

To: hrc-sr-trafficking@un.org

Subject: Call for input Trafficking in Persons and domestic work

Zürich, 28th of February 2025

Migrant domestic workers and trafficking in persons: prevention, rights protection and access to justice

To the attention of:

Ms. Siobhán Mullally, the UN Special Rapporteur on trafficking in persons, especially women and children in regards to her call for input on migrant domestic workers and trafficking in persons

The answers for this call have been drafted by **FIZ Advocacy and Support for Migrant Women and Victims of Human Trafficking**. FIZ advocates for and supports migrant women affected by violence and Victims of Trafficking (VOT) in Switzerland. The organization runs two support services: One is the Counselling Centre for Migrant Women. The second service is the specialized Victim Protection Programme for VOT. We offer counselling, support services and safe housing for VOT, mostly women. FIZ also does educational and policy work. This is where the experience we gain from practical work becomes visible and is put into effect for social change.

Furthermore, FIZ launched a national project (2025–2028) specifically aimed at improving the working and living conditions of care migrants and victims of human trafficking for labor exploitation in private households in Switzerland. This allows us to gain in-depth insights into the current challenges and experiences of this particularly vulnerable group.

We would like to express our gratitude for the opportunity to comment on the issue of migrant domestic workers and trafficking in persons.

Information on a collection of mentioned topics/issues by UNSR TIP

National efforts to ratify the ILO Domestic Workers Convention, 2011 (No. 189) and good practices in implementation of national legislation, programmes and policies

The ILO Convention 189 entered into force for Switzerland in November 2015. While this convention remains relevant in the context of migration and human trafficking and there are several measures addressing it in the National Action Plan (2023-2027)¹, everything in between remains very challenging. One of the main reasons why is the strict regulation regarding work and stay permits for people from outside the EU. This especially affects women without formal education that is classified as "highly qualified". Without save and legal ways to migrate to Switzerland, people and especially women are vulnerable to exploitation – and often do not seek support, which makes it harder to identify potential victims.

Labor migration:

1. Good practices in preventing trafficking in persons of migrant domestic workers

Prevention work is a key component in combating human trafficking – especially for domestic workers. Affected individuals are often difficult to reach—working in isolation (in private households), unfamiliar with the country and their rights, lacking social networks and because work in private households is not covered under labour law, making it illegal for labour inspectors to enter private homes. One crucial prevention measure is raising awareness and providing education for key actors. This is especially important for law enforcement authorities and the police, to develop a "trained eye" that enables them to identify potential victims or exploitative situations. Only through a trained eye can potential victims be recognized, identified, and appropriately supported. Against this background, FIZ continued to share its expertise through various educational programs and events. For example, in 2023, a total of 66 expert lectures, training sessions, and public events were held, with more than 1,800 participants. At least 60 percent of them were professionals.

2. Migrant worker visa regimes; gaps, challenges and proposals for reform

Our expertise in the field of domestic work is particularly strong when it comes to female individuals. For this reason, under this point 3, we specifically focus on female individuals, as we also see a particular vulnerability within this group.

Swiss migration law generally allows women from third countries to enter only as wives, tourists, or highly qualified professionals. The latter remains an exception – most women from third countries come as wives or tourists. If they find employment it is often in sex work or care work (domestic workers), often without a work or residency permit. If they do receive a work permit, it is typically tied to a specific employer. This legal connection between residence status and employment significantly increases the vulnerability of migrant women. Since their residence permit is directly tied to their employment with a specific employer, they risk losing not only their livelihood but also their right to stay in Switzerland if they lose their job. This dependency creates a dangerous power imbalance: out of fear of losing their job – and thus their residence permit – many migrant women tolerate exploitative working conditions. They fear retaliation and often

¹ <https://www.news.admin.ch/news/message/attachments/74538.pdf>

hesitate to stand up against injustices. Employers can exploit this structural pressure to threaten or coerce migrant women.

Women from EU/EFTA countries are allowed to stay in Switzerland and work in Switzerland. Many are employed with a short-term residence permit (L permit, maximum 12 months) or under the 90-day registration procedure. With a permanent employment contract, they can apply for a yearly residence permit (B permit), but the risk of dependency on foreigner law remains – especially for women without recognized qualifications or sufficient language skills. If a migrant woman becomes unemployed and relies on social assistance, she risks losing her residence permit.

The close connection between residence status and employment is particularly problematic: individuals with a yearly residence permit risk losing their status if they receive social assistance. According to the Foreign Nationals and Integration Law (AIG), even an existing settlement permit (C permit) can be downgraded to a yearly residence permit (B permit) if dependence on social assistance occurs. Additionally, a work contract is required for the extension of a residence permit – regardless of the working conditions under which migrants are employed.

Precarious residence permits make care migrant women particularly vulnerable and increase the risk of exploitation and violence. Therefore, FIZ calls for the decoupling of residence permits from a specific employer. Instead, the focus should be on the occupation or sector to reduce structural dependence and the associated issues. Furthermore, we demand that any potential dependence on social assistance should not affect or jeopardize the renewal of the residence permit.

3. Role of recruitment agencies and challenges, and good practices in monitoring of recruitment agencies

The recruitment agencies play a significant role in ensuring and, if necessary, monitoring the working conditions of workers in private households. On the one hand, because they set the employment contract, which the worker often signs without knowledge of her rights. On the other hand, because labor inspections in private households are legally not permitted in Switzerland. This situation grants employers a significant position of power. Therefore, it is problematic that labor inspectorates are unable (or not permitted) to conduct inspections in private households.

Labor law applies exclusively to domestic workers who are employed through a triangular relationship by a staffing agency to a household. Employees who are directly employed by a household – regardless of whether an intermediary was involved or not – do not fall under the scope of the Labor Law according to Article 2, Paragraph 1, Letter g of the Swiss Labor Law and are thus largely excluded from the protection of these legal provisions. We address this issue in more detail under point 8 further below.

4. Roles of consular services, embassies and missions in assistance and protection services

In Switzerland, consular and diplomatic employees are subject to the Ordinance on Private Domestic Employees (PHV).² This includes, among other things, the social security deductions, model employment contracts, information on minimal wage etc. Nevertheless, it is known that there are a large number of unofficially registered diplomatic domestic workers in Switzerland.

In Geneva, there is also the Bureau de l'Amiable Compositeur³, a conciliation body for conflicts between diplomats and domestic workers. However, this aims to resolve the conflicts amicably without prosecution. Thus, its influence is very limited: in practice, we repeatedly experience how difficult it is to take action in cases of exploitation or even human trafficking in diplomatic households on Swiss soil. Due to immunity, foreign policy interests and the lack of protection of family members in the victim's country of origin in case of a trial, it has not yet been possible to take criminal action against the perpetrators.

It is therefore that instead of playing an important role in preventing the exploitation of domestic workers, we are rather experiencing that diplomatic households are a scene of exploitation and human trafficking.

5. Pathways to long term residence and citizenship for migrant domestic workers

As mentioned in Chapter 3, access to long term residence or citizenship for migrant workers in Switzerland is extremely restrictive. For people outside the EU/EFTA, it is almost impossible to be allowed to work in Switzerland at all without being married or being highly qualified. For this reason, for people from third countries, the work permit is already directly linked to the residence permit.

These very restrictive regulations make it impossible for people to legally work in Switzerland without already having a regulated residence in Switzerland. This forces migrant women to work illegally, which in turn makes them even more vulnerable to becoming victims of exploitation. If they are reported, they risk being fined and deported for illegal residence and work in Switzerland. In practice this often happens, even if it is a case of human trafficking, directly opposing the Non-Punishment Principle. This is due to a focus of police, labor inspectors and other agencies on migration law before posing the question if the person could be a VoT. Furthermore, migration law proceedings are a lot quicker than the identification, investigation and the criminal prosecution of human trafficking.

Enforcement of labour rights:

6. Role of labour inspectors in domestic work sector and good practices in establishing/enhancing labour inspection in this sector

² Private Household Employees Ordinance (PHOE, June 2011), <https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/diplomatie/manual-for-embassies-and-consulates/residence-switzerland/private-household-employees.html>.

³ Bureau de l'Amiable Compositeur, <https://www.eda.admin.ch/missions/mission-onu-geneve/fr/home/manuel-application-regime/introduction/manuel-droit-travail/bureau-amiable-compositeur.html>.

Labor inspections in private households are legally prohibited. A historical interpretation of the Swiss Labor Law⁴ suggests that the scope of the law does not apply to private households precisely because a state inspection of private households was intended to be avoided. This interpretation was also confirmed in a landmark decision by the Federal Court in 2021⁵. In point 8, we discuss the legal consequences as well as the current legislative process related to the aforementioned Federal Court decision.

7. Gaps and challenges in national labour regimes, limited scope of labour standards and challenges in enforcement of labour standards

We would like to address two points regarding this:

- 7.1. The labor protection for live-in caregivers has not yet been adequately guaranteed—this applies both to employees hired through temporary agencies and to those directly employed by private individuals.

The aforementioned Federal Court decision 2C-470/2020 has compelled the legislator to clarify the legal situation regarding the employment of workers through staffing agencies. The court stipulated that all live-in care workers employed through commercial actors, such as agencies, will henceforth have to comply with national labor law.

Despite this regulatory change, a central and unresolved issue remains, which contradicts ILO Convention 189: Labor law applies exclusively to domestic workers who are employed through a triangular relationship by a staffing agency to a household. Employees who are directly employed by a household – regardless of whether an intermediary was involved or not – do not fall under the scope of the Labor Law according to Article 2, Paragraph 1, Letter g of the Swiss Labor Law and are thus largely excluded from the protection of these legal provisions.

From FIZ's perspective, the current legal situation is inadequate and disadvantages paid domestic work, which is predominantly performed by women. It is particularly evident that this work has not yet been recognized by lawmakers as full, equal work. This unequal treatment is not only untenable but also paradoxical: without the care, support, and assistance provided in the private sector, our societal and economic system would not function. Employees who perform this essential work but are directly employed must receive the same legal protection as all other workers.

The lack of legal protection also leads to problematic practices that are concerning from a competition law perspective: not only is there unequal treatment of the same work depending on whether it is performed by temporary agency workers or directly employed workers, but it also creates a distortion of competition between staffing agencies and direct employment. This unequal treatment is also strongly criticized by the staffing agencies themselves, who rightly call for equal treatment and fair competition conditions.

- 7.2. As part of the implementation of the aforementioned Federal Court decision, Regulation 2 of the Labor Law, which covers special provisions for domestic

⁴ Bundesgesetz über die Arbeit in Industrie, Gewerbe und Handel vom 13. März 1964, SR 822.11

⁵ Sentence: BGE 148 II 203

services as well as care and support in daily life, is currently being revised⁶. This revision and addition to the regulation represent an important step toward meeting international minimum standards for the rights and protection of live-in caregivers, and it is explicitly welcomed by FIZ. As part of the current consultation process, FIZ will submit its statement on time by March 17, 2025. While we generally support the planned changes, we still see two central demands that have not yet been addressed:

- 7.2.1. Flat-rate deduction for board and lodging: Under current regulations, the deduction for board and lodging must not exceed CHF 33 per day or CHF 990 per month. The in-kind wage is calculated based on the actual number of meals consumed and the nights spent in the household each month, with further details outlined in cantonal standard employment contracts. In practice, however, a flat-rate deduction is often applied universally and is frequently accepted without objection by domestic workers due to their precarious and vulnerable situation. To address this issue, we propose a regulatory approach that requires wages to be clearly separated from accommodation and meal costs in employment contracts. Instead of being included as part of the wage or replacing a portion of it, these costs should be added to the gross wage and then deducted transparently.

Such a measure would enhance domestic workers' autonomy and grant them greater freedom of choice regarding their living conditions. It would also help to mitigate, at least partially, the existing imbalances in power dynamics.

- 7.2.2. Low-Threshold Contact Point: Live-in caregivers working in private households are particularly vulnerable to exploitation as well as to minor violations of labor laws. They often work in isolation and live in the same household where they are employed. Since labor inspections cannot take place in private households, violations of labor rights, exploitative working conditions and human trafficking often go unnoticed. Additionally, many employers struggle to navigate the complex legal requirements of 24-hour care arrangements. These factors contribute to the heightened vulnerability of live-in caregivers in private households, who often have specific questions and concerns but currently lack a dedicated support service. These workers are typically not well-connected within Swiss society, as they may not have lived in the country for long, often have limited formal education, and usually have very little free time. As a result, they are rarely members of trade unions.

The absence of accessible support mechanisms not only facilitates unfair treatment and exploitation of domestic workers but also hinders effective action against severe abuses such as child labor, forced labor and human trafficking. Establishing a low-threshold contact point would provide live-in caregivers with a safe and approachable resource for advice and support, helping to address their unique needs and improve their protection under labor laws.

The ILO Convention 189 already emphasizes the importance of mechanisms that facilitate domestic workers' access to their rights. A low-threshold contact point could provide essential support to them by helping them understand, assert, and protect their rights. For many domestic workers, especially those in precarious employment situations, access to legal advice is often difficult or entirely unavailable. Such a contact point would help overcome these barriers,

⁶ https://www.fedlex.admin.ch/de/consultation-procedures/ongoing#https://fedlex.data.admin.ch/eli/dl/proj/2024/75/cons_1

offering direct and straightforward assistance to those in need. For employers, this type of contact point would ensure that all staffing agencies adhere to the same standards and do not gain unjustified competitive advantages by disregarding labor law provisions. It would help avoid market distortions that arise when some agencies fail to meet their obligations and, as a result, offer unfair conditions.

From a public policy perspective, establishing a low-threshold contact point would contribute to improving the enforcement of legal regulations and strengthening the rule of law. Proactively supporting both employees and employers through an easily accessible resource would make the process of legal enforcement more efficient and promote more sustainable compliance with labor standards.

8. Role of trade unions and workers' associations in protecting and supporting domestic workers and combating trafficking in persons in the domestic sector

Compared to long-established organizing efforts in other parts of the world, there have been only a few instances of union formation within live-in care services in German-speaking countries and regions. Typically, live-in care workers—who are mainly migrants and women working in private households—are not a central focus for labor unions, which are often male-dominated. The nature of live-in care work—characterized by isolation, atomization, and strong economic and emotional dependencies—complicates the process of collective organizing. Additionally, the workers rarely develop a professional, union-based identity, as they often perceive their work in live-in care as temporary or transitional⁷. Finally, trade unions provide advice to their members, but care migrants often do not have access to union membership and therefore do not receive any advice. This further complicates bottom-up organizing.

In this context, it is easier for live-in care workers to identify with their respective community or migrant status. When care workers organize, they usually do so outside of established institutions, such as traditional trade unions, within their own social networks, or through ethnic-based associations. Numerous case studies from various regions globally show that domestic workers often have their own (usually informal) networks in place before they engage with a trade union⁸.

The logics and frameworks of trade unions are still largely shaped by the concept of traditional employment relationships, which typically reflect the experience of (white, male) workers, and moreover, often remain entrenched in a nation-state framework⁹.

A particularly interesting case is that of Polish domestic workers in Basel, who met through their regular Sunday church visits, where the mass was held in Polish. A researcher conducting ethnographic research for her dissertation happened to know one of them and referred the group to the local branch of VPOD (public service union) in Basel. Together, they persuaded a lawyer and a feminist local union secretary to provide institutional support for their struggle. This collaboration led to the formation of the grassroots trade union network *Respekt@vpod*, which was founded in 2013. In March 2015, the Basel civil court ruled in favor of one worker's claim for compensation for

⁷ Schillinger, Sarah (2024), Breaking out of the “prisoner of love” dilemma: infrastructures of solidarity for live-in-care workers in Switzerland. In: Aulenbacher, Brigitte/Lutz, Helma/Palenga-Möllenbeck, Ewa/Schwiter, Karin (eds.): Home Care for Sale. The Transnational Brokering of Senior Care in Europe. SAGE Publications.

⁸ idem

⁹ idem

unpaid working hours. For a three-month assignment, this amounted to an additional payment of approximately CHF 16'000.

Beyond financial compensation, the ruling also reinforced live-in care workers' demands for designated time off, allowing them to escape the social isolation they experience in private households—a crucial factor for collective organizing and union engagement. As the case of care workers in Basel demonstrates, shared (counter-)spaces outside the workplace (in this case, the church) are essential in fostering collective solidarity and enabling collective organizing. Additionally, virtual spaces have played an increasingly significant role, particularly since the COVID-19 pandemic. In closed Facebook groups, care workers exchange information about labor laws, discuss workplace issues, and share their experiences with agencies and employers, alongside addressing everyday practical concerns¹⁰.

Furthermore, an effective practice to maintain independence from the overarching union structure was developed by the activists of Respekt@vpod through a solidarity-based financing model for legal cases. Thirty percent of the monetary sums won in successful lawsuits were contributed to a solidarity fund, which was then used to cover legal fees for future cases within the network. Another noteworthy approach was the employment of one of the activists—a Polish live-in care worker and co-founder of the network—by the union on a part-time basis. Her language skills and firsthand experience as a live-in care worker were invaluable in building bridges between the community and the union. This strengthened collaboration between the union and care workers on equal footing while also empowering the workers to represent themselves publicly, use their own voices, and develop their own forms of political expression¹¹.

In 2024, the network was handed over to the FIZ for several reasons: On one hand, the network was not optimally placed within the VPOD. While the union does have members from the healthcare sector, its focus is primarily on individuals in public-sector employment relationships. On the other hand, the union's resources are being utilized for individuals who receive special membership conditions, even though these resources are financially supported by regular union members. This contradicts the fundamental principle of a union as a member-based organization.

Additionally, the FIZ began working in 2024 on the development of the aforementioned pilot project (2025-2028) related to domestic work. It therefore makes sense for the FIZ to integrate the VPOD network project into its own project starting in 2025.

Accountability for trafficking in persons in the domestic sector:

9. Good practices in ensuring effective investigations, prosecution and international cooperation to combat impunity in the domestic work sector

Investigation and Prosecution

The number of criminal convictions for human trafficking is in the single-digit percentage range in relation to the identified victims. This is partly due to the fact that the requirements for the means of the offense, as defined in Article 182 of the Swiss Penal Code, are stricter in Switzerland than the criteria set out in international conventions

¹⁰ idem

¹¹ idem

(e.g., the EKM). The imprecise legal definition of human trafficking in Swiss law has therefore been repeatedly criticized by both national experts and international bodies¹².

Based on our experience so far, cases of human trafficking in the domestic sector are primarily for the purpose of labor exploitation. This is why the specific legal framework and its ongoing revision are of great importance. Cases of human trafficking for the purpose of labor exploitation are, if prosecuted at all, usually not classified as human trafficking but instead under less severe offenses, such as usury. These offenses do not concern the personal integrity of the victims, which means they are denied access to victim protection services. As a result, they remain at the mercy of the perpetrators' networks, have no safe accommodation, and do not receive specialized support to escape the exploitation situation in the long term.

The lack of victim protection also hinders the effective prosecution of human trafficking, as the victims are the key witnesses or sources of evidence. Without protection and professional support, they are often not willing to endure the long, burdensome, and retraumatizing process of a court trial. Our experience shows that only when victims feel safe and supported are they willing to testify against the perpetrators.

The so-called non-punishment principle currently applies in Switzerland exclusively to victims of human trafficking under Article 182 of the Swiss Criminal Code. However, since cases of labor exploitation rarely fall under this article, affected individuals' risk being prosecuted for illegal residence or undeclared work—even if they were in a situation of coercion. This reduces victims' willingness to report crimes, ultimately protects the perpetrators, and results in the double punishment of the victims.

The already mentioned National Action Plan Against Human Trafficking 2023–2027 has acknowledged this issue. The Federal Office of Justice has been tasked with examining whether the criminal law article on human trafficking for labor exploitation should be more precisely defined or if a separate criminal article for labor exploitation should be created. In that sense, the Swiss Authorities also see the need for action in order to better capture labor exploitation through criminal law. The national report on this is expected in 2025.

FIZ has created a practical foundation for this discussion, contributing to the implementation of the proposed political measures in a way that benefits our clients. As part of our political work – whether through a statement on a parliamentary motion¹³ in January 2025, through networking meetings with NGOs, or through exchanges with the parliamentary group on human trafficking – we advocate for solutions to this problem with an victim-centered approach.

In short: The unsatisfactory legal situation regarding the prosecution of labor exploitation needs urgent clarification. Whether this happens through a new article or an extension of the existing article is secondary from a victim protection perspective. What matters is that the existing gap is closed as soon as possible – and effectively.

International Cooperation

With regard to international cooperation, it depends very much on which other country is involved. If police cooperation is already well established (e.g. with Germany or France), it is quite possible that cooperation will take place.

However, if it concerns countries of origin with which little or difficult cooperation has been established, it is almost impossible to establish it. The legal hurdles are high; it takes committed public prosecutors to push for and make the necessary requests. We have

¹² "Evaluation Report Switzerland. Third Evaluation Round", Ziff. 95, Link: <https://rm.coe.int/greta-evaluation-report-on-switzerland-third-evaluation-round-focus-ac/1680b079a5> [Stand: 18.02.2025]

¹³ Motion 20.3630: "Arbeitsausbeutung als Straftatbestand"

therefore had little experience of this in the area of human trafficking / labor exploitation in the home. Only in one case involving diplomatic personnel, where, however, charges were ultimately not filed due to pressure from the perpetrator and the lack of protection for the victim's family members in the country of origin.

10. Good practices in ensuring effective remedies, including compensation, for victims

As outlined in point 10, the number of criminal convictions is extremely low. The planned legal reform aims to change this by strengthening effective legal remedies, thereby improving both protection and compensation for the victims.

Actually, victims do not receive compensation in line with the damage and harm suffered. Several obstacles hinder compensation for losses such as unpaid wages or any relative gain obtained by the perpetrators of exploitation being assessed and paid to victims. Often it is not possible to access the property and assets of the perpetrators, which is mainly invested abroad. As the state does not offer compensation in this case, the victim is usually unable to claim payment of damages in connection with their exploitation. There is no compensation fund for civil proceedings if the defendant is considered to be insolvent. With regard to court decisions, not only are the criminal authorities reluctant to quantify the actual amounts of profits derived from exploitation, but also some victims have been excluded from the opportunity to access this process due to the type of exploitation involved. This is the case in particular for those who are victims of human trafficking for illegal activities, and for those without residence status and with no work permit at the time of the exploitation that is considered to be an illegal activity. The deportation of foreign criminals also contributes to the fact that the damage caused to the victims is ultimately never compensated.

The amounts of state compensation received by the victims are very low. They do not correspond to the harm suffered, even though these are serious offences. In the event of the inability of the defendants to pay the amount set for moral damage, there is a principle of the subsidiarity of state support. The limits of the legal framework apply to victims of human trafficking, namely a ceiling of CHF 70'000. In practice the highest compensation for a victim of human trafficking recorded by the compensation authorities was CHF 15'000. Most sums are much lower; sometimes for exploitation situations lasting several months or years. Victims of the offence of usury cannot access the compensation for moral reparation provided, subsidized by the state, because offences against property do not entail such a right. In cases where the state is responsible for providing moral compensation, the compensation is often reduced in practice – based on previous payments in similar cases, which is particularly ridiculous since these payments were already too low. If the person returns to their home country or is required to do so, the compensation is further reduced to align with the "price level" of the home country.

In September 2024 a couple was convicted for human trafficking of two women who were forced to domestic work under prison-like conditions and a wage of CHF 800 / month. They had to pay moral compensation to the victims of total CHF 16'000 all together and no compensation¹⁴.

¹⁴ Blick (10.09.2024): Junge Frauen als «Haussklavinnen» ausgebeutet und in Käfig gesteckt.
www.blick.ch/schweiz/zuerich/zuercher-ehepaar-vor-gericht-junge-frauen-als-haussklavinnen-ausgebeutet-und-in-kaefig-gesperrt-id20124200.html <https://www.blick.ch/schweiz/zuerich/zuercher-ehepaar-vor-gericht-junge-frauen-als-haussklavinnen-ausgebeutet-und-in-kaefig-gesperrt-id20124200.html>

In a case of a domestic worker exploited by a family in Allschwil, who worked for 16 years at a monthly salary of CHF 800 / month, she received CHF 60'000 from the compensation the perpetrators had to pay to the state, including for the costs of the process and the attorney of the victim. This makes CHF 3'750 / year of compensation for the victim, even though she should have been paid at least CHF 25'000 more each year by her employers¹⁵.

The inadequate or often completely absent moral compensation and damages paid to the victims is also strongly criticized by GRETA in its report on Switzerland from the summer of 2024¹⁶.

Others

11. Challenges and good practices in identifying victims of trafficking in persons in the domestic sector and access to protection

A major difficulty in cases of labor exploitation and human trafficking is that the cases are often not recognized as such. Between 2006 and 2018, there were only ten convictions for human trafficking for the purpose of labor exploitation across Switzerland. This is an alarmingly low number, with equally alarmingly low sentences for the perpetrators. At the same time, care migrants in general are also very hard to reach, as they live and work in isolation.

Through a national pilot project (2025-2028), FIZ aims to ensure that this target group gains access to counseling and support. On one hand, authorities and counseling centers will be sensitized to the issue, and affected individuals will be referred to us. At the same time, educational modules will be developed to train and raise awareness among counseling centers and authorities that come into contact with workers. A central part of the project also involves political work, with a focus on the reform of the criminal code article on human trafficking.

To break the isolation of domestic workers and provide them with access to counseling and support, we specifically want to actively reach this target group and make them aware of our services. A campaign will be launched, and a low-threshold, direct online access will be created. Affected individuals should be able to contact FIZ safely and anonymously. With this, we aim to provide care migrants with easier access to our counseling services and also increase the number of identified victims of human trafficking (direct access without intermediary organizations such as the police or counseling centers). Once clients come to FIZ for counseling, in addition to the existing wide range of services, help with asserting their rights as employees will be made available.

12. Good practices in long term integration of survivors of trafficking in persons in domestic work

Unfortunately, none. As mentioned in chapters 3 and 6, residence regulations in Switzerland are very restrictive. This section will discuss the possibility of a long-term stay in Switzerland for victims of human trafficking in general, since the legal basis does

¹⁵ Watson (16.04.2024): Philippinerin arbeitet 16 Jahre schwarz in Basel – Anwältin spricht von Menschenhandel. www.watson.ch/schweiz/basel-landschaft/262236545-basel-philippinerin-arbeitet-16-jahre-schwarz-anwaeltin-aeussert-kritik

¹⁶ GRETA (2024): Evaluation Report Switzerland. Third evaluation round. Paragraph 87, p. 26

not differ according to the type of exploitation, or in this case specifically for victims of labor exploitation.

Victims of severe exploitation who qualify as victims of human trafficking theoretically have the option of obtaining a long-term residence permit in Switzerland: they can apply for a hardship permit for long-term residence in Switzerland. The hardship permit can theoretically be granted without criminal proceedings for human trafficking having been opened in Switzerland, namely if "the personal situation so requires." In practice, it is not impossible, but much less likely that a permit is granted without the existence of criminal proceedings. And even if a person has gone through criminal proceedings, the permit is by no means guaranteed. It happens time and again that the responsible authority finds the reasons stated in the application as to why a return to the country of origin is not possible (e.g. risk of re-trafficking, threats from perpetrators, lack of family support, etc.) to be either not credible or insufficient and the permit is not granted. Since the decision lies with the cantonal migration office in each case, there is a great deal of arbitrariness and even appeals are rarely decided differently.

In short, access to long-term residency in Switzerland is by no means easy or guaranteed for survivors of human trafficking either. Rather, it is associated with many hurdles and often months or even years of waiting for a decision.

13. Gender dimension of trafficking in persons in the domestic sector, risks to sexual exploitation and particular associated challenges to gender dimension in prevention and protection of persons at risk of trafficking or victims of trafficking in persons

The numbers suggest that migrant women, or people perceived as female, are disproportionately at risk of becoming victims of human trafficking, particularly in "feminized sectors," such as the domestic work and care work. Patriarchal violence, however, can affect all genders. As a feminist organization and expert center, FIZ's mission is to focus not only on individual cases but also on structural inequalities. Therefore, it analyzes existing gender and power relations from an intersectional perspective, shedding light on how the current system of order discriminates against people. Many individuals are discriminated against in multiple and clear ways due to their (assigned) gender, (assigned) origin, racialization, class, residence status, religion, sexual orientation, and other factors. Regarding the "feminized" sectors, migrant women or gender-diverse individuals are particularly vulnerable to violence and exploitation. At the same time, these sectors experience increasing inequality within the dominant system (capitalist, patriarchal, racist), receive less public attention, and often lack laws that protect workers' rights, contracts, or union organization. All of this makes the situation of these individuals even more precarious and intensifies discrimination. FIZ works to ensure access to support and visibility for these cases.

Precarious residence permits make care migrant women particularly vulnerable to exploitation and violence in the workplace. There is a direct connection between the societal devaluation of women and their work, low wages, inadequate security, and insecure residency status, and the risk of falling into human trafficking for labor exploitation. As mentioned above, care migrants are often exposed to intersectional discrimination, where factors such as gender, skin color, age, and origin play a decisive role. Women who face multiple forms of discrimination are especially vulnerable and have a higher risk of becoming victims of exploitation.

According to the statistics from our counseling services for victims of human trafficking who were exploited in domestic work or care work, all the victims so far have been women¹⁷.

14. Risks faced by minority communities, indigenous peoples, afro-descendant communities in the domestic work sector

A known risk related to belonging to a minority community and human trafficking becomes evident in the recruitment of domestic workers from abroad. Often, the trafficker comes from the same minority community but is well integrated or connected in Switzerland. Due to this existing acquaintance—such as a former neighbor—a relationship of trust is established with the victim, which is frequently exploited. In cases where both belong to the same minority community, the victim is under additional pressure. This is especially true in cases of sexual exploitation, as fear of reprisals against their family or within the community in the country of origin and feelings of shame can prevent the victim from escaping the exploitative situation or filing a criminal complaint.

This is shown in one of our cases: a woman from a minority community came to Switzerland to work for a man from the same minority community, who has a lot of power in this community. She was exploited for her labor force. While she wants to cooperate and aid the criminal proceedings, she is scared of the man, his influence within the community and what could happen to her family back home. Furthermore, because she has no legal residence in Switzerland, she runs the risk of being deported back to the same minority community. If she decides to participate in the criminal proceedings, her family is threatened and she loses all social support in case of deportation and faces a high risk of re-trafficking due to a lack of options in her home country (especially because of structural discrimination of the minority community in her home country).

15. Child trafficking in the domestic work sector: prevalence, particular challenges and effective prevention and protection strategies

Regarding child trafficking, specifically in the domestic work sector, we do not have concrete experience. However, we would like to point out the general issues in Switzerland related to child trafficking, which also affect the domestic work sector:

- A proactive approach is needed for minors who are at particularly high risk of exploitation, such as unaccompanied minor asylum seekers or foreign children living alone. This requires a uniform identification process across all cantons. This process should be child welfare-oriented and involve specialized professionals.
- Access to appropriate accommodation, legal advice, psychological support, and protection must be ensured for all minor victims, including those from the asylum sector.
- Measures must be taken to effectively address the issue of disappearance of presumed child victims of trafficking from accommodation centers, by providing secure housing, appropriate services, and a sufficient number of adequately trained supervisors.

¹⁷ FIZ Annual Report 2023, page 15: https://www.fiz-info.ch/images/content/news/2024/FIZ_OMReporting_2023_digital.pdf

- For unaccompanied minor asylum seekers entering Switzerland, a self-entry process should continue as part of the reforms under the EU Asylum Pact, rather than deporting the children to the EU's external borders.

Concluding remarks

By commenting on specific topics and drawing from our daily experiences in supporting migrant domestic workers, we aim to contribute to the research of the UNSR on TIP.

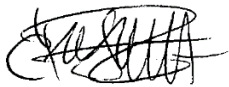
Our experience and political work show that, in particular, the legal situation—and thus the legal protection of women, mostly migrants, working in private households—is inadequate, whether in terms of migration law, criminal law, or labor law. Additionally, there is a lack of sensitivity among many law enforcement authorities and other relevant actors regarding human trafficking, both in terms of identification and prosecution (complaint, legal proceedings, judgment). This is precisely where we continue to focus our efforts through education, networking, and political advocacy.

In that sense, proven good practices include awareness-raising and educational work for key actors. FIZ particularly welcomes the recognition by Swiss authorities of the urgent need for action regarding the article on human trafficking in the Criminal Code, which must be urgently aligned with international standards.

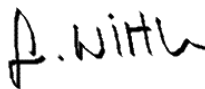
Furthermore, we welcome the legal amendment that now places live-in caregivers employed by recruitment agencies under labor law. However, we strongly advocate for an urgent revision of labor law to extend its scope to domestic workers who are directly employed by private individuals. This would eliminate the glaring legal inequality and finally equate domestic work with labor in all other sectors.

We kindly thank you for the attention.

Best regards,



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