

Trafficking in girls



Dear readers Each individual case of woman trafficking affects us. But when girls are victims of trafficking, our dismay is incomparably greater. For a minor victim, such an experience leads to a rupture in her development to become a woman: the disdain of her dignity, her body, and her will leaves lifelong traces.

During the last years, FIZ has counselled about twenty girls. To accompany minor victims of woman trafficking is a particularly demanding task for our counsellors. And care and support are rendered even more difficult by gaps in victim protection, legal obstacles, or lacking sensitivity of authorities.

To date, our experiences with girls who became victims of human trafficking contradict the extremely positive report of the Swiss state of December 2011 regarding its implementation of the Protocol on the Sale of Children, Child Prostitution and Child Pornography, a supplement to the UN Convention on the Rights of the Child.

We will present here two cases and discuss the measures needed for improved protection of children and youths in Switzerland. In our political work and in our networking with the relevant actors, we will advance respective demands and will insist on their realization.

With this newsletter, we hope to provide useful information regarding trafficking in girls in Switzerland.
Doro Winkler and Susanne Seytter

Trafficking in children and girls in Switzerland

UNICEF assumes that globally every second victim of human trafficking is a child. Among the approximately 190 victims annually supported by FIZ there are two to six cases of minor girls. But the true extent of the problem within Switzerland can hardly be estimated, since there are no reliable data.

A particularly vulnerable group

About twenty girls and young women at the age of 15 to 18 asked FIZ for support during the last years. All of them were exploited in sex work. They came from Eastern Europe, South America, Asia, and Africa, and lived in Switzerland without secure residence status.

According to international definitions, a child is a person below the age of 18.

Children trafficked to Europe experience different types of exploitation: they are exploited in sex work, in private households, are forced to commit criminal offences (e.g. drug dealing, theft, petty crimes), or to beg. Illegal adoption and matchmaking may also be linked to child trafficking.

Child trafficking concerns children who live in economically and socially difficult circumstances. In many cases they lack a protective family network. But it would be too simple to reduce the problem to poverty and neglect. Rather,

the affected children often lack elementary rights, they suffer from discrimination due to their gender or origin, both in their country of origin and in the target country. Furthermore, a crucial factor is the increasing demand in the target countries for children to be exploited in sex work or in households. Child trafficking is a lucrative business from which many actors profit.

International obligations...

The international community has agreed on certain standards in child protection, which are reflected in various international documents. Switzerland, too, has committed itself to comply with these international standards (see box). Accordingly, the Swiss criminal code and the Swiss Victim Support Act, which are particularly relevant for victims of child trafficking, give special consideration to the situation of children.

... implemented in practice

In the first report on the implementation of the UN protocol supplementing the Convention on the Rights of the Child, official Switzerland reports to meet all obligations. Nevertheless, many gaps still exist in the implementation, in particular with respect to victim protection and residence permits, and there is no nationwide approach focusing on the special needs of minor victims according to the international standards. A self-critical consideration of existing problems would benefit Switzerland. When international agreements are ratified, it is not enough to adapt national law. Instead, access to protection and rights has to be ensured in practice for the affected children and youths.



Important conventions

- UN Convention on the Rights of the Child: internationally in force since 1990, in Switzerland since 1997
- additional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography: internationally in force since 2002, in Switzerland since 2006
- additional Protocol to the UN Convention against Transnational Organized Crime (Palermo Convention), to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children: internationally in force since 2003, in Switzerland since 2006
- Council of Europe Convention on Action against Trafficking in Human Beings: internationally in force since 2008, in Switzerland in the process of ratification
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention): internationally in force since 2010, in Switzerland not yet ratified

Victims of girl trafficking need special protection

Annually, the intervention desk Makasi in FIZ cares for two to six minor victims of woman trafficking. These girls experience a rupture in the middle of their development, leaving traces for the rest of their lives. Two examples shall illustrate these problems.

Care for adolescent victims of human trafficking is a particular challenge for the Makasi counsellors. Young people have less resources to protect themselves against physical and psychological violence. They are more heavily traumatized than adults. And their loss of confidence is enormous, since usually they were trafficked and exploited by persons who were close to them. They are far from their families and social networks, don't speak the language. They feel lonely and abandoned. In addition, going through puberty, they are constantly looking for boundaries and confrontations. This has to be taken into account in the counselling work.

The following two cases of girl trafficking show how different the course of such cases can be.

Ivana was emotionally very unstable. She changed between depressive moods and fits of rage.

Ivana (17)

Ivana comes from a small village in Eastern Europe. Because of family conflicts, she had run away from home several times. Acquaintances from the neighbouring village, a young woman and her brother, promise Ivana a job as a cleaner in a hotel in Switzerland. The young man starts a love affair with Ivana. She is brought to Switzerland, to an apartment in a small town. The owner of the apartment turns out to be the boss of a human trafficking network. On the day after Ivana's arrival, he takes away her passport and rapes her. Then he tells her that from now on she has to work as a prostitute to pay him back the costs of several thousands of Swiss francs for the travel and the passport. Already during the first week, she has to provide sexual services to several customers in the apartment. With forged identity documents proving Ivana to be of full legal age, the man sends her to diverse brothels and contact bars in different cantons. During the transports to these establishments, she is always accompanied. She has to hand over her earnings. In a period of laxer control by the network, Ivana manages to escape. She returns to a brothel where she had made friends with a compatriot. The human trafficker reports Ivana to the police for theft and illegal prostitution, hoping to quickly get rid of

her through deportation. Ivana is arrested by the police, an examining magistrate establishes the contact to Makasi. Ivana tells her story and gets advice and support by Makasi over the period of more than a year.

Ramona (16)

Ramona lives with her mother in an Eastern European country. With an acquaintance of the neighbourhood she travels to Switzerland. There, under menaces, the man forces her to become a street prostitute. A forged passport shows her to be of full legal age. She has to earn 1000 Swiss francs a day and hand them over. The man threatens to kill her if she does not obey. When she is controlled by the police, they find out that her passport is forged and indicates a false age. She is interviewed, but does not tell anything. She is sent to prison. Due to a hint, FIZ hears of Ramona and tries to get a date for a visit. Eventually successful, the counsellor of Makasi is granted only just 40 minutes for a conversation. Ramona is reserved, initially does not want to tell anything. It can be felt that she is under heavy pressure. When she notices that her situation is familiar to the counsellor, that the mechanisms of exploitation and violence in this milieu are known to her, she opens up. She cries, is afraid of the pimp, who in their country of origin lives close to her family. With several interventions, FIZ Makasi tries to delay the already fixed date of deportation, but without success. Three days later, Ramona has to travel back to her home country.

Granting time – gaining confidence

The two cases show that protection and support depend on the attention of third persons. In their emotionally exceptional state, Ivana and Ramona above all needed time: to find confidence, to learn about their rights and possibilities of support. Also Makasi needed time to initiate protective measures. All victims have to be able to gather strength in a safe and supporting place. If a young victim of human trafficking does not want to talk, this has nothing to do with obstinacy but is the consequence of fear and traumatization. Victims of girl trafficking are not offenders. Prisons or closed institutions are no environment for victims of a severe crime.

Taking needs seriously

In the first case described, the young girl received support because an attentive examining magistrate refused to believe the story of theft and illegal prostitution. He involved Makasi. The Makasi counsellor noticed that the young woman was suffering from immense pressure and fear. Immediate crisis intervention was necessary. To really ensure care for a young victim of such a severe crime, numerous counselling sessions are needed. Ivana changed from depressed moods to fits of rage. She felt alone, was home-sick. She had

to break off relations with her former environment, since closeness to the offenders was too risky. And she was also not allowed to travel back home, for reasons of danger.

Coordinating the individual steps

Jointly, the counsellor and Ivana discussed which type of shelter best suited the young woman's need of safety on the one hand and for autonomy and independence on the other. Ivana did not want to be looked after around the clock. It reminded her of the rigid control by the offenders. So a partially assisted living arrangement was found for her. After a

helped Ivana with legal victim support and psychosocial counselling. The Makasi counsellor, in turn, was glad that the guardian relieved her of administrative matters and supported the victim's everyday life. A pragmatic division of responsibility was beneficial for both sides and equally for the victim.

Return is often risky for youths

In Ivana's case, the offenders were arrested. They were sentenced for trafficking in humans. Even before the trial, the young woman returned home. She wanted to go home. The counsellor remained in contact with her and informed her about the charge, the course of the trial, finally about the sentence, and also about the release of one of the offenders after one year of detention. Ivana did not return to her village. As was expected, her family was harassed by the offenders' family, which threatened to take revenge. Today, Ivana lives in a big city, together with her boyfriend. Years later, she was paid a financial satisfaction.

It takes time to find confidence, time to initiate protective measures.

longer decision-making process, supported by the counsellor, the girl made up her mind to testify against the offenders and claim justice – also as a step to deal with her traumatic experiences of exploitation and violence.

Networking in favour of the young victims

FIZ provided a committed and knowledgeable lawyer for Ivana. With a short-term residence permit, the migration office helped to give the victim and the counsellor the time to build up a confidential relationship. Victim support and social services covered the costs of living. Police and prosecutor carried out a victim-sensitive interview per video, in consideration of the particular rights of minors in criminal proceedings. A guardian was appointed. In view of the complexity of the case, the guardian was glad that Makasi

No connection under this number

Ramona didn't have such a chance. The counsellor tried to get in contact with her in her home country. One telephone call could be made. But Ramona seemed unable to talk openly. Another date for a call was arranged. The second call, however, could never be realized: 'No connection under this number.'



Measures to combat girl trafficking

Girls under 18 years who become victims of human trafficking need special protection. This fact has to find its expression not only in Swiss law but above all in the practice of the federal and cantonal governments. FIZ demands specific measures.

Prevention

Prevention work to prevent and detect human trafficking in minors in Switzerland is predominantly done by non-governmental organizations. The federal government therefore has to provide sufficient means for elementary prevention work like outreach social work, counselling for sex workers, customers, etc.

Trafficking in children and girls does not happen in a vacuum: there are structural conditions promoting it. Hence, also sufficient means and prevention efforts of Swiss and other National authorities are needed to globally support measures for risk reduction. This means above all recognition and enforcement of the rights of children, and in particular the strengthening of the status of girls in all countries.

Finally, prevention also has to include public discussion and reflection of the fact why there is a demand for trafficking in children and girls at all, and who profits from it.

Victim identification

Authorities have to be aware of the problem, in order to ensure that affected children and youths have a chance to be identified as victims and be protected: police, migration authorities, border patrols, social security and youth welfare departments, child protection organizations, etc. have to be trained and receive further training about human trafficking, in particular about trafficking of children. The first and so far only advanced training in Switzerland regarding child trafficking took place in 2007.

Access to specialized help, and time for confidential relationships

In case of suspected human trafficking, minor victims should immediately be brought in contact with a specialized victim consultation desk for psychosocial care. Specially trained counsellors, who are familiar with the socio-economic backgrounds and cultures as well as with mechanisms of exploitation and violence in trafficking in minors have to be involved.

With minor victims, experts need a lot of time to build

up confidence, to get to know who was involved in the exploitation, what violence a victim experienced, what support she/he needs, and whether she/he is able to inform the investigators. For all these reasons, a permit of residence irrespective of the victim's willingness to testify has to be granted.

Today, victims who are not willing to testify are usually deported. This practice has to be stopped, in particular with minors. It has to be ensured that children and youths can benefit from immediate and longer-term victim support measures and are granted their victims rights. It is equally important to clarify whether the family is involved in the exploitation and into what structures (family, institution, etc.) the minors will potentially return.

More financial means for specialists

Children and youths who fall victim to human trafficking experience this as a marked caesura in their lives, associated with heavy traumatization and endangering their further development. They need a safe shelter and specialized experts who support them in dealing with what they experienced and in developing new perspectives for their lives (e.g. education and potential return). The financing of this specialized care has to be ensured all over Switzerland and in all language regions by the federal and cantonal governments.

Protection of minor prostitutes

Switzerland is going to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, thereby finally raising the minimum age for legal sex work from 16 to 18 years also in Switzerland. We endorse this step, welcoming in particular that minor sex workers are not to be criminalized. But they also need special assistance and protective measures.

Networking

Authorities and special agencies have to cooperate and need to take into account the specific needs of minor victims and the international standards concerning victims of child trafficking.

All cantonal round tables against human trafficking should take up the subject of child trafficking and consider the special needs in dealing with minor victims, the special needs for their protection and support. The processes of governmental and non-governmental bodies already established in the context of cantonal cooperation agreements are to be supplemented in this respect. Furthermore, additional actors like guardianship authorities or care persons for minor asylum seekers are to be involved.

Current FIZ news

Romania

In February, a member of the FIZ staff travelled to Bucharest with a delegation of representatives of the Swiss federal government, of Swiss police forces and of NGO's. The goal of the delegation was to strengthen binational cooperation against human trafficking in order to promote more effective criminal prosecution and improved victim protection. During the last five years, FIZ had supported more than 70 Romanian victims of woman trafficking.

Nigeria

During the last years, several asylum seekers from Nigeria consulted FIZ. They were victims of woman trafficking. This led FIZ to participate in an international project conducted by UNODC (United Nations Office on Drugs and Crime), IOM (International Organization for Migration), and EXIT (an Austrian NGO). Representatives of police, justice, and NGOs from Nigeria as well as from six European countries participated in the project. Their goal

was to exchange experiences and to promote cooperation between the countries. In the same context, three representatives of the Nigerian National Agency for Prohibition of Traffic in Persons (NAPTIP) and the Nigerian migration office visited FIZ to exchange information about the victim-centred approach in combating human trafficking. The FIZ public relations officer travelled to the Nigerian capital Abuja and met representatives of the responsible authorities there. In Benin City, one of the main places of origin of Nigerian women trafficked to Europe, she met representatives of NGO's who with little means do impressive work to support returned victims. Two further meetings of the whole delegation took place in Brussels and in Vienna, where, on the basis of case analyses, the participating countries discussed different procedures in the fight against human trafficking from Nigeria. In Switzerland, cases of human trafficking in the asylum sector are seldom detected. In cooperation with Swiss authorities and NGO's, FIZ will work for an improvement of the situation.

Reorganization

Due to the growth of FIZ, we reorganized the agency and, per January 1, 2012, introduced a new organizational structure. Now FIZ has a managing director as well as four departmental heads (departments: Makasi/sheltering apartment, counselling for migrants, public relations/fundraising, and operation/finances). The managing director and the four departmental heads together form the FIZ management. Today FIZ has a staff of 16 women.

FIZ-website in English

We have extended our FIZ-website in English. You now find detailed information on our core subjects (woman migration, woman trafficking, sex work, cabaret, and illegalization) also in English.
<http://fiz-info.ch/index.php?setLang=2>



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