

**UNIVERSAL PERIODIC REVIEW
14th session of the UPR Working Group**

SWITZERLAND

Joint stakeholders' report submitted by:

- **World Evangelical Alliance (WEA), an NGO with special consultative status since 1997.** WEA is a network of churches in 129 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide. WEA was founded in 1846 in London.
www.worldevangelicals.org
- **Swiss Evangelical Alliance (SEA·RES).** The Evangelical Alliance in Switzerland was founded in 1847. It is a voice for 760 churches and organisations based in Switzerland. It is a member of EEA and WEA. www.each.ch / www.evangelique.ch
- **Christliche Ostmission (COM).** COM was founded in 1973. Its activities comprise *inter alia* fighting against human trafficking and bringing assistance to victims. It is a member of SEA·RES and its commission on human rights and religious freedom
www.ostmission.ch

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HUMAN TRAFFICKING IN SWITZERLAND

OVERVIEW

1. Switzerland is primarily a destination country for trafficking. An estimated number of 1500-3000 persons are being trafficked into Switzerland each year. Most of them are women forced to work in the sex industry.
2. Switzerland is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It has signed, but not yet ratified the Council of Europe Convention on Action against Trafficking in Human Beings.
3. Article 182 of the Penal Code prohibits trafficking for most forms of sexual and labour exploitation. Article 195 prohibits sexual exploitation. Those crimes can be punished from a mere fine up to 20 years imprisonment.
4. In order to coordinate its efforts to fight trafficking, Switzerland established in 2003 the Swiss Coordination Unit against Trafficking of Persons and Smuggling of Migrants (KSMM). It is attached to the Federal Office of Police and brings together federal and cantonal agencies, NGOs and inter-governmental organisations involved in combating human trafficking and migrant smuggling.
5. Despite Switzerland's efforts, trafficking is far from decreasing. In particular with the entry of Switzerland into the Schengen area in 2009, an increase in trafficking from persons coming from Eastern Europe has been observed. In particular women coming from Romania, Bulgaria and Hungary are forced into prostitution. When interrogated by the police, they are often too afraid to admit that they have been coerced, thus making it very difficult for authorities to grasp the amplitude of the phenomenon.
6. During the second session of the UPR Working Group held in 2008, Switzerland accepted two recommendations addressing the issue of trafficking.¹ One of these recommendations requested the following: “Regarding trafficking of women and girls and their sexual exploitation, to formulate a comprehensive strategy, which should include measures of prevention, prosecution and punishment of offenders and increased regional and international cooperation”² In this report, we want to evaluate Switzerland’s progress in implementing such a comprehensive strategy to combat trafficking.

ANTI-TRAFFICKING IN SWITZERLAND: RECENT DEVELOPMENTS

7. In the perspective of the implementation of the above mentioned UPR recommendation, the creation of a bilateral task force to fight human trafficking between Switzerland and Romania has to be welcomed. This task force held its first meetings earlier this year, both in Switzerland and in Romania, opening a

¹ A/HRC/8/41, rec. 17 and 22.

² Ibidem, rec. 22.

positive opportunity of collaboration with civil society. Shortcomings were identified and concrete measures will now need to be defined to address them. An increased cooperation between the two countries will be necessary in order to identify and prosecute organized criminal groups and ameliorate victim protection.

8. **It is disappointing that prostitution of persons aged between 16 and 18 is still not prohibited in Switzerland.** It is high time that legislative steps are taken to change this. The Federal Department of Justice and Police is currently working on a draft legislation. The well-established Swedish laws are a good practice that can serve as a valuable basis. This change of legislation is a precondition to the adoption of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.
9. **The court sentences for traffickers are often not commensurate to the gravity of the crime.** According to numbers given by the Federal Office of Statistics in 2009, 83% of convicted offenders were not sentenced to time in prison.³ In November 2011, a 60 year old trafficker was arrested. He was accused of having lured over 140 Brazilian women to come to Switzerland with false promises and forced them into prostitution. The perpetrator showed no remorse. He was sentenced to 4 ½ years in prison; his helpers got a suspended prison sentence. This is an emblematic case illustrating that court sentences for traffickers are too mild.
10. The sex industry, including the pornography industry, is pushing the market for human trafficking immensely. Many consumers, including consumers of pornography on the Internet, do not realize that they indirectly contribute to trafficking through their behaviour. **Very little is done by authorities to address the demand for sex trafficking and inform the population about the implication that sex and pornography consumption have on the lives of victims.**

RECOMMENDATIONS

11. **Ratify and implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.**
12. **Ratify and implement the Council of Europe Convention on Action against Trafficking in Human Beings.**
13. **Prohibit prostitution of all persons less than 18 years old, nation-wide.**
14. **Take all the necessary steps to make sure that convicted traffickers receive sentences commensurate with the gravity of the crime.**
15. **Conduct a nation-wide awareness-raising campaign that addresses trafficking, and in particular sex trafficking, targeting the general public as well as potential clients of the sex trade and consumers of pornography.**

³ US Department of State, *Trafficking in Persons Report*, p. 344. In 2009, « of the 31 convicted trafficking offenders, 26 offenders received suspended sentences, while nine were sentenced to time in prison. The maximum prison sentence awarded in 2010 was 10 years. »