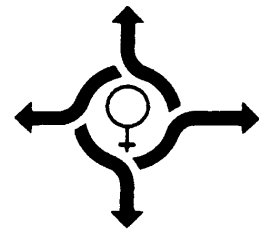


news



Dear partner, dear reader

Your organisation is in touch with women who want to immigrate into Switzerland, or women who have returned from Switzerland as victims of human trafficking or other forms of violence. We want you to know the consultation services that we can offer, and we would like you to pass our address on to those women who want to migrate. If they should need it, they can obtain support at our centre. Our consultation services have been expanded: We have set up FIZ Makasi*, a consultation and support centre for victims of trafficking in women. It is the first such consultation centre in Switzerland.



Trafficking in women has been an issue at FIZ since it was founded 20 years ago, not only in our consultation services, but also in our political commitment. The number of victims of trafficking in women who seek help at FIZ has been steadily increasing over the past years. In 2003 we assisted 81 women. There are various reasons for this increase. On the one hand, we have been able to improve our co-operation with the proper authorities, such as police, justice and the office for migration. On the other hand, the public has been sensitised to the issue, so that more and more victims of trafficking in women find their way to FIZ. The increasing number of victims to be assisted has prompted us to set up FIZ Makasi.

The aim of FIZ Makasi is to improve the protection of the victims, to enable them to demand their rights and to contain traffic in women in Switzerland. At the moment, only one employee works for FIZ Makasi. If the financial situation allows for it, the number of staff will be increased in the future.

The enclosed brochure informs you on FIZ Makasi. We hope that it will help trafficked women to find their way to our consultation centre.

Further information on FIZ Makasi can be found on the internet at www.makasi.ch. It is available in German, English, French, Spanish, Portuguese, Russian and Thai. The enclosed blue leaflet lists the consultation services that FIZ Makasi offers.

Despite our increased efforts, the legal situation of victims of trafficking in women in Switzerland remains unsatisfactory. The more reason for us to continue our work, even after our 20th anniversary.

Doro Winkler and Eva Danzl

*Makasi means "strong" in Lingala, a language of Central Africa. We have chosen this name because we want to activate the strength and resources of the victims. We support these women in their struggle to obtain justice and to summon up strength after their traumatic experience.

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

More and more victims

FIZ Makasi is a necessity

In the year 2003, FIZ assisted 81 victims of trafficking in women. 61 of them obtained advice in a personal consultation, whereas 20 women were assisted over the telephone. Fifteen women were prepared to report their perpetrators to the police. This represents a massive increase in the number of women seeking help at FIZ, as the average number during the past years had been at only 20-30. However, this number is still very low in the face of the annual 1500-3000 victims of human trafficking in Switzerland estimated by the federal police.

In order to meet the increasing demand for professional consultation and support at FIZ, we started FIZ Makasi, where women in acute need of assistance can now be taken care of.

Specific situation of the victims

Women who are affected by human trafficking are in a state of distress and are severely traumatised. Their basic human rights are violated, they are humiliated, threatened and intimidated. They are frequently exploited sexually and financially, and they suffer psychological and physical violence. But they have very limited possibilities to defend themselves.

If they escape from their situation, many of these women are suddenly faced with ruin: they have no documents, and often they lack a residence permit, they have

no money, no work or occupation and nowhere to live. Many of them are very isolated and have no social network. Moreover, most of them are heavily indebted, and it is unlikely that they will ever be able to pay back their debts. Furthermore, their traumatic experiences are a heavy burden to them, and they face an uncertain future.

FIZ Makasi's main goal is to provide protection for the victims and to help them to demand their rights. First of all, these women have to be identified as victims of trafficking in women. Hardly any woman who seeks us out calls herself a "victim of trafficking in women". Rather, they tell us about violence, debts, forced labour and threats. It takes a trained specialist to recognize these cases as instances of trafficking in women. It also takes a specialised institution with sufficient resources to support these women adequately.

One story out of eighty-one

The story of Somsri* from Thailand illustrates what it can be like to be a victim of trafficking in women. An acquaintance of her uncle's offered Somsri a job as an au-pair in Switzerland, where she was going to be paid well. Even her travel expenses were going to be paid for. In Switzerland she was met by her employer, who brought her directly to his brothel and told her that she would have to prostitute herself. He said that she owed him 25 000 Swiss Francs for the flight ticket and the employment agency. She would have to work off these debts before she could walk free. Then he took her passport and flight ticket away from her. As Somsri did not want to do that job, she was locked in and raped by the warden. After that she no longer put up any resistance and worked seven days a week. She was not allowed to leave the establishment. After three months, Somsri was told that she still owed 15 000 Swiss Francs, but that a man had offered to marry her and thus make her residence in Switzerland legal. This marriage would cost another 20 000 Francs, but she would have enough time to pay back the sum. Somsri grew desperate. One morning she managed to escape from the brothel, and a passer-by took her to FIZ. There she was informed of her rights and possible ways of action in case she wanted to report her perpetrators. Somsri finally decided not to report them, out of fear that she might have to face reprisals back home.

Support during the criminal proceedings

Traffickers in women have long been able to conduct their profitable business

with almost no risk of sanctions. Their victims, who cannot count on sufficient protection, fear their perpetrators' possible revenge and therefore dare not report them to the police. The women's fear of being deported to their own country also prevents them from cooperating with the authorities. However, criminal proceedings against traffickers are hardly possible without the victims' testimony. Women who are ready to testify in spite of all this need a well-protected and stabilising environment. FIZ Makasi offers them such an environment where they can regain confidence as well as obtain competent consultation and support during the criminal proceedings. This is an important prerequisite for them to reporting their perpetrators and ultimately to containing trafficking in women.

Networking

Another part of our work is to participate in round-table discussions on the issue of trafficking in women. Our aim is to sensitise the police, authorities of justice and the office for migration for the situation of the victims and to improve our cooperation with these authorities. Thus we hope to improve the protection of the victims as well as to increase the number of perpetrators who will have to answer for their crimes.

Support for women returning home

Some women want to return to their home countries as soon as possible, others have to return there because they cannot obtain legal residence in Switzerland. This is why we highly appreciate

our contacts with organisations like yours, which support victims of trafficking in women in their home countries. FIZ Makasi brings women returning home into contact with these organisations who help them overcome their traumatic experiences and rebuild their own lives. We also try to find out if a victim might face any threats in her own country, so that we can get in touch with those institutions that might intervene if necessary.

Origin

The Countries of origin of 81 women who were assisted by FIZ:

Eastern Europe: Russia, Ukraine, Hungary, Moldova, Poland, Romania, Slovakia, Lithuania	30
Asia: Thailand, Cambodia	23
Latin America: Brasil, Colombia, Dominican Republic, Ecuador, Mexico, Peru	21
Africa: Cameroon, Central African Republic, Ethiopia, Ivory Coast, Morocco	7

Status

The residence status of 81 victims who were assisted by FIZ:

Women living in Switzerland illegally	34
Women with a permit B for one year	17
Women staying in Switzerland as tourists	16
Women with a permit L for a short term stay	8
Women with a unknown status	3
Women seeking for asylum	2
Swiss national Women	1

*All names and countries of origin have been changed in order to protect the women's identities

«The most important part of your work is your emotional support»

Andrea is 24 years old and lived in Hungary until two years ago. She came to Switzerland because a Swiss acquaintance promised her a job at a restaurant. He organized her trip and obtained her visa, met her at the airport and then took her to his brothel. There she was exposed to severe sexual violence.

Andrea, how did you manage to escape from your plight?

Andrea: The brothel where he took me was in the country, with no other house in sight. I was with him all day, I didn't know anybody else, nor did I speak the language. I was afraid that he would kill me. The man was sixty years old. I still can't believe that a human being should be capable of the things he did. He had planned it all very thoroughly. I had to wait for the right moment to escape. One morning I ran away and went to the police to report the man. After the interrogation they told me to go home. They were going to call me on the following day. I told them that I didn't have a home, and I spent the night at the house of another woman who had been working at that brothel. The next day the police told me that I would have to return to Hungary on the next flight. I guess they didn't want to make a big thing out of my case. I put up a fight and I screamed that I was not going away before that man was punished. So they took me to FIZ.

FIZ has been supporting you for quite a while – what does that mean to you?

Andrea: The women at FIZ, my lawyer

and my psychiatrist are the people I trust. It is very important for me to know somebody I can trust, because at that time I no longer trusted anybody. Not even my mother helped me, that was the worst of all. It is shameful, but she didn't help me. This is why I sometimes don't even want to go home. I don't know what living with her will be like.

Did you miss anything during that time?

Andrea: What I still miss – but that is outside your power – is a permit to work or to go to school. Spending all day in a room and not being allowed to work or study would make anyone lose their spirits, even if they had not gone through the same horrible experience as me. It is vital to do something that keeps your mind busy.

Do you feel that after being courageous enough to report that man you are now not getting all the support that you would need? Are you disappointed?

Andrea: Yes, I am. I am not to blame for what he did to me, even if he is Swiss. It is very hard that the law is not on my side. Before he is convicted, I will not find any peace of mind. I cannot understand why he walks free after just a few weeks

in prison, it feels like they don't take me seriously.

One of the worst things was to meet my perpetrator before the interrogation, even though I had asked not to see him and had been assured of that. When he saw me he laughed at me, as if to say that he knew he would walk free. Probably the police had not scheduled our times well. I'm sure they don't know what this felt like for me.

What do women in your situation expect from a consultation centre?

Andrea: Most importantly that they can talk. I'm sure that a lot of women don't dare to talk about what has happened. But it is important to talk. It is not their fault. At first I thought that I was to blame for what had happened, but that is not true. The most important part of your work is your emotional support. It is extremely important to know somebody you can trust. All these women like me are very isolated, they don't know anybody. And that is very hard.

When you go home, will you talk about your experiences to other women who want to migrate?

Andrea: Yes, I must do that. I, too, dreamed about what I would do with the promised money. I was going to finish school and to help my family. But what happened to me was worse than anything I could have imagined. I think that these women should know more before they come here.

What is your wish for those women who will be assisted by FIZ Makasi in the future?

Andrea: I wish them strength. And I wish that they can stay here legally, if they want to.

Legal facts about trafficking in women in Switzerland:

Prosecution is still rare

Trafficking in women is defined as a criminal offence by the Swiss Penal Code. Article 196 threatens “those who trade in human beings in order to lend support to indecency” with imprisonment. However, even though human trafficking is a serious offence, it is rarely prosecuted in Switzerland. Between 1992 and 1999 an annual average of only 30 cases of human trafficking were reported, and in no more than five cases per year was anyone convicted.

Trafficking in domestic workers and wives

So far, the only form of human trafficking that has been regulated by the law is that which constitutes a sexually exploitative relationship. Any other forms, such as trafficking in domestic workers, wives or adopted children are not regulated by this law.

This situation is about to change. Last year, Switzerland signed the UN “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”, which is based on a broader definition of human trafficking. For the convention to be ratified, the national law has to be adapted. In the future, human trafficking that involves forced labour as well as trafficking in organs will be prosecuted. Sadly, trafficking in wives remains exempt from punishment.

Even the cases of women who originally consented to their employment, or who knew what their future employment would

consist of, or who have prostituted themselves before, can be considered instances of human trafficking. According to a decision of the Federal Court in 2002, the recruitment of women by the owner of a brothel for his own establishment can constitute a case of human trafficking.

Insufficient protection by the law concerning aliens

In a case of trafficking in women the regulations of the law concerning aliens have to be considered. Most of the victims are foreign nationals, and often they lack both a residence permit and a work permit. Even though international conventions¹ recommend not to criminalise these women for their offences against the law concerning aliens, Switzerland continues to do so. Thus most of the victims are treated as offenders and punished for these offences. A lot of women are deported to their own countries without even having been identified as victims.

Many victims of trafficking in women are living in Switzerland illegally. All we can achieve for them is a temporary stay of deportation, which means that the authorities refrain from deporting them for the time being. However, this provisional status means considerable stress and insecurity for the women concerned.

In its circular letter of 2004, the IMES² states its goal of standardised conditions of residence for all victims of human trafficking. The victims are granted a period for reflection of one month, after which those ready to testify can obtain the temporary right of residence. In exceptional cases of hardship a long term residence permit can be granted. If their expulsion is unreasonable, for example if the victims are threatened with reprisals in their home country, they may be granted provisional admission. The granting is at the discretion of the office for migration. So far, we know of no case in which a victim of trafficking in women has been granted a long term residence permit in Switzerland.

The draft for the new law concerning aliens regulates the conditions of residence of victims of human trafficking. However, it does not comprise a legal claim. The application is again at the discretion of the office for migration.

We have been demanding unlimited residence permits for victims of trafficking in women for years. This would not only protect them from reprisals but also enable them to testify against the traffickers and to claim their civil rights. However, the political will to grant such protection and a legal claim for it is still not very strong.

Access to Victim Aid

Because they have become victims of a criminal offence against their physical, psychological or sexual integrity, victims of trafficking in women are entitled to aid according to the Swiss Law on Victim Aid. This law allows to pay for their temporary shelter as well as for legal and psychological help. The temporary shelter that we arrange for these women offers them a safe place where they can calm down and think about whether they want to report their perpetrators. The legal and psychological help consists of a number of consultations with a lawyer and a psychotherapist.

Our long-term goal for FIZ Makasi is to be recognised as an official regional or national institution for victim aid and to be financed accordingly. At the moment FIZ Makasi is financed almost exclusively by private donors.

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1 e.g. OSCE Action Plan to Combat Trafficking in Human Beings, 2003

2 Federal Office for Migration