the cooperation of the cantons.	
11.	Statistics II Modify the statistics on victim assistance to include statistical data on special victim assistance by NGOs for human trafficking victims.	FSO	2019	Statistics on victims counselled by NGOs are available for 2018 and these statistics have been transmitted to the FSO.	Current victim assistance statistics only contain data gathered by victim assistance centres according to the Victim Assistance Act and submitted to the FSO. Victims who contact NGOs directly are not registered in the statistics. Moreover, it is often unclear whether victims who are cared for and counselled by specialised NGOs paid for by cantonal victim assistance centres are excluded from the latter's statistics. Personal data is not recorded; only statistical information on the case and basic social-demographic information on the victim is registered. Existing data-gathering instruments must be used to gather the new data.	8
12.	Reports/Surveys Compile a report on the exploitation of minors in Switzerland.	fedpol/ KSMM Permanent Secretariat	2019	A report is available.	Human trafficking in minors is becoming ever more topical in Switzerland despite a report by UNICEF Switzerland from 2007 which found that Switzerland is only marginally affected by child trafficking. Organised begging and theft, and minors on the threshold of becoming of legal age and forced into prostitution are more in evidence. Compiling a report should provide more insight into the general situation, areas of risk and different ways in which minors are exploited in order to determine where action is needed. The report will be compiled either by fedpol or an external body and involve other stakeholders in this field.	9

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
	II. Prosecution and enforcement					
13.	<p>Appointing specialists within the police and Border Guard</p> <p>Compile and keep a list of anti-human trafficking specialists within the police corps and Border Guard.</p>	CCPCS and BGC	2017	A list of specialists is available.	The SPPC already has a list of public prosecutors specialising in human trafficking cases. However, this is only useful if there are also appointed and trained specialists within the police forces and the Border Guard. This will improve cooperation not only between public prosecutors and cantonal police corps, but also between the police corps of the various cantons. Appointing specialists does not mean that these officers should deal exclusively with human trafficking cases, but rather that they are available as specialists or as a contact person if a case of human trafficking is identified.	24
14.	<p>Guidelines on identification / Recommendations / Best Practices</p> <p>Compile guidelines and procedures to allow the identification of human trafficking victims by the police and within the framework of multidisciplinary cooperation.</p>	CCPCS	2018	The guidelines have been approved by the ASHC.	There are great differences between the cantonal police corps in identifying human trafficking victims and the procedures for doing so. An outline of successful police procedures would help to harmonise procedures throughout Switzerland and serve as a tool for the police to determine procedure, plan operations, comply with victim protection standards and for training purposes. The guidelines also contain provisions on identifying minors. The work will be conducted by the police Working Group on Trafficking in Persons and the Smuggling of Migrants (WGTPSM), in consultation with NGOs who are also involved in identifying victims. Special attention will be paid to existing procedures that hinder the identification of victims and result in them being punished for offences they have been forced to commit.	2, 15, 21, 23, 24

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
15.	<p>Module on human trafficking as part of the basic training of the police</p> <p>Introduce a basic training module in all police schools in Switzerland on combating human trafficking. This basic knowledge should form part of the federal police exams.</p>	CCPCS	2018	Modules of at least one half-day are taught as part of basic training.	Raising awareness among police officers about human trafficking should begin early. Police school graduates must be capable of identifying human trafficking victims if they come across such victims as part of their work. They must also be able to take the correct measures and forward such cases to the appointed specialists within their corps. Basic knowledge about human trafficking, identifying victims and taking immediate measures are to be taught in a half-day training module. This must become part of basic training in all police schools in Switzerland.	7
16.	<p>Courses on human trafficking for law enforcement services</p> <p>Continue specialised training in the form of interdisciplinary courses for members of the police forces and public prosecutors offices. Introduce the topic of 'exemption from punishment for victims'.</p>	CCPCS	Ongoing	Training courses take place annually if sufficient numbers register for the course.	The training courses at the SPI and at other providers in the French-speaking part of Switzerland have become standard and are an important means of transmitting expertise to specialists within law enforcement services and other bodies. These courses will be continued in order to transmit important knowledge about different forms of exploitation, identifying victims, the exemption of victims from punishment and various aspects concerning minor victims. Training also allows stakeholders to network at national level. The CCPCS and SPPC will formulate recommendations for participating in the training courses. The courses will also address the exemption of victims from punishment if, as part of their exploitation, they have been forced to commit offences. The SPPC and KSMM Permanent Secretariat will be involved in the training courses.	2, 6, 18, 20, 21, 22, 23, 24

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
17.	<p>Networking among public prosecutors</p> <p>Create a platform for regular exchange among public prosecutors offices so that they can share practical expertise and create a basis for case-related coordination and cooperation on human trafficking cases.</p>	CSPP	From 2018	A first meeting will take place in 2018. Thereafter, meetings will take place at regular intervals.	The police already have a regular platform for exchange in the form of the WGTPSM. A similar platform should also be created for public prosecutors; the personal exchange between specialists within public prosecutors offices at least every 12 months should promote networking, foster the exchange of experience and information, and serve to harmonise best practices on fighting human trafficking.	24
III. Victim protection						
18.	<p>Victim protection programme</p> <p>Compile a national protection programme for human trafficking victims, which provides information on protection procedures and tools.</p>	fedpol/ KSMM Permanent Secretariat	Work to start in 2016 Approval in 2018/2019	The national victim protection program is approved by the KSMM Steering Committee.	The national victim protection program should outline the instruments available at every stage to protect victims of human trafficking, from the identification of victims to their (re)integration into society. This will set the benchmark for applying federal measures uniformly throughout the cantons. The program should also pinpoint any need for strategic action. The program is to be developed by a multidisciplinary KSMM working group established for the purpose and will incorporate the expertise of the FIZ/Makasi regional victim protection program. Due to other priorities set by the KSMM Permanent Secretariat the work was interrupted but will be resumed and take into consideration new developments.	2, 15, 16, 18, 19, 20, 21, 23, 25
19.	Asylum – Victim protection	SEM	In stages by 2020	A handbook/brochure has been published and any potential need for	Under the lead of SEM, the Working Group on Asylum and Human Trafficking, which was established under the 2012-2014 NAP, is addressing the issues it has identified, seeking	15

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
	Optimise processes to ensure identification of human trafficking victims and provide victim assistance during the asylum (including Dublin) procedure. Outline these processes in an open publication (e.g. handbook, brochure, etc.) and determine what further action is needed.			action has been identified. There is periodic training of asylum personnel.	<p>solutions to these problems and identifying possible need for action. The work will be phased around the key issues listed below. The results are to be recorded in stages and presented to the KSMM Steering Committee respectively:</p> <ul style="list-style-type: none"> • Regulation of human trafficking victims' stay in Switzerland under the Asylum Act and Foreign Nationals Act; • Potential to optimise existing processes involving victim identification, victim assistance, information to applicants and cooperation with stakeholders; • Dealing with human trafficking victims in the Dublin procedure; • Dealing with UMAs with regard to human trafficking. <p>The handbook/brochure is intended for services and organisations that could potentially come into contact with human trafficking victims (e.g. migration offices, asylum centres, police officers, social workers, victim assistance centres, etc.) and its objective is to facilitate the identification of human trafficking victims and ensure comprehensive and uniform victim assistance. A further objective is to incorporate the working group's results into the National Victim Protection Program and into current training courses.</p>	
20.	<p>Training for migration authorities</p> <p>Hold regional workshops for migration authorities under ACMA re-</p>	SEM and ACMA	2018	Workshops have taken place throughout Switzerland.	SEM's amended FNA directives on human trafficking describe the options and procedure for granting a recovery and reflection period to victims and issuing short-term and residence permits under the COMPETO process. All cantons	18, 19

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
	gional conferences; these workshops should elucidate the application of the COMPETO process.				are advised to implement this process, which aims at harmonising practices. Migration personnel are instructed in workshops on applying the process.	
21.	<p>Temporary stay for human trafficking victims</p> <p>Amend the Ordinance on Admission, Period of Stay and Employment ASEO so that victims are granted a temporary residence permit for the duration of victim assistance.</p>	SEM	2019	Request to the Federal Council has been submitted.	If a victim does not wish to co-operate with the law enforcement services, if a permit cannot be granted in a case of personal hardship or the victim has no other residence permit, they must leave Switzerland after the reflection period expires. So that victims may receive the benefits they are entitled to under the Victims Assistance Act after expiry of this period, ASEO must be amended so that they may be granted stay in Switzerland if this is necessary for receiving the said benefits. The misgivings of victim assistance centres concerning their responsibility whether victims are granted benefits and a residence permit will be taken into consideration. Also, the Conference of Swiss Liaison Offices for the Victim Assistance Act (CSLO-VAA) will be involved in amending the provisions.	21
22.	<p>Assistance to victims of crime abroad</p> <p>Compile an interpretive document on the question of granting assistance to persons who have been subjected to exploitation abroad but who do not fall under the scope of the VAA.</p>	CCDSA	End of 2017 2018	Interpretive document has been compiled. Decision on further procedure by CCDSA committees.	Victims of crime committed abroad are only entitled to counselling under Art. 12 et seq. VAA if they are domiciled in Switzerland both when the offence was committed and when claiming assistance (Art. 17 VAA). If the offence was committed abroad, the victim is not entitled to compensation or damages if the crime took place after 1 January 2009 (Art. 3 VAA in conjunction with Art. 48 let. a VAA). However, GRETA is of the opinion that any state that has ratified the Council of Europe Convention on Action against Trafficking in Human Beings is	16

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
					under an obligation to grant the benefits listed in the convention to human trafficking victims who are living in that country and who have been exploited abroad. Switzerland will seek solutions that comply with this obligation.	
23.	<p>Distinction between victim assistance and social welfare assistance</p> <p>Compile recommendations for distinguishing between victim assistance and social welfare assistance in supporting human trafficking victims, and on cantonal responsibilities.</p>	CCDSA/CSLO-VAA	2017-2019	CCDSA/CSLO-VAA has addressed the issue of distinguishing between victim assistance and social welfare assistance and approved – as far as possible – recommendations.	In practice, the question often arises as to how long a victim should be granted assistance under the VAA and when social welfare assistance should begin. If social welfare assistance applies, the additional question arises as to which canton is responsible if a victim is being accommodated in another canton because they are receiving special professional help. There are no national legal provisions governing social welfare benefits; the topic is the responsibility of the cantons. The only piece of federal legislation is the Federal Act on Responsibility for Providing Support to Persons in Need (SocRA).	
24.	<p>Institutionalised exchange on unaccompanied minors and trafficking in children in Switzerland</p> <p>Establish a platform for the regular exchange of information on unaccompanied minors and trafficking in children, and identify any need for action.</p>	ACMA	From 2017	One or two meetings take place every year.	Trafficking in children manifests itself in many ways. Migration can create additional risk factors with regard to exploitation. Various federal and cantonal bodies, and persons involved in caring for and accommodating migrants come into contact with vulnerable minors. The cantons are primarily responsible for child protection matters and measures. Efforts are to be made to establish regular exchanges between stakeholders in order to identify new risks and the need for action in identifying and caring for children, and to determine solutions in their interest.	3, 15, 16

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
	IV. Partnership					
25.	Cantonal roundtables Examine and evaluate the efforts of the cantons in fighting human trafficking.	fedpol/ KSMM Permanent Secretariat	2019	An evaluation report has been drawn up.	It is in the very nature of federalism that cantonal differences exist. However, the differences are considerable. For example, not all cantons have anti-trafficking cooperation mechanisms. An evaluation on the actual efforts by the cantons in the four areas of combating human trafficking should reveal what action is still required. This evaluation could be conducted by commissioning a survey.	4, 9, 15, 16, 24
26.	Measures in countries of origin Implement programs and projects to support countries of origin in fighting human trafficking.	SEM and SDC	2017-2020	Assistance to continue at current level.	The projects are aimed at prevention, improving victim protection and strengthening multi-disciplinary cooperation while fostering cooperation between state and civil society organisations. The projects focus on states with which Switzerland maintains migration partnerships and agreements.	10
27.	Bilateral and multilateral cooperation Strengthen strategic cooperation, especially with authorities and services in countries of origin and transit countries.	FDFA/HSD	2017-2020	International roundtables take place once or twice every year in Switzerland.	International anti-trafficking roundtables foster the international exchange of expertise and aim at networking, and improving and strengthening cooperation between Switzerland and authorities/organisations abroad. Experts in Switzerland benefit especially from these events at which international solutions are presented and the exchange of expertise with international partners takes place.	10
		FDFA/HSD – SEM	Ongoing	Where appropriate, human trafficking is the subject of bilateral dialogue at a political level.	During the institutionalised expert meetings under the migration partnerships with Serbia, Kosovo, Bosnia and Herzegovina, Nigeria and Tunisia, anti-trafficking measures are discussed regularly and decisions are made on	10

No.	Action	Responsible party	Timetable	Indicators	Remarks	GRETA Proposal
					projects to strengthen the responsibilities of the authorities. Human trafficking is also a topic of discussion on forming new migration partnerships.	
		HSD, SDC and SEM	Ongoing	Where appropriate, human trafficking is the subject of multilateral dialogue at a political level.	In implementing the 2030 Agenda for Sustainable Development, Switzerland is also committed to implementing human trafficking objectives, and supporting and developing appropriate programs and policies. Its commitment in multilateral forums is coordinated and implemented under Interdepartmental Migration Cooperation (IMC).	10
		SDC – fedpol	2018	Enlargement contribution project with Bulgaria has been completed.	Bilateral projects to improve cooperation on human trafficking between law enforcement services and between victim assistance centres are being implemented under Switzerland's enlargement contribution for Romania and Bulgaria. Fedpol ensures that activities with the cantonal law enforcement services are coordinated and implemented.	10
		SDC – fedpol	2018	Enlargement contribution project with Romania has been completed.		
		fedpol	2017	Joint activities have been implemented to foster cooperation with the Nigerian agency on combating human trafficking (NAPTIP).	Under the migration partnership with Nigeria a police project is being implemented that also addresses the question of cooperation in the field of human trafficking.	
		fedpol	Annually	Participation in Europol's operative action plan and hold action days in Switzerland.	To combat serious organised crime, Europol implements so-called EMPACT projects. Switzerland participates in the operative meetings of these projects, exchanges case-related information and takes part in action days. These joint action days are carried out in collaboration with the cantons and coordinated by fedpol's	

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					Human Trafficking and Migrant Smuggling Section.	
		fedpol	From 2019	Involvement in INTERPOL projects.	Switzerland is represented in INTERPOL's expert group on combating human trafficking. The expert group supports INTERPOL's General Secretariat (IPSG) in implementing anti-human trafficking projects in the member states. In future, the Swiss delegation will be actively involved in the projects.	
		fedpol	2018	Police agreement with Bulgaria is in force.	Negotiations on a bilateral police agreement with Bulgaria began in 2015. The agreement formalises the legal basis for efficient cooperation between the law enforcement services. Fighting human trafficking and migrant smuggling is part of the agreement.	
		fedpol	2018	The amended police agreement with Hungary is in force.	The agreement with Hungary was concluded in 1999. An amendment to this agreement will take fighting human trafficking greater into account.	
28.	<p>International standards</p> <p>Participate in further developing international standards for fighting human trafficking.</p>	FDFA/HSD	2017-2020	Switzerland is actively involved in the relevant committees	Switzerland is actively engaged in multilateral bodies, especially the UN, OSCE and the Council of Europe. Switzerland promotes in regional and international bodies a human rights and victim protection-based approach in fighting human trafficking; Switzerland's best practices are incorporated into the international policy-making process and international best practices are also incorporated in the dialogue in Switzerland.	

Annex 1



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Justice and Police FDJP

Federal Office of Police fedpol
Directorate Staff Office
Swiss Coordination Unit against the Trafficking in Persons and
Smuggling of Migrants (KSMM)

Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM)

November 2016

Combating Human Trafficking in Switzerland: Strategic Milestones

Switzerland's efforts to combat human trafficking are many-faceted. Various governmental and non-governmental agencies – most of them in close cooperation with the **Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants KSMM** – support these efforts. The following is a summary of the strategic milestones in **improving the basic conditions and instruments for combating human trafficking** in Switzerland.

- Triggered by an interdepartmental report on human trafficking in Switzerland published in September 2001, the **KSMM was established in 2003**. It brings together federal and cantonal authorities, NGOs and inter-governmental organisations involved in combating human trafficking and migrant smuggling. A hub for information and analysis in matters of human trafficking, the KSMM develops tools and strategies for combating this crime. Moreover, it co-ordinates measures for victim protection and for preventing and prosecuting human trafficking. The KSMM's Permanent Secretariat is attached to the Federal Office of Police (fedpol).
- In 2004, an **operative unit dealing with paedophilia, human trafficking and migrant smuggling** was established within fedpol's main division of the Federal Criminal Police (FCP). In 2007, this division was separated into a section dealing with paedophile crime and pornography, and one dealing with human trafficking and migrant smuggling. At the same time, the number of staff in the latter section was increased. Its duties focus on supporting the cantonal police in investigations involving more than one canton or having an international aspect.
- In 2004, the FIZ Advocacy and Support for Migrant Women and Victims of Trafficking (FIZ Fachstelle Frauenhandel und Frauenmigration) in Zurich opened **the first office in Switzerland specialising in intervention and counselling for female trafficking victims**. The project, known as Makasi, focuses on counselling and assisting female trafficking victims, improving victim protection and helping victims to enforce their rights. The Makasi project supplements state measures in the field of victim assistance.
- In August 2004, the former Federal Office of Immigration, Integration and Emigration IMES sent a circular to the cantonal migration offices informing them of the statutory basis for granting victims of human trafficking residence in Switzerland. The circular included recommendations for granting victims a period of reflection to consider whether they wish to co-operate with law enforcement services, for their stay in Switzerland during investigations and for granting stay on humanitarian grounds. The recommendations were later superseded by the new Foreign Nationals Act of 2008.
- Based on the experiences gained from the first roundtable talks on human trafficking, which took place in Canton Zurich and were initiated by the FIZ in 2001, a group of federal and cantonal experts, together with specialists from NGOs, compiled a set of

guidelines on cooperation in fighting human trafficking (*Kooperationsmechanismen gegen Menschenhandel*) under the lead of the KSMM. The guide was published in late 2005 on the occasion of a national conference on human trafficking in Switzerland. It offers a survey of the tools available for fighting human trafficking and recommendations to cantonal authorities on how to co-ordinate work with victim assistance centres when dealing with this particular crime. In the guide's annex there is also a **checklist on how to identify victims of human trafficking**.

- With a view to improving cooperation among police, justice, and migration authorities and victim counselling services, many cantons have introduced cooperation mechanisms – so-called **roundtable talks on fighting human trafficking**. These talks are intended to help form a uniform basis for understanding the issue of human trafficking and finding solutions. Moreover, the meetings serve to delineate the responsibilities, the areas of interaction, and the duties of the authorities and institutions involved. In 2005, as few as two cantons had institutionalised forms of cooperation among the various authorities and institutions; today, eighteen cantons have institutionalised cooperation on fighting human trafficking.
- In a March 2005 circular addressed to the Swiss foreign missions, the Federal Department of Foreign Affairs (FDFA) introduced **preventive measures for the protection of cabaret dancers**. For instance, visa applicants wishing to enter Switzerland to work as cabaret dancers are invited for a talk at the consulate, where they are given written information on their future employment and asked to sign the contract of employment. In addition, they are informed of the risks this work entails, their rights as dancers, further counselling possibilities, and the fact that it is illegal to be forced into prostitution.
- In a May 2006 circular, the Federal Department of Foreign Affairs (FDFA) issued a **directive on the employment of domestic workers by Swiss-based foreign diplomatic missions**. The directive governs hiring regulations and labour standards, thus protecting domestic workers at foreign missions from possible exploitation. Disputes may be submitted to the *Bureau de l'Amiable compositeur* in Geneva for mediation.
- Switzerland has ratified two protocols. One is the **Protocol on the Sale of Children, Child Prostitution and Child Pornography**, an optional protocol to the United Nations Convention on the Rights of the Child; the other is the **Protocol on Human Trafficking**, an optional protocol to the United Nations Convention on Transnational Organized Crime. These protocols became operative on 19 October 2006 and 26 November 2006, respectively.
- The ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography resulted in the amendment of Article 196 of the Swiss Criminal Code (SCC). The article, dealing with human trafficking, needed revising to be brought into line with the international definition of human trafficking set out in Article 3 of the Optional Protocol on Human Trafficking. The **new Article 182 SCC**, in force since 1 December 2006, now makes human trafficking not only for the purpose of sexual exploitation, but also for the purpose of labour exploitation and the removal of human organs a criminal offence. In addition, under the revised article, a single instance of trafficking in a single person already constitutes a crime. Furthermore, the recruitment of persons to be trafficked is considered equivalent to trafficking proper and is punishable accordingly.
- The revision of the General Part of the Swiss Criminal Code (SCC), effective from 1 January 2007, introduced a new provision regarding the **exemption of trafficking victims from punishment**: In the absence of a need for punishment, the principle of discretionary prosecution set out in Article 53 SCC allows for dispensing with prosecution. Dispensing with prosecuting victims is also possible under Article 54 SCC (effect on the offender) if the punishable act that victims have committed has a significant adverse effect on them. Moreover, the provisions on duress and necessity, as set out in Article 17 SCC, apply.

- The Conference of Cantonal Police Commanders of Switzerland set up an **intercantonal “Working Group on Trafficking in Human Beings / Migrant Smuggling.”** The group began work in summer 2007, convening once or twice a year. Its goal is threefold: to work out standardised investigative approaches that are applicable to all police forces throughout Switzerland; to promote operational networking among police corps; and to intensify the exchange of police expertise.
- On 1 January 2008, the Foreign Nationals Act (FNA) and the Ordinance on Admission, Residence and Employment (AREO) became effective. These pieces of legislation regulate **the stay in Switzerland of human trafficking victims.** Swiss law is thus now in line with the provisions of the Council of Europe Convention against Trafficking in Human Beings. The Swiss statutory provisions allow for granting victims at least 30 days to consider whether they wish to co-operate with law enforcement services, for granting them stay in Switzerland pending criminal proceedings against their traffickers, and the right to stay in cases of personal hardship. Moreover, the statutory provisions provide that victims and witnesses of human trafficking be granted federally-funded return and reintegration assistance (Art. 30(1)(e) and Art. 60(2)(b) FNA; Art. 35 and Art. 36 AREO).
- Since 9 September 2008, a **reporting form has been available on the website of the Federal Office of Police (www.fedpol.admin.ch or www.nicht-wegsehen.ch) for anyone wishing to report cases of suspected child sex tourism.** The public thus has the opportunity of easily reporting to the police any occurrences or observations that might suggest child abuse. Reports are dealt with by the Paedophile Crime and Pornography Unit at the Federal Criminal Police and, if found to be substantiated, appropriate steps are taken. The sexual exploitation of children is often linked to trafficking in children.
- The federal Victim Assistance Act (VAA) was entirely revised and became operative on 1 January 2009. **The VAA is the statutory basis for providing assistance to victims of human trafficking and for compensating NGOs for specialised victim assistance services they provide on commission by the cantons.** Article 9(1) VAA stipulates that when establishing and operating victim assistance centres, the cantons are required to take into consideration the different needs of various victim groups, a term that subsumes victims of human trafficking. The cantons are free to operate public or joint assistance centres or to commission private assistance centres.
- Since April 2007, the Swiss Police Institute (SPI) has been offering **specialised courses on combating human trafficking.** These courses are open to members of the Swiss police forces, the Border Guard Corps (BGC) and employees at the cantonal migration offices. Previously held in German only, these courses were first held in French in 2009. Various other courses organised, among others, by KSMM assure the continued training of specialists in the fight against human trafficking; in November 2008, for instance, the Competence Centre on Forensics and Economic Crime staged a training course tailored to members of the judicial authorities and other public officials with a vested interest in the subject. Also, for the first time, a training course took place at the *Haute école de travail social Genève* in September 2010, addressing the educational needs of employees at victim assistance centres in the French-speaking part of Switzerland. Since then, specialised training courses have been offered at regular intervals.
- Sponsored by several NGOs and the Swiss government, a national prevention campaign, the **“EURO 08 Campaign against Trafficking in Women”**, was launched in summer 2008. The campaign addressed matchgoers attending the 2008 European soccer championship held in Switzerland. The goal of the campaign was to inform the public on the extent and consequences of trafficking in women, and make prostitutes' clients sensitive to the issue. The campaign consisted of a TV spot broadcast both on Swiss national TV channels and during public viewing of matches on wide screens. In

addition, the public was given the opportunity of learning more about the issue of trafficking in women through information material made available at special events.

- In September 2008, Switzerland signed the **Council of Europe Convention on Action against Trafficking in Human Beings**. The Convention was ratified on 17 December 2012 and came into force on 1 April 2013. Under the Convention, signatory states undertake to prevent and fight all forms of human trafficking, to protect victims, to prosecute the perpetrators and to promote international cooperation to achieve these goals. The Convention supplements the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which is a protocol to the United Nations Convention Against Transnational Organised Crime of 15 November 2000. It is expressly based on the principles of human rights and, in particular, aims to improve the rights and protection of victims.
- **The Federal Act on Extra-Procedural Witness Protection (WitPA)** and its implementing provisions – the Ordinance on Extra-Procedural Witness Protection (WitPO) – came into force on 1 January 2013. Switzerland now fulfils all the requirements of the Council of Europe Convention on Action against Trafficking in Human Beings. The new act extends protection to witnesses in federal and cantonal criminal proceedings outside the actual proceedings and after conclusion of the trial. A newly established national Witness Protection Unit is responsible for the operative implementation of the new piece of legislation. **Witness and victim protection in criminal proceedings** is grounded in the cantonal criminal procedure codes and has been guaranteed since January 2011 in the Federal Code of Criminal Procedure (Art. 149 seq. CrimPC). The cantonal police corps are responsible for protecting persons who are in danger of harm to life and limb. Police protection has thus been extended to victims who are not involved in criminal proceedings but who are nevertheless at risk.
- A set of **new directives on the Foreign Nationals Act issued by the Federal Office for Migration** was published on its homepage in autumn 2009. These directives elucidate the application of provisions on the stay in Switzerland of victims of human trafficking. Specifically, they stipulate that human trafficking victims may be granted the right to stay if a case of serious personal hardship exists, regardless of whether they are willing to co-operate with the prosecuting authorities.
- On 16 June 2010, Switzerland signed the **Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse** (Lanzarote Convention). The Convention was ratified by Switzerland on 18 March 2014 and came into force on 1 July 2014. Under the Convention signatory states are obliged to criminalise the sexual abuse of children, child prostitution, child pornography and the forced participation of children in pornographic acts. Some points of the Convention go beyond the scope of former Swiss criminal law because they extend protection to minors between 16 and 18 years. Switzerland's accession to the Convention therefore required various amendments to the Swiss Criminal Code. For example, any person who pays for the sexual services of an under 18-year-old person can now be punished with a custodial sentence of up to three years. Also, any person inciting an under 18-year-old person into prostitution can be punished with a custodial sentence of up to ten years.
- A comprehensive **child abduction alert system** has been operative since 1 January 2010. An alert is issued if there is a strong suspicion or certainty that a child has been abducted and the child's physical integrity is under threat. Alert messages are broadcast on radio and TV, displayed on highway information boards and distributed over the public address system in train stations and airports and through press agencies. This procedure facilitates the early search for abducted minors, minimising the risk of sexual exploitation.
- After a two-year trial period, a **project aimed at assisting the return home and re-integration of victims and witnesses of human trafficking, and exploited cabaret dancers was definitively implemented in April 2010**. Implementation is based on

Article 60(2)(b) of the Foreign Nationals Act (FNA). Assistance is assured by cooperation among Swiss federal government agencies, cantonal return assistance centres and the International Organization for Migration (IOM). In addition, the Federal Office for Migration (FOM) – now the State Secretariat for Migration (SEM) – in collaboration with the Swiss Agency for Development and Cooperation (SDC) supports structural aid programmes aimed at fighting human trafficking.

- As a result of various police reviews, the Federal Office for Migration (FOM) – now the State Secretariat for Migration (SEM) – concluded in 2010 that the **statute on cabaret dancers no longer had a preventive effect and was indeed facilitating exploitation and human trafficking**. The Federal Council therefore decided on 22 October 2014 to **revoke the statute**. The partial revision of the Ordinance on Admission, Stay and Employment (ASEO) entered into force on 1 January 2016. The revocation of the statute was accompanied by several measures to protect women.
- The Swiss Agency for Development and Cooperation (SDC) and the Political Affairs Division IV (PA IV) – two divisions of the Federal Department of Foreign Affairs (FDFA) – **support the fight against human trafficking in trafficking victims' countries of origin through various projects and measures that are implemented in cooperation with international organisations and local NGOs**. The numerous prevention and reintegration projects amount to several million Swiss francs each year.
- In 2011, the FIZ opened Switzerland's **first shelter for victims of trafficking in women**. The shelter's concept was based on a comparative study of accommodation for victims in Germany, Austria, Romania and Spain.
- In February 2012, the Federal Office for Migration (FOM) – now the State Secretariat for Migration (SEM) – issued a **circular to the cantonal migration and employment offices on applying the provisions on stay with regard to people employed in prostitution**. According to the circular, cantonal authorities carrying out identity checks on foreigners should be sensitive to any signs of sexual exploitation or trafficking. If the authorities find any such signs, the person concerned should be informed about the possibilities of victim assistance. If the person is in Switzerland illegally, they should be granted a period of reflection under Article 35 of the Ordinance on Admission, Residence and Employment. The content of the circular thus **underlines the paradigm shift that, where human trafficking is suspected, victim protection takes precedence over enforcing measures against foreigners staying in Switzerland illegally**.
- The KSMM Steering Committee approved Switzerland's first **National Action Plan to Fight Human Trafficking 2012-2014** with effect from 1 October 2012. The plan was made public by the head of the Federal Department of Justice and Police at a conference to mark the European Anti-Trafficking Day in Bern on 18 October 2012. The National Action Plan defines Switzerland's overall strategy to combat human trafficking and charges the agencies responsible for its implementation with 23 measures in the fields of prevention, prosecution, victim protection and cooperation.
- Since 2013, an action week with the title "Switzerland against human trafficking" has been held around European Anti-Trafficking Day on 18 October every two years. A steering group composed of representatives from several federal agencies and NGOs decides on the structure of the action week. IOM coordinates and heads implementation of the event with several partners from all around Switzerland. The large number of participants and the wide response of the media reflect the public's avid interest in the topic of human trafficking.
- On 1 January 2014, the **Ordinance on Measures to Prevent Criminal Offences in Connection with Human Trafficking** (Anti-Human Trafficking Ordinance) came into force. The Ordinance allows the federal authorities to become more involved in combating human trafficking by carrying out or providing financial support for preventive

measures. The regulation also allows the federal authorities to provide financial assistance to organisations that are committed to fighting human trafficking and, for example, are active in victim care. The Ordinance also provides the necessary legal basis for KSMM's activities to combat human trafficking.

- The Swiss Public Prosecutors Conference (SPPC) – formerly the Conference of Swiss Law Enforcement Agencies (CSLEA) – decided at its delegate conference on 21 November 2013 that the cantons must appoint a contact person for human trafficking cases. The person appointed must be familiar with the key attributes and challenges of such cases. The **SPPC is to keep a list of relevant public prosecutors.**
- In an effort to standardise the tasks and responsibilities of the migration services, police forces and NGOs, and harmonise cooperation with each other on matters concerning resident status and permits, a multidisciplinary process under the name of **COMPETO** was established in 2014 with a view to training the migration authorities and to providing a basis for the whole of Switzerland for dealing with questions on the status of human trafficking victims.
- As part of Switzerland's enlargement contribution, **cooperation with countries in Eastern and Southeastern Europe has been intensified and institutionalised.** The programs aim at strengthening prevention and improving victim protection in the countries of origin. They include measures to provide greater assistance to trafficking victims returning home, to improve cooperation between Switzerland and the respective country of origin by establishing bilateral guidelines and prevention measures, and to intensify police cooperation in fighting trafficking through the greater exchange of experience and practice between law enforcement services. The programs provide support to state agencies and civil society organisations, and are intended to promote cooperation between all players. Ultimately, their aim is to prevent human trafficking in Switzerland.
- The very first **joint training course** on combating human trafficking took place at the Swiss Police Institute (SPI) in June 2016 for German-speaking **members of the public prosecution and police services.** The new training module takes account of developments with regard to cooperation between law enforcement services resulting from the revised Criminal Procedure Code and will provide from now on regular training for members of the public prosecution services.

Annex 2



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Justice and Police FDJP

Federal Office of Police fedpol

Directorate Staff Office

Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM)

FACT SHEET

Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM)

The Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM) was established in 2002 by the Federal Department of Justice and Police (FDJP) and began work on 1 January 2003. With its office incorporated into the Federal Office of Police (fedpol), KSMM provides the necessary structures and networks for fighting and preventing human trafficking and smuggling in Switzerland effectively. Its primary objective is to provide better protection for victims and bring the perpetrators to justice.

Fighting and preventing human trafficking and migrant smuggling requires measures in the fields of victim protection, law enforcement and prevention. Jurisdiction over these areas lies partly with the federal authorities and partly with the cantons. The KSMM is responsible for coordinating the work between these players and ensuring that procedures are consistent throughout the whole of Switzerland.

The KSMM is also responsible for ensuring that the recommendations of the interdepartmental report "Human Trafficking in Switzerland" and the additional protocols to the UN Convention on the Prevention of Transnational Organised Crime Regarding Human Trafficking and Smuggling, to which Switzerland is a signatory, are implemented. Furthermore, the KSMM is the federal and cantonal information, coordination and analysis centre for combating human trafficking and migrant smuggling, and is the main contact and coordination office for international cooperation. Its objective is to bring about a measurable improvement in the fields of prevention, law enforcement and victim protection.

Teams of specialists, headed by the KSMM office, define concepts and strategies for fighting human trafficking and migrant smuggling. These form the basis of the political decision-making process. The KSMM also coordinates the preparation of reports, discussion papers and statements on matters regarding human trafficking and migrant smuggling.

The KSMM made up of representatives from the FDJP, the Federal Department of Foreign Affairs (FDFA), the Federal Department of Finance (FDF), the Federal Department of Economic Affairs, Education and Research (EAER) and the cantons (see overleaf). If necessary, it can also consult external experts from non-governmental organisations. The supreme body is the KSMM Steering Committee, which is made up of executives from all the federal and cantonal offices involved. The KSMM also has a Permanent Secretariat managed by the Federal Office of Police fedpol.

KSMM Members

Confederation

- Human Security Division (HSD), Federal Department of Foreign Affairs (FDFA)
- Directorate of International Law (DIL), Federal Department of Foreign Affairs (FDFA)
- Swiss Agency for Development and Cooperation (SDC), Federal Department of Foreign Affairs (FDFA)
- Swiss Border Guard Corps (Central Command), Federal Department of Finance (FDF)
- Office of the Attorney General of Switzerland (OAG)
- State Secretariat for Migration (SEM), Federal Department of Justice and Police (FDJP)
- Federal Office of Justice (FOJ), Federal Department of Justice and Police (FDJP)
- Federal Office of Police (fedpol), Federal Department of Justice and Police (FDJP)
- State Secretariat for Economic Affairs (SECO), Directorate of Labour, Federal Department of Economic Affairs, Education and Research (EAER)

Cantons

- Conference of the Cantonal Police Commanders of Switzerland (CCPCS)
- Swiss Public Prosecutors Conference (SPPC)
- Swiss Conference of Equal Opportunity Officers (SCEOO)
- Conference of Swiss Liaison Offices for the Victim Assistance Act (CSLO VAA)
- Association of Cantonal Migration Authorities (ACMA)

Participating NGOs/IOs

- International Organization for Migration (IOM), Bern
- FIZ Advocacy and support for migrant women und victims of trafficking, Zurich
- *Fondation Au Cœur des Grottes*, Geneva
- *Kinderschutz Schweiz*

* * *

KSMM Permanent Office at fedpol

Boris Mesaric, Head of Office

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List of abbreviations

ACMA	Association of Cantonal Migration Authorities
ASEO	Ordinance on Admission, Period of Stay and Employment
ASHC	Association of Swiss Heads of Crime
CCDSA	Conference of Cantonal Directors of Social Affairs
CCPCS	Conference of the Cantonal Police Commanders of Switzerland
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COMPETO	Multi-disciplinary process to harmonise cantonal practices
CrimPC	Criminal Procedure Code
CSLO-VAA	Conference of Swiss Liaison Offices for the Victim Assistance Act
ECHR	European Convention on Human Rights
EMPACT	European Multi-disciplinary Platform against Criminal Threats
FCP	Federal Criminal Police
FDFA	Federal Department of Foreign Affairs
FDJP	Federal Department of Justice and Police
Fedpol	Federal Office of Police
FIZ	FIZ Advocacy and support for migrant women und victims of trafficking, Zurich
FNA	Foreign Nationals Act
FSO	Federal Statistical Office
GRETA	Group of Experts on Action against Trafficking in Human Beings
HSD	Human Security Division, FDFA
ILO	International Labour Organization
IOM	International Organization for Migration
KSMM	Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants
NAP	National Action Plan
NAPTIP	National Agency for the Prohibition of Trafficking in Persons (Nigeria)
NGO	Non-governmental Organisation
OSCE	Organisation for Security and Cooperation in Europe
PCS	Police Crime Statistics
SCC	Swiss Criminal Code
SDC	Swiss Agency for Development and Cooperation
SEM	State Secretariat for Migration
SocRA	Federal Act on Responsibility for Providing Support to Persons in Need
SPI	Swiss Police Institute
SPPC	Swiss Public Prosecutors Conference
THB	Trafficking in Human Beings
TIP Report	Trafficking in Persons Report

UMA	Unaccompanied Minor Asylum Seekers
VAA	Victim Assistance Act
WGTPSM	Working Group on Trafficking in Persons and the Smuggling of Migrants
WitPA	Witness Protection Act
WitPO	Witness Protection Ordinance