

Issue 07 | October 2023

# FIZ MAGAZINE

- Advocacy and support for migrant women and victims of trafficking



Exploited.  
Illegalised.  
Criminalised.



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## Dear Readers,

Have you ever considered that our clients sometimes also become perpetrators in the eyes of the law? In some cases, this happens because they are forced by offenders to commit illegal acts. However, it is usually the system that discriminates against them as migrants in some way, or makes them particularly vulnerable, prosecutes them under immigration law and thereby criminalises them. Three guest articles, written by Rebecca Angelini, Stephanie Motz and Marc Spescha, shed light on the situation of migrants upon whom blame falls due to poverty. Their work in Switzerland is a thorn in the side of many. There are also migrants who are deliberately forced to commit illegal activities and are then punished for them. In a conversation with two FIZ counsellors, we ask: who is criminalising FIZ's clients? What does this do to them? What does it take to eliminate these injustices which are often systemic? Using the concept of “cimmigration”, Ursina Storrer shows how the experiences of our clients in everyday life are part of a current global political trend. In the “Insights” section, you can find out more about the various activities of FIZ on this year's strike day on 14 June. There are also details about the visit of the delegation of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA).

We hope you find this interesting reading.

Géraldine Merz, Nina Lanzi and Manon Borer



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# The line between victim and perpetrator is fluid at times

A mountain of fines, bills and reported offences is piling up in Tamina's\* file. These are evidence of the exploitation she has experienced. However, it is also incriminating material for Tamina. She is under threat of an entry ban due to repeated “illegal work”, even since it became clear that she is a victim of human trafficking and was forced to work in these places. This is still the case although it is apparent that payment of the fines was elicited through coercion, and the state has therefore accepted funds that originate from crime. Tamina's lawyer is now trying to take action against this. The road is long and arduous; there

are many bureaucratic hurdles when it comes to actually enforcing the provision put in place in Switzerland for such occurrences regarding exemption from punishment, the so-called non-punishment principle<sup>1</sup>. However, the Council of Europe Convention on Action against Trafficking in Human Beings provides for this for good reason. In addition to illegal residence and therefore illegal work, victims of human trafficking sometimes also commit criminal offences when forced by the perpetrators to become involved in crimes such as theft, drug smuggling, burglary, etc. This form of human trafficking is called “traf-

ficking in human beings for the purpose of committing criminal acts”. In these circumstances, it is particularly important that the people concerned are recognised as potential victims, instead of being criminalised and punished as perpetrators of a crime and being sent to prison. The line between victim and offender is sometimes fluid, for example if someone knew that they were not allowed to work legally in Switzerland and primarily entered into an employment relationship “voluntarily”.

**“It is important that the people concerned are recognised as potential victims, instead of being punished as perpetrators of a crime and being sent to prison.”**

If exploitation occurs later on within this employment relationship, it is almost impossible in Switzerland for the person concerned to report it without being prosecuted under immigration law. This happens even though the Council of Europe Convention explicitly rules that knowing consent to working illegally should not play a part in the eventuality of exploitation resulting from it. Sometimes it is also the case that a person has been a victim of human trafficking for years and ultimately “moves up” within the network, recruits or controls people, and takes money from them, etc. However, in Switzerland, it is not only victims of human trafficking

who are criminalised, having been prosecuted for criminal acts due to their exploitation situation.

It is fairly common for FIZ clients to be fined and prosecuted for transgressing immigration law. Sex workers in particular are systematically checked and fined. If this happens to them several times, they may be subject to an entry ban, which is what occurred for Tamina. Even taking a tram without a ticket can result in a penalty order for a breach of immigration law. In

the case of domestic violence, it is not uncommon for a person whose stay is tied to marriage with a Swiss citizen to be immediately

reported to the migration office by him/her as “gone underground” if they leave them. This means that they lose their residence permit. Anyone who is in Switzerland without papers and has become a victim of a crime runs the risk of having to leave Switzerland if they report it. Dealing with such situations is part of everyday life for both FIZ clients and counsellors. In an interview for this magazine (from p. 6) the two counsellors Ruth Eigenmann and Chantal Riedo agree that “it is absolutely crucial to have access to advice centres that can help us understand what a person is facing and what can be done”.

\* Name changed.

<sup>1</sup> Art. 26 of the Council of Europe Convention on Action against Trafficking in Human Beings: “Provision on exemption from punishment: each contract party shall, in accordance with the principles of its legal system, provide for the option not to penalise victims for their participation in unlawful acts to the extent that they have been coerced to do so.” Accessible at: <https://www.fedlex.admin.ch/eli/cc/2013/94/de>.

# Guest articles

## Stephanie Motz

Lawyer and lecturer in International Migration Law at the University of Lucerne

“Theft, begging, drug trafficking and other so-called irregular fields of activity are among the “economic sectors” in Switzerland in which the exploitation of workers and human trafficking is most commonly to be found. In my work as a lawyer, I observe how authorities, courts and legal representatives in particular do not identify victims of human trafficking as such, especially in this area.

“There is an urgent requirement for public prosecutors and courts, as well as asylum and migration authorities, to raise their awareness of victims of human trafficking in this area.”

Instead, the victims are prosecuted for the crimes that the traffickers systematically force them to commit. Difficulties arise with identification, not least because such victims outwardly appear to be particularly self-confident and even aggressive. They have been regularly trained by the perpetrators not only in committing crimes, but also in preparing for police arrests and criminal proceedings, and they may come across as hardened. However, they are often traumatised and have experienced severe violence at the hands of human traffickers. The perpetrators are known for their willingness to use violence in this respect. A list of indicators from fedpol provides helpful evidence for this. Being underage or appearing to be is a clear indication, along with distance from home, lack of identity papers and unclear information about the family or carer. But multiple imprisonment in different countries for the same type of offence without an increase in the level of seriousness is also an indicator of human trafficking. This is because there is usually an escalation in severity with repeat offenders. Crimes committed internationally that are consistent in terms of grievousness and type are an indicator that the criminal activity is organised by third parties. The criminal conviction of such human trafficking victims for crimes committed under coercion breaches the non-punishment principle, which prohibits criminalisation in this way (Art. 26 ECHR). It is time that these victims were prevented from being turned into perpetrators themselves and were able to exercise their human rights.”

## Marc Spescha

Lawyer and Titular Professor for Migration Law at the University of Fribourg

“Under the old Federal Act on Foreign Nationals (ANAG), which was in force up to the end of 2007, it was possible to deport foreign nationals from Switzerland because they were receiving social assistance. However, deportations were in fact very rare. From 1 January 2008, the Aliens Act (AuG) explicitly considered receipt of social assistance as grounds for revoking a permit with subsequent deportation of the person concerned. Receipt of social assistance was legally equated with criminal offences, for which permits could also be withdrawn. The replacement of the Aliens Act with the Foreigners and Integration Act (AIG) on 1 January 2019 saw the regulation being tightened further in terms of the so-called revocation when in receipt of social assistance. Even people with a settlement permit can be deported after 15 years of residence in Switzerland due to receiving social assistance, thereby losing their residence. The parliamentary discussions, however, didn’t focus on recipients of social assistance in a discretionary way but concerned primarily recipients who can be accused of manifestly refusing to work. The now established practice of how this is handled shows: firstly, receipt of social assistance is judged to be self-imposed even in cases that are significantly below the threshold defined by the legislature. Secondly, many social welfare recipients are faced with deportation from Switzerland. This also affects people who are in poor health, have lived in Switzerland for many years, are married to Swiss citizens, have children who grew up here or are single parents. Due to the correspondingly harsh practical application, receipt of social assistance is viewed as a non-serious crime in the context of migration law.

“Switzerland, with its rigid sanctions, is the inglorious leader in comparison with other European countries.”

Although recipients of social assistance do not seriously affect the economic well-being of our wealthy country, it is often asserted in a somewhat offhand way that there is an overriding public interest in their being deported from our country. This disproportionate judgment is sometimes even defended by the Federal Court. It is a callous practice in migration law that is beyond comprehension in view of the “humanitarian tradition” that is often invoked regarding Switzerland. Also, the preamble to the federal constitution states that “the strength of the people is measured by the well-being of the weak”.

## Rebecca Angelini

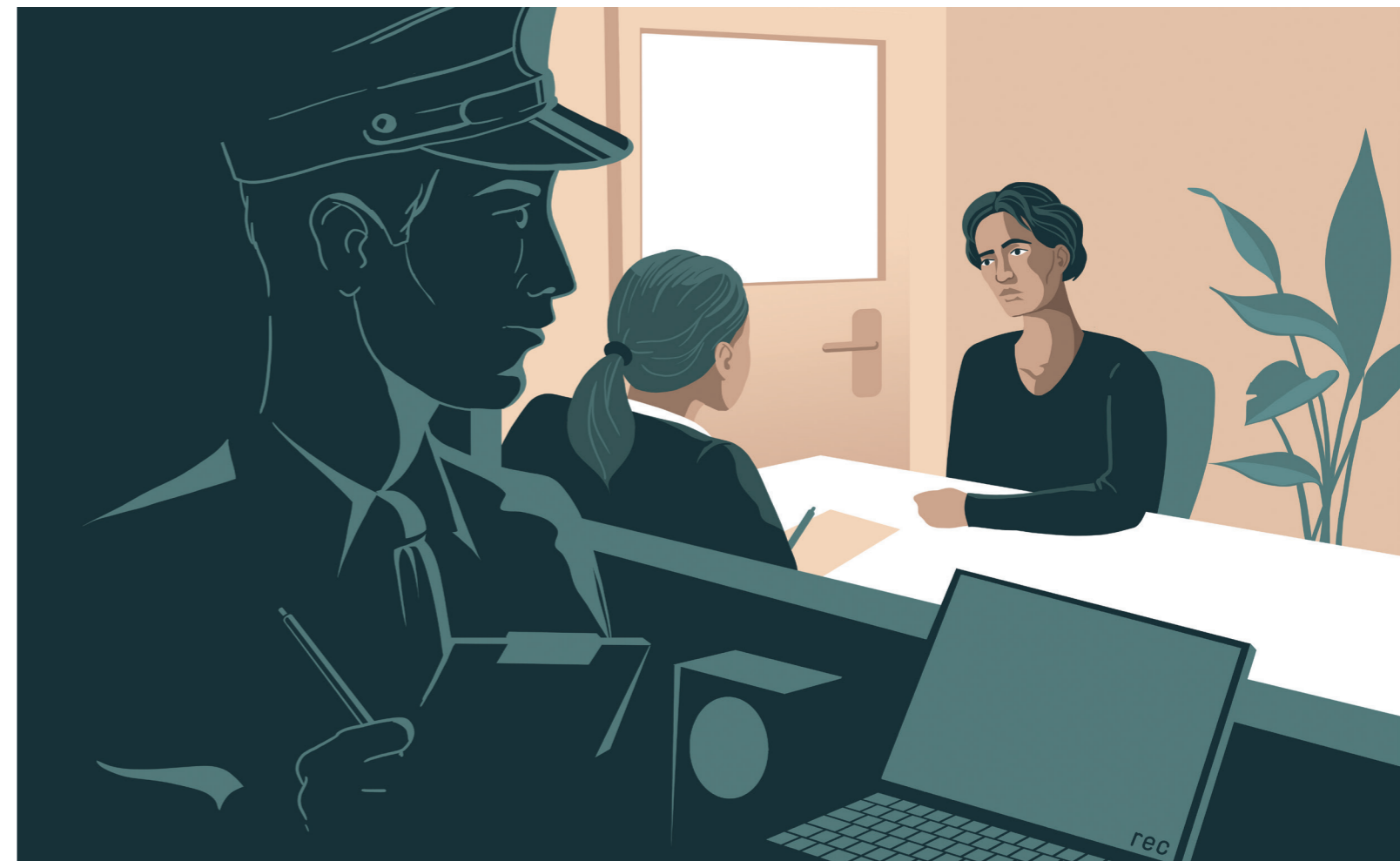
Managing director of ProCoRe

“Sex work is legal work in Switzerland. Nevertheless, many sex workers tell us about their fear and uncertainty when dealing with the police. A sex worker from Portugal who works on Langstrasse in Zurich recently told me: “The police treat us like criminals. The officials simply don’t understand that, just like them, we are only doing our job.” There is a very strong police presence, depending on where the sex workers are operating.

“Official checks should focus on the working conditions rather than the migration status of sex workers.”

Sex workers often experience repression and hostility from the police and other authorities in their everyday lives. This understandably reduces their trust in the police and other state institutions. Many sex workers see it as solely their own responsibility to protect themselves, or they rely on their work colleagues. They would not go to the police, even if they have been victims of violence, for fear of being fined or facing consequences under immigration law.

And with good reason. According to estimates, up to 90 percent of sex workers in Switzerland are migrants. The combination of prostitution and migration regulations serves the authorities as an efficient tool for containment, and this is borne out by our experience in practice. In certain cantons, EU citizens are also threatened with deportation from Switzerland, and with entry bans lasting several years, if they have received several fines. For example, if they have solicited clients outside the permitted zone. Set at five days, the appeal deadline is very short, so that there is barely any time for them to defend themselves against this disproportionate, wrongful practice. In this repressive official reasoning, checks and sanctions appear to be sensible solutions to a problem that they consider is otherwise not possible to control. But sex work is legal work. And sex workers have rights. Official checks should focus on the working conditions rather than the migration status of sex workers. In the long term, this would also improve the trust sex workers have in the police and authorities. They would increasingly demand their rights and report injustices they have experienced, instead of cynically having to work through the many fines that accumulate into debts through sex work, which is the reality of the current situation.”



## Interview

# Taking up a position in favour of people who have been criminalised

**Chantal Riedo is a counsellor in the field of advice for migrants, and Ruth Eigenmann is a counsellor in the area of protection for victims of human trafficking. They reveal in an interview how the criminalisation of migrants affected by violence or victims of human trafficking impacts their clients and their daily work.**

## What does the criminalisation experienced by FIZ clients look like?

**Chantal Riedo:** The most extreme example was a client who wanted to bring charges for domestic violence. She was taken straight into police custody and was subjected to a strip search. She was in Switzerland legally but her permit was still pending. The police were unable to contact the migration office as it was the weekend, so she had to spend the night at the police station. She was only allowed to leave when the police received the information the next day that there were no problems with her residence permit.

**Ruth Eigenmann:** One of my clients was asked to show a ticket on the tram and she did not have one. She was frightened as the inspection triggered bad memories and feelings associated with them, which meant she was unable to tell the inspector her name or where she lived. The police were then called, and they issued her with a summons for criminal proceedings relating to an offence under immigration law. This occurred despite the fact that when the police enquired with the migration office, they were told that she was a victim of human trafficking and was living in emergency accommodation in Switzerland with her baby. This was due to Italy currently refusing to take people back based on the terms of the Dublin Agreement. I then contacted the police and explained the situation again: the SEM and the Federal Administrative Court decided that she had to return to Italy. However, as a result of the Italian government's refusal, the migration office cannot arrange for them to go back to Italy. Nevertheless, the stance of the police and the migration office was clear: they believed they still had the opportunity to travel to Italy "voluntarily". But I don't think she can be expected to willingly return to the place where she was exploited, to a country that doesn't want her back and doesn't support her or her baby in this difficult situation.

## Are there any other forms of criminalisation besides the issue of immigration law?

**Ruth Eigenmann:** Yes, I had a client who was in the process of seeking asylum. We had evidence that he had been identified

as a child trafficking victim in another European country and that he was still a minor. He didn't show up for our appointments. Months later we learned he was in an adult prison, facing charges of theft and criminal damage. During various visits to the prison, I learned that the perpetrators had also tracked him down here in Switzerland and forced him to steal and hand over the proceeds. The police caught him, and he was allocated a court-appointed counsel whom he did not trust and who did not introduce human trafficking into the criminal proceedings. Donations then enabled us to engage a specialist lawyer who did incorporate trafficking into the criminal proceedings. However, it was difficult because the person concerned did not want to testify against the perpetrators. This was because they threatened to harm his younger sister, who still lived in the country of origin. Nevertheless, at least the human trafficking factor could be brought in, thereby avoiding deportation from the country.

**Chantal Riedo:** Sex workers are often fined if they work in places where this is not permitted. If a sex worker from an EU/EFTA country receives a certain number of fines, she will be deported and will not be allowed to enter Switzerland for several years. However, repeated police checks only occur among very specific groups of people, i.e. sex workers and beggars. Nevertheless, if a foreign private banker, for example, is issued with parking fines six times and then receives another reporting of an offence due to being drunk and disorderly, he is a long way from being threatened with an entry ban. This represents huge discrimination against certain groups of people who, from the police point of view, are disrupting public safety and order. For people from third countries who are not allowed to work here, it is even more extreme: they receive a penalty order for illegal employment straight away and are obliged to leave Switzerland within 24 hours. In these cases, everything happens so quickly that it is virtually impossible to take legal action, even if the person has been falsely accused. In the event of an appeal, they must bear the entire cost risk. So, the idea is that they had better leave and comply, even if it may not be legal, otherwise they will end up with a pile of debts.

## So, who is responsible for this criminalisation of your clients??

**Chantal Riedo:** It is a number of institutions and people: the migration office, the police, the legislature, the SEM, landlords, husbands, customers and so on.

**Ruth Eigenmann:** Also, I notice that victims of human trafficking are often criminalised in criminal proceedings. It is clear that someone has become a victim of human trafficking but at the same time has been staying in Switzerland illegally. Although this matter is suspended during the criminal proceedings, it is reopened at the end and fines are imposed for it. In other cases, those affected knowingly commit a criminal offence because, for example, they admit to being employed in Switzerland even though they are not legally allowed to live or work here. If exploitation then occurs, you would have to be able to say: it is not in dispute that they have committed a criminal offence, but it has been overturned because there is another offence that is much more serious.



## Do your clients report it if they themselves become victims of crimes?

**Chantal Riedo:** When filing a criminal complaint, people without papers risk being deported from Switzerland. This means that they are totally unprotected. It is a little different for people from the EU/EFTA area. I recently had a client who was raped, and this was given greater weight than the fact that she worked here in Switzerland without a notification procedure.

## What does this mean for your clients?

**Ruth Eigenmann:** Their freedom of movement is severely restricted. It's alarming and unsettling. There's the case of a client who travelled on the tram without a ticket, and a few days later a police squad in full gear came to the emergency shelter to hand her a fine of CHF 190 from the governor's office. She was totally shocked and asked me: "Do they do that to everyone, or is it just me?"

**Chantal Riedo:** The clients behave extremely strategically. This leads to hyper-vigilance and constant stress because they scan and observe their surroundings non-stop. They feel constantly controlled and monitored.

## What would it take to ensure they are better protected from criminalisation? For example, would it help if individual authorities were made aware of the issue?

**Chantal Riedo:** This cannot be achieved through awareness alone. Anything that occurs at the discretion of a single person creates inequality. This is why clear laws and processes are required. In my view, the non-punishment principle that is in place for victims of human trafficking must be expanded. This would mean that even for people living here illegally, the crime experienced is given greater weight than the illegal residence. At the same time, it is essential that those affected are able to seek help from free advice centres. Due to language problems alone, they often do not understand what they are facing or what they have to do about it.

**Ruth Eigenmann:** It is extremely important that someone stands up for them. We can't always alter the result ourselves, but we can offer support and explain to them what to do next. When they are fined, I would like to see them network with a specialist body that can provide support.

**Chantal Riedo:** Even if we cannot change the situation in our capacity as a counselling centre, it's important for clients that they are heard as a person and can see that their drama and the tragedy they are experiencing at that time is being noticed.

Guest article by Ursina Storrer

# The policy of “crimmigration”

Using the concept of “crimmigration”, the combination of “criminalisation” and “migration”, Ursina Storrer shows how the experiences of our clients in everyday life are part of a current larger global political trend.

Imagine: a prison, 222 cells for 500 people, floating on the sea. What sounds like dystopian science fiction is becoming a reality. The British Home Office has already interned the first asylum seekers on the tanker “Bibby Stockholm”. The official justification deems this to be cost-effective for British taxpayers. However, the prison ship is much more than this; it is a mobile bastion of migration defence.

And it is therefore an expression of two common trends in the Global North: militarisation and the outsourcing of borders. Asylum procedures are carried out quickly at external borders, provided that refugees do not fall victim to a push-back, as has been widely documented in Greece, or end up in a camp within a country in the Global South. These developments are summarised under the term “crimmigration”. This happens at the interface of migration and criminal law. In Switzerland, for example, this is characterised by administrative detention under immigration law. The aim is to detain rejected asylum seekers in order to ensure they are deported. The crime is “illegal” residence. There are also moral-philosophical questions such as: is criminalisation morally justifiable? Is it criminalisation even if there is no criminal prosecution? Another example: in Switzerland, receiving social assistance sometimes has direct consequences on the residence status (see text on page 4). People without a Swiss passport can be deported from the country because they receive social assistance. While few would argue that it is a crime to be in receipt of social assistance, current law

points to a brutal political consensus: poverty is punished. The situation is similar when it comes to migration. It is fine where it increases the profits of global companies. However, if you don't have any documents or you have the wrong

“Crimmigration is a decidedly political practice. Legal work for those affected too.”

documents instead of a job at Google, you are obliged to leave. Philosophers who uphold the right of sovereign states to control migration see criminalisation as a necessary evil. Ultimately, the argument goes that those who come or stay illegally should be criminalised. Others place greater emphasis on people's rights: migrant people, for example, should neither be prosecuted for crimes committed in conditions of exploitation nor should their residence status be threatened, irrespective of state sovereignty. This focus on human rights is important and correct. But it also has its limits. These can be understood through Marxist and anti-imperialist writers such as Angela Davis and Harsha Walia: even if it is politically upheld that all people should be equal, not everyone is. We are born into a world in which origin, race, gender, language, social status, etc. are reasons for unequal treatment. The structures and causes of this unequal treatment are not a fault in the social order, but rather what constitutes the core of structural unequal treatment, in Switzerland too. Legislatures use migration, criminal and employment law to maintain this order. The politically

constructed distinction between illegal and legal migration, the involvement of Swiss companies in raw materials businesses in the Global South or the asylum policy already mentioned symbolise this targeted policy of criminal migration at the expense of particularly vulnerable people. Anyone who advocates for marginalised groups within this system must defend their rights. At the same time, individual rights can never be the only aim as long as we live in a construct that cannot do without borders and oppression. Crimmigration is a decidedly political practice. Legal work for those affected too.



**Ursina Storrer** completed her master's degree in political science and modern history at the University of Zurich with the thesis “Crimmigration: A Philosophical Inquiry into a Political Phenomenon”. She is currently doing an internship at AsyLex, an NGO that provides unpaid legal work for refugees.

Approaches to solutions based on specific experiences

# What those affected need

If the enforcement of residence or employment regulations is prioritised over the fundamental rights of people, many of those without legal residence status or work permits do not have access to their rights (including fair trial, reporting crimes, etc.). The effects of such a policy are fatal for many people affected by human trafficking, migrant people, entire families and society as a whole. The following basic and specific solutions should be in place to counter this:

## Non-punishment principle

The non-punishment principle means that according to international law, there should be no punishment for crimes or offences committed by victims in connection with human trafficking. These include, for example, possession of forged identification documents, participation in illegal activities and undeclared employment, even if those involved have consented to this. The non-punishment principle is a key factor in protecting those affected by human trafficking and their rights. It is defined and regulated in the context of human trafficking in Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings.

## Firewall principle

If people with illegal residence try to report violence or exploitation to the authorities or take advantage of basic services (such as sending children to primary school, seeing a doctor, etc.), they run the risk of being reported, detained and deported. As a result, those involved are made into victims time and again. A so-called firewall as a protective mechanism can prevent this. For example, the firewall ensures that victims who report a crime to the police can remain anonymous when doing so. Or it can be guaranteed that information about those involved is not passed on (for example to the migration office). Crimes can be properly investigated using a firewall, and perpetrators can be held accountable, even where victims are staying illegally.

## General

- Create legal and safe migration paths.
- Provide low-threshold access to specialist victim protection organisations and other advice centres.
- Ensure that migration and criminal law are completely separate.

## Non-punishment

- The non-punishment principle needs to be explicitly embedded in Swiss law.
- The non-punishment principle must be consistently applied to victims of human trafficking.
- “Trafficking in human beings for the purpose of criminal acts” as a form of exploitation should be expressly mentioned as a type of human trafficking in the Criminal Code under Article 182.
- Clear processes and a victim-sensitive human trafficking policy are required in order to avoid criminal proceedings for illegal activities or residence at an early stage.
- The connection between coercion, emergency situations and criminal activities must be taken into account in criminal prosecutions.
- Explicit criminalisation of human trafficking for the purpose of criminal acts is essential.
- Law enforcement authorities should be made more aware of the non-punishment principle under international law.

## Andere migrations- und arbeitsrechtliche Bereiche

- It should be possible for a victim to report an act of violence or exploitation without being deported for residing illegally (application of the firewall principle, see left).
- In criminal proceedings in which the plaintiff is living illegally in Switzerland, an arranged stay should be granted for the duration of the criminal proceedings.
- Expansion of the non-punishment principle to other crimes and target groups, for example, for particularly vulnerable people or people living in very precarious situations. For these people, the risk of committing criminal acts due to an emergency situation (residence, lack of money, twist of fate, etc.) is particularly high.

# FIZ goes on strike: Jin, Jiyan, Azadî!

Preparations for the Switzerland-wide feminist strike have been underway at FIZ since the winter under the slogan "FIZ joins the strike". At the start of a year of activist strikes, we made and painted demonstration signs with clients in various workshops. We were inspired by black and white pictures from 1991 and we also decided to use colour. There was no lack of demands and creativity. The signs were used to create a photo project to capture our clients' messages and convey them to the outside world.

However, appearing publicly and being recognisable in photos is a privilege that is impossible for many of our clients.

Members of the public lent them their voice and face so that they could publish their messages anyway. Today, six postcards capture a selection of the signs and declare the demands of our clients. It is clear to our clients and employees: there are many reasons to fight

for our rights and to be outspoken on 14 June. Our answering machine message on 14 June 2023 was: "FIZ is on strike today and you can only reach us via the emergency number. Here's to the good fight!" We stopped working, enjoyed a big brunch and then started the strike day with our clients.

The FIZ kitchen was transformed into a place of discussion and recuperation, complete with protest songs, purple paint and stick-on feminist tattoos. Stories about past strikes, current actions, and speculation about the number of demonstrators that

evening were busily shared. We started the FIZ afternoon activity strong and went through Altstetten with a colourful refreshments cart. This was loaded up with iced coffee and ice cream to show women and genderqueer people who cannot strike that we see them and to thank them for their important work. With the cart suitably laden, we visited workers in largely female sectors such as a kindergarten, a nursing home, medical services and food and clothing stores. Great enthusiasm, thirst and hunger prevailed all round and everything in the cart was soon gone, despite repeated restocking. In the evening, we formed a FIZ block in the demonstration behind a banner emblazoned with "Woman, Life, Freedom" in the languages of our clients. This was derived from "Jin, Jiyan, Azadî", the slogan of the Kurdish freedom movement. This showed our solidarity with the feminist freedom movement in Iran since 2022. The fact

that FIZ was recognised by many demonstrators who appreciate our work will stay with us well beyond 14 June. The same applies to the Prosecco cart that was used to collect donations for us. It was a long and tiring strike day, but it enabled us all to find renewed energy for the feminist struggles that we encounter at work and in everyday life. These are battles that are not won as quickly as we would like, unfortunately. It was therefore all the more important for us to see on this 14 June that there we are strong in numbers and will continue to speak out together.

"FIZ is on strike today and you can only reach us via the emergency number. Here's to the good fight!"



© Foto: FIZ

# GRETA monitors Switzerland

The Council of Europe's "Group of Experts on Action against Trafficking in Human Beings", or GRETA for short, is monitoring Switzerland's implementation of the Convention on Action against Trafficking in Human Beings for the third time this year. They also met with FIZ as part of their visit to the country.

The Swiss government first had to complete a questionnaire that it received from GRETA for the monitoring in the spring. At the same time, FIZ wrote an NGO shadow report in conjunction with Plateforme Traite that reflects the experiences of the victim protection organisations. This process is an opportunity for them to clarify where the major problems lie when it comes to victim protection, and the extent to which protection for those affected by human trafficking is inadequate due to the lack of political will. In August, a GRETA delegation visited Switzerland and held discussions with NGOs, victim advocates and various federal and cantonal authorities. In this third evaluation round, GRETA focused on the topic of access to justice.

#### Plateforme Traite drew attention to the following difficulties:

- Although the members of Plateforme Traite collectively support several hundred victims of human trafficking every year, only very few criminal proceedings are brought against the perpetrators. Stumbling blocks include the lack of awareness among prosecution authorities and the fact that the definition of human trafficking, as set out in international conventions, is still not well known.
- It is extremely difficult for those affected by human trafficking to obtain adequate compensation for the huge suffering experienced, or recompense for unpaid wages while subject to exploitation.
- Too often, the non-punishment principle is not respected: victims are penalised for acts that they committed while enduring exploitation, for example because they stayed in Switzerland without a residence permit.

We also made it clear to the delegation that, unfortunately, many of the gaps in victim protection for which Switzerland was criticised in the previous GRETA evaluation rounds still exist:

- If the exploitation took place abroad, those involved are still not entitled to support from victim assistance (see FIZ Magazine 2021). This affects victims of human trafficking in the field of asylum in particular.
- There continues to be very little awareness of the problem of child trafficking, and the rights of underage victims are repeatedly contravened by Swiss authorities.
- After the visit, the delegation will write a report with recommendations to Switzerland, which is expected to be adopted by the Council of Europe in spring 2024. We very much hope that our comments will be incorporated, and that Switzerland will close the major gaps in victim protection in the coming years.

"The monitoring process is an opportunity for the victim protection organisations to clarify where the major problems lie when it comes to victim protection."

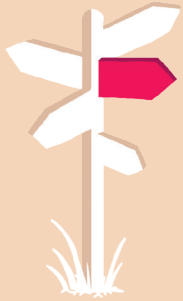
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# For the rights of migrants



We give victims of human trafficking, violence and exploitation access to their rights.



We support migrants with advocacy, advice and support.



We fight against the criminalisation of our clients.

## Thank you for backing us in this.

# FIZ

- **Advocacy and support for migrant women and victims of trafficking**

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