

# Combating trafficking: the Swiss approach

by the Swiss Federal Department of Foreign Affairs

*Switzerland is committed to combating and preventing trafficking in human beings. Effective policy implementation in a federal structure depends on networking, effective information exchange and development of robust cooperation mechanisms.*

**T**rafficking in human beings is a worldwide phenomenon which primarily affects Switzerland as a destination country. The victims are mostly women who are forced into prostitution and exploited. Trafficking in human beings takes place to a lesser extent to exploit labour, for example as domestic staff. The principal countries of origin are the states of Central and Eastern Europe, the Baltic States, Brazil and Thailand. In 2002, the Federal Office of Police estimated that there are between 1,500 and 3,000 victims of trafficking in human beings in Switzerland.

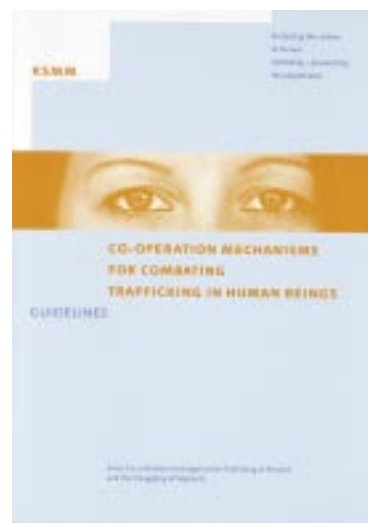
Combating and preventing trafficking in human beings is a declared objective at all levels of the Swiss government. Most recently, on International Women's Day on 8 March 2006 the Swiss foreign minister, Micheline Calmy-Rey, joined with a number of female parliamentarians to launch an appeal to international organisations and authorities to rigorously combat trafficking in human beings.<sup>1</sup>

Switzerland's international commitment to combat trafficking in human beings is spearheaded by the Swiss Agency for Development and Co-operation (SDC)<sup>2</sup> and the Political Affairs Division responsible for human security of the Federal Department of Foreign Affairs.<sup>3</sup> Swiss efforts are directed at prevention, voluntary repatriation of victims, training for the public sector and NGOs and emergency aid for victims in non-EU transit or destination countries. Switzerland works with UN agencies and other multilateral organisations and participates in creation of new international standards.

Switzerland's national strategy on combating trafficking in human beings is based on the Additional Protocol to the UN Convention against Transnational Organized Crime (which Switzerland signed in 2002) and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (signed by Switzerland in 2000). Switzerland's Federal Council – the seven member executive arm of the Swiss government – has declared ratification of these protocols to be a legislative priority during its current session.

On the domestic front, Switzerland's federal system assigns primary responsibility for combating trafficking in human beings to the country's 26 cantons (states). Although the overriding legal principles are set out in federal criminal law, immigration law and the Victim Support Act, their enforcement and implementation are cantonal responsibilities. Each canton's approach is shaped by differing resource allocation, police enforcement and victim support procedures.

This division of responsibilities allows implementation mechanisms to be adapted to the different requirements and existing situations of each canton. A small rural canton such as Appenzell Innerhoden is affected by trafficking in human beings in a different manner than the large and highly urbanised Canton of Zurich and therefore does not require the same structures. The division of responsibilities is particularly effective if the different players at national and cantonal level are able to benefit from efficient cooperation.



## Central coordination

The Swiss Co-ordination Unit against Trafficking in Persons and Smuggling in Migrants (KSMM)<sup>4</sup> was established in 2003 to harmonise practices and procedures for combating trafficking in human beings. Its principal role is strategic – to improve liaison and networking, to coordinate drafting of statements and reports, to improve statistical records on criminal prosecution and the protection of victims and to provide advice to legislators. The KSMM is attached to the Federal Office of Police and has interdisciplinary expert groups which develop concepts and strategies to be used as a basis for formulating and implementing policies. The KSMM is supervised by a steering committee made up of 17 representatives of the federal government, cantonal authorities, NGOs and international organisations. At the federal level, these are the Swiss Agency for Development and Cooperation, the Directorate of International Law, the political affairs division responsible for human security of the Federal Department of Foreign Affairs, the Border Guards, the Federal Offices of Police, Federal Office of Justice, the Federal Office of Migration, the Office of the Attorney General and the State Secretariat for Economic Affairs. The cantons

are represented by the Cantonal Conference of Heads of Police, prosecuting authorities, gender equality officers and liaison agencies for the Victim Support Act and the Association of Cantonal Migration Authorities.

The non-governmental and inter-governmental agencies belonging to the KSMM in a consultative capacity include the Zurich Women's Information Centre (FIZ) – a special advisory agency for victims of trafficking in human beings<sup>5</sup> – Terre des Hommes Foundation<sup>6</sup> and the International Organization for Migration (IOM). Additional external specialists from NGOs are consulted as required. The KSMM thus forms a pan-Swiss information, coordination and analysis centre for the cantons and federal government and a point of contact for international cooperation.

### No prosecution without victim protection

KSMM's success is crucially dependent on how closely the different agencies cooperate. Nowhere is this more clearly demonstrated than in the field of victim protection. Statements by victims constitute key evidence for the courts and in most cases are indispensable for convicting perpetrators. However, the victims of trafficking in human beings are not usually prepared to act as prosecution witnesses, whether for reasons concerning violations of their personal and sexual integrity, trauma, threats by the perpetrators or fear of prosecution by the authorities for infringements of immigration law. Immunity from deportation, protection and specific care may increase – or bring about – victims' readiness to make statements. Victim protection and prosecution both complement and depend upon each other. Cooperation between the police, courts, immigration authorities and the responsible public and private victim advice agencies is thus crucial to combating trafficking in human beings effectively.

However, cooperation between the police, courts and immigration authorities on the one hand and victim protection agencies on the other is not automatic due to

their different roles. The police are primarily charged with investigating crime, while victim aid agencies predominantly concentrate on care irrespective of the victim's immigration status. The key to successful cooperation is mutual understanding and an acceptance of these different roles, clearly defined points of contact and well-established, well-understood processes. To create these conditions, mechanisms for cooperation at cantonal level are being developed. Zurich led the way in 2004 and was followed by Solothurn. Berne and St Gallen are in the process of preparing roundtables and initiatives have also been launched in the cantons of Lucerne, Basel-Stadt, Basel-Land and Fribourg.

This approach is supported by the KSMM, using guidelines issued at a national conference on trafficking in human beings in Switzerland in autumn 2005. Cooperation mechanisms identify the responsible agencies, identify who is responsible for cooperation with each agency and clarifies and demarcates their roles and duties. Identifying victims, accommodation, care, residence permits, victim safety, aid for repatriation or a possible extension of stay in Switzerland are examples of the procedures to be specified. Cooperation mechanisms help to promote a climate of trust and accountability between agencies.

Swiss experience in the fields of domestic violence or regulation of prostitution has shown that cooperation is best enhanced by:

- interdisciplinary roundtables involving all the major players
- an official mandate or approval by the political authorities to ensure the process has the necessary legitimacy and that decision are acted upon
- ensuring that nominated representatives have practical experience and their managers are involved
- good logistical organisation from the start.

It is important to distinguish between a core group and a supporting group. Representatives of the prosecuting authorities, the cantonal police, the cantonal

migration office and aid agencies looking after victims of trafficking in human beings belong to core groups because they are directly involved in combating trafficking. Participants in support groups include the cantonal welfare office, the cantonal repatriation advisory service, a lawyer for victims, social or church organisations and gender equality officers.

Broad representation brings additional specialist knowledge into the process and enhances political support for cooperation mechanisms. As soon as the participants have agreed on the principles and procedures of cooperation, the appointed individuals work together on a case-by-case basis in accordance with the agreements made. Ideally, the core and supporting groups should meet at regular intervals, e.g. once a year, so that they can evaluate the cooperation mechanism.

A representative of the KSMM normally attends cantonal roundtables. This aids cooperation between the federal government and the cantons, and shortens communication channels. The KSMM can bring in advice as required and put cantons in touch with experts from the federal government or other cantons. A nation-wide circular from the Federal Office for Migration (FOM) to the cantons on possibilities for victims to remain in Switzerland was discussed at a cantonal roundtable before its entry into effect. The circular explains practice in connection with questions of immigration law involving victims of trafficking in human beings. Its aim is to harmonise hitherto different cantonal approaches.

Now that the concept of the cooperation mechanism is being implemented in more and more cantons, the KSMM is applying itself to continuing professional development. A KSMM task force is preparing specialised training programmes, and a one-week specialist course on combating trafficking in human beings at the Swiss Police Institute is planned for autumn 2006.

Two points must be emphasised on the basis of current experience with cooperation mechanisms in

Switzerland. The first is the identification of specialists in the area of combating trafficking in human beings at the various official agencies. The second is the network of contacts between them, which is essential for combating trafficking in human beings effectively in a federal state. In conclusion, it may be stated that the institutions established in recent years, namely the creation of the KSMM and the institutionalisation of coopera-

tion mechanisms in an increasing number of cantons, have led to significant improvements in combating human trafficking.

*This article was prepared by Sebastian Rauber on behalf of, and in close cooperation with, the Federal Department of Foreign Affairs. A longer version is available online at: [www.fmreview.org/pdf/swissantitrafficking.pdf](http://www.fmreview.org/pdf/swissantitrafficking.pdf). For further information, contact*

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