

news

FIZ

Dear Reader

This FIZ Newsletter addresses the problems regarding trafficking in women in Switzerland. As a national specialist body opposing trafficking in women, we at the FIZ call for urgent action. We demand a protection program for women affected.

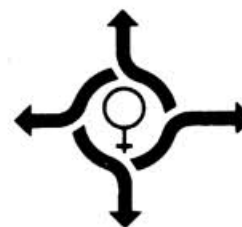
For the authorities in Switzerland the fight against «illegal» immigration has priority over the fight against trafficking in women. This means that women affected by the latter are liable to prosecution and expulsion from the country because they are «illegal» residents or work «illegally». Authorities fail to investigate the circumstances under which these women work, or whether they were forced to do so by coercion, threats, violence etc. In so doing, they fail to recognize whether or not they are affected by trafficking.

FIZ has been monitoring the causes of trafficking in women for many years. As a consequence of globalisation, people in the South and in the East are robbed of their livelihoods, and migration becomes a possible strategy for survival. The growing demand for cheap and submissive labour in the nations of the North additionally increases migration. The restrictive migration laws in Switzerland, as well as in other European states, do not prevent migration, however, but lend support to the exploitation and increase the dependence of migrants. They push women into illegality, depriving them of protection, and therefore making them exploitable. For these reasons migration becomes more dangerous for the women but more profitable for traffickers, pimps, employers and husbands.

In order to ensure that priority is given to the protection of the affected women - instead of enforcing restrictive migration laws as the primary target - we call for a protection program for women affected by human trafficking. We are certain that support and legal protection will set the basic preconditions for effective countermeasures to combat trafficking in women.

In this newsletter we would also like to introduce you to a research project on trafficking in women, in which the FIZ is participating. This project attempts to register social determinants that are related to trafficking in women from the perspective of the women affected.

FIZ International Network
Doro Winkler



FIZ
Information
center for
women from
Asia, Africa and
Latin America

Migration Restrictions for Women Affected

Today, the priority for the Swiss authorities is to fend off illegal immigration. This is achieved by enforcing restrictive migration laws. As a result women affected by trafficking in women are being criminalised rather than protected.

FIZ now wants to bring in a relevant protection program.

Legal Background

The legal background in Switzerland, on the one hand allows the prosecution and sentencing of traffickers in women as criminals. The Swiss Penal Code (Art. 196) states: «Those who trade in human beings, in order to lend support to indecency, shall be sentenced to a term of imprisonment of not less than 6 months.»

The practice of the authorities, on the other hand, shows that the struggle against trafficking in women, and the struggle against «illegal» migration are seen as one and the same problem. Restrictive migration laws are applied in an attempt to solve both problems. This shows that the existing laws do not aim primarily at protecting the women affected by human trafficking. Women, whose lives and work become «illegalised»¹ in Switzerland, are criminalised and

expelled instead of protected. The authorities responsible fail to investigate whether migrants are affected by trafficking, whether they are in plight, are exploited or in debt.

The criminalisation of the women affected helps the profiteers and organizers in this trade to feel safe on Swiss territory, since they are hardly ever prosecuted or called to account.

The Definition of Trafficking in Women

The lack of sensitivity and the false prioritization on the part of the authorities are not the only problematic factors. In Switzerland the legal definition of trafficking in women is always set in conjunction with prostitution, therefore it can neither cover, nor effectively work against, all forms of trafficking in women.

Women's organizations world-wide use a broader definition of trafficking in women: it is a case of trafficking in women if violence, coercion or practices of deception are used against women, and if as a result they are deprived of their right of self-determination or of their mental or physical integrity.

It is a case of trafficking in women:

- if a woman agrees to migrate on the basis of false promises.
- if she has to give money and/or various services to pay agents.
- if violent or deceptive practices are used against her.
- if a woman finds herself in a situation of coercion in the target country.

The FIZ protection program demands, first of all, a new legal definition of trafficking in women, which does not consider an activity to constitute trafficking in women solely when it is for the purposes of prostitution, but also for the purposes of marriage, house work or other forms of forced services. This is the only way to acknowledge the illegal nature of situations of coercion, dependency and exploitative relationships regarding those affected by trafficking, and the only way to enable the prosecution of those responsible for this.

FIZ Appeal for a Protection Program for Women affected by Trafficking

Our protection program demands extensive measures, apart from legal changes. It is important to consider the causes of trafficking in women. The preconditions for this are the unfair order of the world economy, restrictive migration policies and predominant sexist and racist structures: they facilitate the exploitation of women from the South and East who are in structurally disadvantaged positions, and allow their human rights to be breached. Women affected by the traffic in human beings are robbed of their civil, political, economic, cultural and social rights as women,

¹ We agree with Nobel prize winner Elie Wiesel that no human being is illegal: «People can be beautiful or even more beautiful. They may be just or unjust. But illegal?» The term «illegalisation» indicates how nation states have deprived migrants of their rights.

instead of Protection by Human Trafficking

workers and migrants. They also experience the loss of control over their own body.

FIZ Protection Program

For this reason we demand that the Swiss Federal Council urgently introduces a protection program for women affected by trafficking in human beings, which considers all forms of trafficking in women.

The protection program must include measures guaranteeing basic legal protection, security and access to fundamental human rights for the women affected. It must also be designed to take into account the situation and the needs of these women.

The protection program is intended to protect women affected, without turning them into instruments for police and justice. Women should find protection and safety, even if they do not testify against traffickers in criminal proceedings.

A protection program for the women affected by trafficking is intended to include measures on juridical, social and financial levels, as well as with regard to policing and health, which would enable the women to receive basic protection while safeguarding their rights as women and human beings. At the same time, conditions must be created that allow, but do not force, women to testify against traffickers.

The basic criterion in the struggle against trafficking in women is to arrive at a position whereupon state governments work towards separating this struggle from the laws concerning foreigners - i.e. from the criminalisation of migrants.

Measures

Improving the legal situation for the women affected:

- No discrimination on the grounds of gender, origin, residence status, work, social strata etc.
- Unlimited residency, no expulsion
- Guaranteed immunity from criminal prosecution for the women affected
- Police protection
- Safe places to live
- New identity (anonymity)
- Protection of relatives, friends etc., who are endangered, in the target country or country of origin
- Support in cases of claims for compensation and legal redress.

Social support for the women affected:

- Complete availability of information from independent, professional bodies as to rights, procedures and risks inherent in criminal procedures or testimony against traffickers, so that women affected can decide whether they want to testify, or to claim protection without testifying
- The granting of time to make this decision
- Specific facilities for women affected by trafficking, including professional advice and support - in their mother tongue - by female lawyers, psychologists etc.
- Opportunities for work or training
- Financial support by the state, securing their livelihoods
- Support when the women affected want to return to their own country and help with reintegration
- Access to mental and physical health services.

Preconditions for a protection program further include:

- International co-operation of state and non-governmental institutions to protect women affected by trafficking.
- Sensitisation and training of those who deal directly with women who may have been affected (police, judiciary, social workers etc.).

Basis of the FIZ Protection Program

The measures, which we formulated for the protection program are, on the one hand based on our experience of many years with women affected by trafficking in human beings. On the other hand, they are based on the «Human Rights Standards for the Treatment of Trafficked Persons», which have been elaborated in long-standing international co-operation between GAATW (Global Alliance Against Traffic in Women) and other NGOs, and which are based on the General Declaration of Human Rights and several UN conventions.

Doro Winkler

Research Project

Trafficking in Women from the Perspective of Women Affected in Switzerland

In the framework of National Research Project 40 on the topic «Every-Day Violence and Organized Crime», the Swiss National Fund for the furthering of scientific research approved the FIZ application on the subject of social determinants related to the trafficking in women.

Maritza Le Breton, social scientist Ursula Fiechter and Alicia Morales Menocal were commissioned to carry out the research project, and have been working on it since November 1998.

The project is being monitored by Prof. Reinhard Fatke, Pedagogic Institute of Zurich University, and will be completed in July 2000.

Problem Identification and Aims of Research

The Project starts out from the premise that the phenomenon of trafficking in women from Africa, Asia, Latin America and Eastern Europe is defined as a consequence of the international and gender-specific divisions of labour within the globalised world labour market. It aims to research the legal, and illegal, agency mechanisms, as well as the social preconditions for trafficking in women in Switzerland.

The results of the research are intended to contribute information about the agency mechanisms and structures of trafficking in women, as well as a more profound understanding of the lives and work situations of women affected by

trafficking in human beings. Further, the structural conditions, which create those particular life constellations for a multitude of women, are to be defined more closely, for instance with regard to social, economic and legal areas.

The focus is placed on the interface between interpretations, experiences and opportunities for action for the individual, and the structural or objective actualities and coercion, which affect this group of migrants.

Plan of Research

In order to collect data on their life situations, there are episodic interviews with the women affected. In these interviews, questions are asked as to how women experience their world, and how they interpret and represent their own biographical experiences.

In the episodic interview attention is paid to the experiences made by the interview partners that are relevant to the formulation of the questions. The form of representation - narration or rather description - as well as the choice of episodes are largely determined by the interview partners. The intention is to

represent experiences in a general and comparable form. The biographies of the women, and their life situations respectively, are investigated by the evaluations of their descriptions, interpretations and explanations, for which the principles of qualitative social research are applied.

Theoretical codification is the obvious processing method to be used for this evaluation. This method - according to Grounded Theory - is used in the project in order to record the social representation, as well as the subjective view, of this phenomenon. We are currently in the phase of data interpretation.

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