



Schweizerische Eidgenossenschaft  
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Federal Department of Justice and Police FDJP  
Federal Office of Police fedpol  
Directorate Staff Office  
Swiss Coordination Unit against the Trafficking in Persons  
and Smuggling of Migrants (KSMM)



## **National Action Plan to Fight Human Trafficking**

**2012 - 2014**

**Approved by the KSMM Steering Committee on 1 October 2012**

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### **1. Why we need a National Action Plan**

Human trafficking is a complex crime and constitutes a serious violation of human rights. There are various forms of human trafficking, mostly transnational in nature. A characteristic feature of human trafficking is that victims are robbed of their right to self-determination, and are trafficked and utilised as goods.

Switzerland has not been spared from human trafficking. Our country is a transit and target country for trafficking victims from various countries. It is crucial that traffickers be brought to justice. Moreover, it is our duty to make all necessary and possible provision to prevent this human rights' violation, and protect and support victims.

Fighting human trafficking is the task of a whole range of governmental and non-governmental agencies. The Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM) brings together numerous federal and cantonal agencies, and non-governmental and inter-governmental organisations which have been assigned the task of fighting human trafficking and migrant smuggling. Its mandate is to develop national strategies and plans to tackle these two crimes. Up to now, the KSMM has compiled a bi-annual list of priorities, directed at representatives of government bodies and organisations on the KSMM Steering Committee. This National Action Plan follows an international move to identify the need for action against human trafficking on a national level, and to outline strategies and efforts to combat it for the benefit of the general public. The reasons for compiling a National Action plan are evident in its objectives, namely:

- to identify the need for action against human trafficking in Switzerland;
- to specify strategic focal points in combating this form of crime in the coming years;
- to clarify which cantonal and federal agencies are mainly responsible for combating human trafficking;
- to be conducive in implementing international obligations and recommendations made by the competent supervisory bodies<sup>1</sup>;
- to demonstrate Switzerland's will to take decisive action against human trafficking.

Government bodies and organisations represented in the KSMM are bound the National Action Plan to Fight Human Trafficking to fighting human trafficking. The Plan may also inspire other government bodies or organisations not represented in the KSMM to take measures

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<sup>1</sup> Primarily the European Convention on Human Rights (ECHR), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Convention of the Elimination of All Forms of Discrimination against Women and the CEDAW Recommendations of 2009, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and the Recommendations of the UN Committee on Economic, Social and Cultural Rights of 2010, and the European Convention on Action against Trafficking in Human Beings dated 16 May 2005, following ratification.

against human trafficking, thereby acting as a political programme whose impact reaches beyond the scope of the KSMM's activities. The KSMM Steering Committee will be responsible for examining and assessing compliance with the actions specified in the National Action Plan and adapting them to new developments accordingly. This compliance assessment is not to be confused with the evaluation (Action 6b) carried out by the Swiss Competence Centre for Human Rights and the KSMM of the overall progress made in Switzerland in fighting human trafficking as a result of the long-term impact of the National Action Plan, of the activities of third parties and of national developments.

## 2. Comprehensive strategy for fighting human trafficking

The starting point for fighting human trafficking in Switzerland is the definition of trafficking in persons under Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, which supplements the UN Convention against Transnational Organized Crime<sup>2</sup>. Switzerland ratified the Protocol in October 2006 and, at the same time, amended the definition of human trafficking in the Swiss Criminal Code<sup>3</sup> to bring it into line with Article 3<sup>4</sup>.

Fighting human trafficking does not only mean prosecuting traffickers. Rather, it is a multidisciplinary challenge that places assistance to victims at the centre of all action. Switzerland's measures against human trafficking are based on four pillars: **prevention, prosecution, protection of victims and partnership**<sup>5</sup>. These four areas therefore form the starting point of all strategic considerations and are in keeping with international practice, ensuring a multi-layered course of action against trafficking in, and the exploitation of human beings.

The thrust of Switzerland's strategy for fighting human trafficking is fourfold:

- **to increase public awareness and information** to highlight that human trafficking is a social problem that cannot be tolerated, and **raise awareness amongst specialists and provide them with better information** to equip them with greater skills to fight this form of crime;
- **to intensify the prosecution of traffickers** as a credible deterrent against human trafficking and to underscore that the exploitation of human beings does not pay off;
- **to improve the identification of victims, and provide better assistance and greater protection** to help alleviate the consequences of the injustice they have suffered, and to help them assert their rights and facilitate their return into society;
- **to strengthen co-operation with partners in Switzerland and abroad**, since only a multidisciplinary, co-ordinated and joint response can help combat human trafficking.

Many countries around the world are affected by human trafficking. As a result, a multitude of standards and best practices have been developed at international level, based on the UN Convention against Transnational Organized Crime. The standards have been developed by international organisations in which Switzerland is represented. They either take the form of recommendations or they are incorporated into international agreements such as the European Convention on Action against Trafficking in Human Beings. Since the KSMM was established, its strategic tasks have consisted of identifying areas requiring action against human trafficking in Switzerland and examining whether the various international standards and best practices should be implemented at national level: for example, the provisions on residence permits contained in the European Convention on Action against Trafficking in Human

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<sup>2</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

<sup>3</sup> Art. 182 SCC

<sup>4</sup> For a definition of labour exploitation see also the Forced Labour Convention (C29)

<sup>5</sup> In international terminology the 4 "p's" for fighting human trafficking are "Prevention, Prosecution, Protection, Partnership".

Beings were promptly adopted by Switzerland and incorporated into the Federal Act on Foreign Nationals. International standards and best practices are based on the above-mentioned fourfold strategy and will continue to form the basis of the KSMM's strategic tasks. Switzerland's National Action Plan follows this concept, although some actions may not be strictly ascribed to one particular "pillar".

### **3. Actions 2012 - 2014 in detail**

#### **3.1 Prevention and other measures**

In this National Action Plan, all measures – including those in the field of prevention – are aimed at extending the statutory provisions for fighting human trafficking, at combating this phenomenon through raising public awareness and improving the level of information, and at broadening knowledge about human trafficking in Switzerland and the reasons why people are trafficked.

The proposals for ratification of the Council of Europe Convention on Action against Human Trafficking and the run-up to enactment of the Federal Act on Extra-Procedural Witness Protection constitute the latest milestones towards comprehensive legislation against human trafficking. The draft bill was approved by the Swiss Parliament on 23 December 2011. This further development thus reflects the express will of both the Federal Council and Parliament to take decisive action against human trafficking. In 2014, the Convention's monitoring body – GRETA<sup>6</sup> – will conduct a survey of Switzerland's measures against human trafficking. KSMM will be GRETA's contact and co-ordinate the evaluation.

By ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Switzerland has committed itself to making the payment in cash or kind of minors for sexual services and the incitement of minors into prostitution criminal offences. The appropriate amendment to the Swiss Criminal Code as part of the ratification process fulfils political expectations and illustrates that Switzerland takes criticism from abroad seriously (Action 1). The Federal Council approved the report to Parliament on 4 July 2012.

There are various means of raising awareness of human trafficking in Switzerland. These include special events, conferences, workshops, publications, training courses and media relations. Many of the bodies represented in the KSMM are involved in awareness-raising and this will continue to be the case in future (Action 4). One of the reasons why only one nationwide campaign has been conducted up to now is the huge challenge of carrying out such an undertaking on a national level.<sup>7</sup> It is not sufficient merely to point out that human trafficking exists; there must be an appropriate reference point for conducting a campaign, such as a specific event or the discovery of a new form of human trafficking. The campaign must also target a specific group and have a central theme. This basic groundwork is to be conducted in future by a new working group (Action 3). Moreover, a national awareness campaign requires the involvement of federal agencies: a new implementing regulation on Article 386 of the Swiss Criminal Code will provide the statutory provisions for widespread preventive action by federal agencies against human trafficking (Action 2). Besides the funding of public awareness campaigns, the new implementing regulation will also provide for financial contributions to NGOs whose activities help to prevent former victims falling back into the clutches of traffickers.

Prevention also includes learning more about human trafficking and its various forms, and making this knowledge available to all parties involved in combating it, so that operational and strategic measures can be adapted to ongoing developments. To acquire this knowledge

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<sup>6</sup> Group of Experts on Action against Trafficking in Human Beings

<sup>7</sup> A national awareness campaign was carried out on the occasion of the 2008 European Football Championship by private organisations and with the financial support of the Confederation made possible by a special statutory provision.

a feasibility study must first be carried out on how to determine the extent of human trafficking in Switzerland (Action 6a). Since this involves examining illegal and therefore clandestine operations, the KSMM must first clarify how such a study can be carried out. Further useful information is expected from a scientific study on the extent of prostitution in Switzerland (Action 6c). And by expanding its information platform the KSMM hopes to provide useful documentation to strategic and operational bodies (Action 5).

In future, prevention will also be aimed increasingly at combating the exploitation of labour. The KSMM is currently compiling a set of guidelines defining what labour exploitation is and providing information on various aspects of combating this form of exploitation (Action 7). The guidelines are intended primarily as a tool for practitioners to help them identify cases of exploitation and as a means of raising awareness of this form of trafficking.

### **3.2 Prosecution and law enforcement**

Prosecuting human traffickers is usually the responsibility of the cantonal rather than the federal prosecution authorities. The reason for this is that the Swiss legal system provides only for federal jurisdiction if there is proof that the offence has been committed by a criminal organisation<sup>8</sup>. The legal requirements of what constitutes a criminal organisation are high and therefore no case has ever been assigned to federal jurisdiction because of insufficient evidence that a trafficker has acted as a member of a criminal organisation.

In the past, strategic measures in the field of prosecution have focussed primarily on improving the co-ordination of criminal proceedings in Switzerland and abroad, and on enhancing international police co-operation. To achieve these goals, a special unit for human trafficking and migrant smuggling was established within the Federal Criminal Police, a working group of cantonal police corps<sup>9</sup> was set up, co-operation with international police and law enforcement agencies (e.g. INTERPOL, Europol and Eurojust) was intensified, and police attachés were deployed abroad.

An important component in Switzerland's anti-human trafficking strategy is training. Since the introduction in 2007 of specialised instruction courses on combating human trafficking, about 150 specialists have been trained and appointed to various public prosecution offices and police corps. These courses will continue under the National Action Plan (Action 10). An important aspect of training is to ensure that victim assistance organisations and migration authorities are involved in the courses, and that the special needs of minor victims are included in the instruction. In view of new provisions in the Swiss Criminal Procedure Code, amongst other things on reinforcing the director of proceedings by the public prosecutor, it is also worth considering whether training courses for public prosecution authorities and police corps, which currently take place separately, should be merged in the future (Action 11). The police are critical of this development, however.

Raising human trafficking awareness amongst uniformed police in the cantonal police corps will help to ensure that potential victims are identified on initial contact and that police officers can initiate the appropriate measures (Action 12). It would be impossible and, indeed, is unnecessary to train all police officers in combating human trafficking in the specialised courses offered by the Swiss Police Institute (SPI). It is sufficient to instruct members of the security police and other police services on the phenomenon through modules in their basic training and in advanced training courses. This will enable them to identify instances of human trafficking and potential victims, and forward such cases to specialised criminal police divisions.

Appointing and training human trafficking within public prosecution offices will ensure that such cases are always handled by the same public prosecutors and that criminal investigations will therefore be more efficient and successful (Action 8). This principle also applies to

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<sup>8</sup> Art. 260ter SCC and the corresponding practice of the Federal Supreme Court.

<sup>9</sup> Working Group on Human Trafficking and Migrant Smuggling established by the Conference of Cantonal Police Commanders of Switzerland (CCPCS)

police officers who head criminal investigations and police operations. Since human trafficking investigations are too complex to be assigned to individual police officers, police corps must set aside sufficient resources for fighting this form of crime. This can be done either by forming special investigation units to investigate human trafficking cases or by appointing trafficking cases to special investigation units. Police corps should also strengthen cooperation with the Border Guard Corps (Action 9).

Human trafficking is usually carried out by well-structured criminal networks that are active in several cantons and have connections abroad. Since under Swiss law (Article 260<sup>ter</sup> SCC) cases of suspected human trafficking can only be assigned to federal jurisdiction if there is proof that the offence has been committed by a criminal organisation and the legal requirements of what constitutes a criminal organisation are high, most cases fall in the jurisdiction of the cantons. To avoid long drawn-out court proceedings between cantons and to utilise well-established contacts between federal prosecution authorities and their foreign counterparts, it is worth considering extending the scope of federal jurisdiction (Action 13). This would mean that federal jurisdiction would not be restricted to the initial investigations, but include management of the whole case up to the Federal Criminal Court, thereby relieving the cantons.

Human trafficking convictions are often criticised for the leniency of sentences and the number of suspended sentences imposed. It must be noted, however, that sentencing is the sole responsibility of the court trying the case, that Swiss law allows for custodial sentences of up to 20 years, and that a person can only be convicted if there is proof that the crime has been committed and that the person in question has committed the offence. Nevertheless, there has been a recent increase in the severity of punishments. One recent judgment from the canton of Zurich in July 2012 sentenced a trafficker to 14 years in prison, showing that Swiss law does indeed provide for harsh penalties. For these reasons the National Action Plan does not contain any measures on sentencing. The KSMM will continue to monitor the situation, however.

### **3.3 Victim protection**

The aims of victim protection are to identify people who have been subject to exploitation, and help them to break with their exploiters and to assert their rights. Victim protection measures include granting assistance to victims, regulating their stay in Switzerland, protecting them from their abusers, reintegrating them back into society and preventing them from renewed abuse by traffickers. In addition, victims are entitled to compensation and the payment of damages for the injustice they have suffered. The statutory provisions for victim protection are contained in a series of federal acts and cantonal regulations. The main provisions are in the Federal Act on the Provision of Support to Victims of Crime (Victim Support Act) and in the Federal Act on Foreign Nationals (Foreign Nationals Act). Provisions on the protection of victims and witnesses are also contained in the Swiss Criminal Procedure Code.

The cantons are responsible for enforcing both the Victim Support Act and The Foreign Nationals Act. They are in charge of protecting victims except in cases where federal protection becomes necessary (once the Witness Protection Act has come into force). There are considerable cantonal differences in the application of the law and hence in the substance of protection. In order to work towards a standard practice, a working group has been established and assigned the task of compiling a national protection programme for victims of human trafficking (Action 14). The programme will provide comprehensive information on existing instruments of victim protection, statutory provisions, and the scope and potential need for strategic action. The aim of the programme is to standardise cantonal practices, ensuring that victims throughout Switzerland are afforded proper protection.

Human trafficking victims often find themselves in a precarious situation after breaking with their abusers. This is particularly the case when they have been subject to continual sexual exploitation. Victims have special needs and therefore require special care as part of the

provisions of victim assistance. Law enforcement agencies (police and public prosecutors) must inform victims about victim assistance bureaus and what services they provide. It is important that in all cantons victim assistance – as defined under the Victim Assistance Act – is provided by people who are qualified to care for human trafficking victims (Action 15). Professional victim assistance may be provided either by an NGO that has been mandated to do so, or by specially trained staff from the cantonal victim assistance offices, or by joint cantonal advisory centres (Article 9 Victim Assistance Act). Continuing and expanding specialised training courses for these groups will facilitate the identification of victims and ensure their better care (Action 16) because experience shows that human trafficking victims come into contact with social services for a variety of reasons. It is therefore important that victim advisory centres and social services be able to identify victims and take appropriate measures.

So that migration authorities can assess the special situation of trafficking victims with regard to regulating their stay in Switzerland (period of reflection, short-term permit and/or personal hardship), they too must be given special training (Action 17). Also, the question of cantonal jurisdiction over granting a residence permit must be clarified: If a victim lives in a different canton from where their exploitation has taken place and where criminal proceedings against the perpetrators are possibly underway, the authorities must establish which canton is responsible for granting a residence permit (Action 18). The question of cantonal responsibility is important because it determines which municipality will ultimately have to bear the costs.

A growing phenomenon is the submission of asylum requests by people claiming to be victims of human trafficking. These asylum seekers usually originate from countries outside of Europe. They often claim to have been sexually exploited in a neighbouring country and to have seized the opportunity of escaping over the border into Switzerland. Identifying them as true victims of human trafficking is difficult. Such asylum requests raise the question of which canton or even which country is responsible for dealing with the request, and the question of police co-operation. By clarifying these questions, the correct measures can be adopted in each individual case (Action 19).

Victims of human trafficking in Switzerland include minors. Some are sexually exploited as prostitutes (for example, the case of young African girls in the recent past who applied for asylum seekers and then disappeared). Others are trafficked and exploited for their labour (organised begging and theft). The latter category has recently been the focus of greater media attention and has kindled increasing public interest. If children are not accompanied by their parents, they are classified as unaccompanied minors. In the case of unaccompanied minors who are trafficking victims, there is an overlapping of child protection and victim protection provisions, with the welfare of the child always the focal point when considering its future. The Swiss Child Protection Foundation, assisted by a multi-disciplinary working group, has been charged with compiling a list of recommendations for the competent cantonal authorities. The purpose of these recommendations is to facilitate future decision-making on how to proceed in the case of child trafficking victims (Action 20).

### **3.4 Partnership**

Co-operation – more specifically, strategic co-operation – between target or transit countries and trafficking victims' countries of origin is becoming increasingly important at international level. The purpose of international strategic co-operation is to facilitate the prosecution of traffickers and improve victim protection on an operative level.

One aspect of co-operation and partnership is the introduction of preventive measures in victims' countries of origin. These measures are intended to warn potential victims of the dangers of human trafficking. Switzerland funds various programmes, which are run by partner agencies (international organisations and NGOs) in victims' countries of origin and in close co-operation with local authorities (Action 21). The programmes are aimed at supporting these countries in combating human trafficking, leading ultimately to fewer victims in

Switzerland. Three agencies in Switzerland are responsible for these programmes. They co-ordinate their activities under international migration partnerships:

- Swiss Agency for Development and Co-operation SDC: the funding of anti-trafficking programmes differs depending on whether the programme is carried out in a European Union member state or a third country. Programmes in EU member states (focussing primarily on Hungary, Romania and Bulgaria) are funded through the Swiss enlargement contribution and provide support to state agencies or civil society organisations in fighting human trafficking. Projects and programmes in third countries are funded within the framework of development co-operation. Projects in countries of origin focus on preventing potential victims from getting caught up in trafficking, on ensuring that victims (including those that return home) have access to assistance and on providing protection. Assistance to countries of origin and transit countries is intended to support efforts by state and non-government agencies to combat human trafficking. The SDC's development co-operation is concentrated on Eastern Europe and the C.I.S. member states.
- Human Security Division: the Federal Department of Foreign Affairs' Human Security Division is responsible for implementing measures to promote peace and strengthen human rights. Its multilateral and bilateral commitment focuses on promoting international standards and policies in fighting human trafficking. This commitment includes funding strategic programmes as part of Switzerland's bilateral relations with third countries. The Division also promotes networking between Swiss and foreign partners, and performs a pivotal function between foreign and domestic policy.
- Federal Office for Migration FOM: Projects as part of structural aid under the Federal Asylum Act.

Co-operation between operative authorities and agencies does not happen automatically despite bilateral and multilateral agreements. Co-operation must be initiated, developed and strengthened on each new occasion, depending on the situation and the case in question. One important aspect of strengthening co-operation is promoting direct contact between the competent Swiss and local authorities and agencies. This can be done either through official political channels (Swiss embassies and SDC representatives) or through working groups set up specifically for this purpose; the Swiss-Romanian Working Group is an example of a group that was established specifically to deal with the increasing number of trafficking victims from Romania. Regular dialogue on human trafficking – for example in the form of international roundtable talks – also enhances international networking. Where there are no or only insufficient structures in place for co-operation, co-operation can be improved within the framework of migration partnerships. Migration partnerships are agreements that strengthen co-operation in the field of migration. The effects of strategic co-operation will ultimately be visible in co-ordinated and parallel criminal proceedings, and in the return and reintegration of victims (Action 22).

An important component of Switzerland's foreign policy on human rights is its participation in international bodies concerned with developing policies against human trafficking (Action 23). Switzerland's continuing commitment is based on the conviction that safeguarding fundamental freedoms and human rights enhances peace, development and stability.

Co-operation also takes place at national level. While the KSMM is responsible for developing and implementing strategies to combat human trafficking throughout Switzerland, the cantons are in charge of the operative implementation of anti-human trafficking measures. For this purpose, they need to establish interdisciplinary roundtable talks and conclude inter-cantonal co-operation agreements, which define the tasks, points of intersection and implementation measures of the various authorities and agencies involved in combating human trafficking. Roundtable talks within an established co-operation agreement are a regional tool to facilitate victim identification, victim protection and the prosecution of traffickers. Comparing the number of cases in cantons with or without co-operation agreements and their implementation illustrates that round tables are a prerequisite for combating human trafficking effectively on the operative level. However, although human trafficking presumably takes place in all cantons, only about half of all Swiss cantons have established roundtable talks to



date. At the behest of the *Stop the Sex Trade with Children and Young People* petitioners and the head of the Federal Department of Justice and Police, the necessity of establishing roundtable talks in all cantons was a topic of debate at the 2011 autumn session of the Cantonal Justice and Police Directors. For this reason it has not been included as a point in this National Action Plan. However, all parties represented in the KSMM are making appropriate efforts to promote the establishment of roundtable talks throughout Switzerland.

#### 4. Table of actions 2012 - 2014

No.	Action	Responsible party	Time-table	Indicator	Remarks
	<b>I. Prevention and other measures</b>				
1	<p><b>Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse</b></p> <p>Ratify the Convention.</p> <p>Criminalise using the sexual services of children against payment in cash or kind (minimum age for prostitution) and inciting children into prostitution.</p>	Federal Office of Justice (FOJ)	2014	<p>Convention has been ratified.</p> <p>Amendments to the Swiss Criminal Code have entered into force.</p>	<p>Milestones to date:</p> <ul style="list-style-type: none"> <li>- Consultation of 30 November 2011;</li> <li>- Parliamentary report approved by the Federal Council on 4 July 2012.</li> </ul> <p>Amendment of the Swiss Criminal Code as part of the Convention's ratification process.</p> <p>Support for the Federal Council in the parliamentary consultations.</p>
2	<p><b>Statutory provisions for preventive action at federal level</b></p> <p>Compile implementing regulations on Art. 386 SCC, which provide a legal basis for preventive federal measures against human trafficking.</p>	Federal Office of Police fedpol	2013	Preparation of implementing regulations in draft form.	<p>Preventive action should include the following measures:</p> <ul style="list-style-type: none"> <li>- Conducting/financing/participating in information and awareness by the federal authorities.</li> <li>- Conducting/financing/participating in scientific and research by the federal authorities;</li> <li>- Federal participation/financial support for organisations providing specialised victim care;</li> <li>- Federal participation/financial support for other organisations involved in preventive work;</li> <li>- Funding for training.</li> </ul>

3	<p><b>Public awareness campaigns on human trafficking</b></p>	<p>KSMM Permanent Secretariat</p>	<p>2014</p>	<p>Preparation of a conceptual plan.</p>	<p>Awareness campaigns draw public attention to the fact that Switzerland is affected by human trafficking and that counter-measures are necessary. Better awareness of the problem can help identify instances of exploitation. Campaigns on a supraregional or national level require a core theme, a message, a specific content, an organising body, and the correct timing (i.e. connection to a current topic/event). It is also necessary to define the basic principles of implementation.</p> <p>Campaigns should be conducted preferably under a Public-Private Partnership.</p> <p>The concept is to be developed by a KSMM working group.</p>
4	<p><b>Awareness-raising and information</b> Organise information events and expert meetings – either as public events or by invitation – on human trafficking for the purpose of all forms of exploitation.</p>	<p>All members of the KSMM Steering Committee as part of their respective fields of work</p>	<p>2014</p>	<p>All KSMM Steering Committee members should have carried out an internal or external information or awareness-raising campaign.</p>	<p>Information events, awareness-raising campaigns and training courses help to make those involved in fighting human trafficking and the public aware of the phenomenon of human trafficking and to train specialists to deal with the problem. The events must provide information on the different forms and facets of human trafficking in Switzerland and the measures adopted to fight it. Information must cover the exploitation of labour, the exploitation and protection of children, and the stay in Switzerland of trafficking victims.</p>

5	<b>Information platform</b> Develop and maintain the KSMM website as an information platform for fighting human trafficking.	KSMM Permanent Secretariat	2013	Publish evaluations of trafficking judgments in anonymous form in the closed section of the KSMM website for KSMM members.	All KSMM members should actively contribute information to the KSMM website that can be published either in its open or closed section.  Operational information for law enforcement agencies, on the other hand, is only accessible on the Federal Criminal Police's information system (Janus database).
6a	<b>Reports – Research</b> Conduct a feasibility study on evaluating the extent of human trafficking in Switzerland.	KSMM Permanent Secretariat	2013	Conclusion of reports	Human trafficking takes place in obscurity and there is no data on the phenomenon, especially on the number of victims. The purpose of a feasibility study is to determine whether it is possible to evaluate the extent of human trafficking in Switzerland and, if so, what methods can be used.  The progress report is intended as a monitoring report of improvements in combating human trafficking in Switzerland in the last five years. Its purpose is to provide information and pinpoint deficits. The last progress report was published by the KSMM in 2007.  Both the feasibility study and the progress report are to be compiled by the Swiss Competence Centre for Human Rights.  Because regulations governing prostitution fall under cantonal jurisdiction, there is no general data on prostitution in Switzerland. The purpose of the survey is to create a data basis and compile a situation analysis on prostitution in Switzerland.  The survey is to be carried out by the Criminal Institute of Zurich University with the support of cantonal police corps on behalf of the Swiss Crime Commission.
6b	Compile a progress report on fighting human trafficking in Switzerland.	KSMM Permanent Secretariat			
6c	Conduct a survey on the extent and characteristics of prostitution in Switzerland.	Conference of Cantonal Police Commanders of Switzerland (CCPCS)			

7	<p><b>Exploitation of labour</b></p> <p>Compile guidelines on fighting human trafficking for the purpose of labour exploitation. The guidelines are intended as a tool for identifying instances of exploitation.</p>	<p>KSMM Permanent Secretariat</p>	2013	<p>Approval of the guidelines by the KSMM Steering Committee.</p>	<p>Few cases of human trafficking for the purpose of labour exploitation have been identified up to now. This is because there is no clear distinction between the violation of labour laws and labour exploitation.</p> <p>Milestones to date: - Draft guidelines discussed at the end of 2009 in the KSMM Steering Committee.</p> <p>Guidelines to be completed by the KSMM network with the help of experts.</p>
<b>II. Prosecution and enforcement</b>					
8	<p><b>Specialists</b></p> <p>Appoint and train human trafficking specialists within law enforcement agencies (public prosecutors offices and police corps).</p>	<p>Conference of Swiss Prosecution Authorities CSPA (for public prosecutor's offices) and Conference of Cantonal Police Commanders of Switzerland CCPCS (for police corps)</p>	2013	<p>The conferences issue cantons with recommendations.</p>	<p>Prosecuting traffickers successfully requires trained specialists who are familiar with the particularities and challenges of human trafficking cases.</p> <p>Appointing sufficient resources is an important factor in dealing with such cases, which are invariably complex.</p>
9	<p><b>Investigation groups</b></p> <p>Establish investigation groups on human trafficking within criminal police divisions or delegate such tasks to special investigation divisions. Appoint the necessary resources within each police corps. Establish cross-cantonal investigation groups.</p>	<p>Conference of Cantonal Police Commanders of Switzerland CCPCS</p>	2013	<p>The CCPCS issues cantons with recommendations.</p>	<p>The cantonal police commandos are responsible for establishing investigation groups and for assigning tasks.</p> <p>Cross-cantonal investigation groups coordinate police work in geographically widespread cases. It is important that the Federal Criminal Police and Border Guard Corps participate in the groups.</p>

10	<p><b>Training I</b></p> <p>Continue specialised training for members of public prosecutor's offices, police forces and Border Guard Corps.</p>	<p>Conference of Cantonal Police Commanders of Switzerland CCPCS</p> <p>KSMM Permanent Secretariat for public prosecutor's offices</p>	ongoing	At least one training course annually for each target group.	<p>The Swiss Police Institute (SPI), the Competence Centre for Forensics and Economic Crime (CCFW) and the Ecole romande de magistrature pénale (ERMP) provide the training courses. These are based on their training courses for the German and French-speaking regions which they have run since 2007.</p> <p>Aim to improve co-operation between prosecuting authorities (judiciary and police) and with third parties through more courses for mixed target groups (public prosecutor's offices, police, victim assistance centres, victim representatives, migration offices, youth protection representatives, etc.) on various topics.</p> <p>There are also plans to offer basic and advanced courses.</p> <p>It is important to consider specific aspects of combating human trafficking, especially the question of impunity when a person has been forced to commit an offence. Other specific aspects include interdisciplinary co-operation, measures concerning child victims and the stay of victims in Switzerland.</p>
11	<p><b>Training II</b></p> <p>Consider merging training courses for public prosecutor's offices and police corps.</p>	<p>Conference of Swiss Prosecution Authorities CSPA</p>	2014	Report or implementation plan on merging training courses.	<p>The Swiss Code of Criminal Procedure, which has been in force since the beginning of 2011, contains new regulations on co-operation between public prosecutor's offices and police corps.</p>

12	<p><b>Increasing awareness among police forces and Border Guard Corps</b></p> <p>Transfer basic knowledge on human trafficking and facts arousing suspicion in the basic and advanced training courses for the whole of the police corps, especially the uniformed police.</p>	Conference of Cantonal Police Commanders of Switzerland CCPCS	2014	The CCPCS issues cantonal police corps with recommendations.	<p>The aim of training is to identify cases arousing suspicion and forward them to in-house specialists.</p> <p>Those who have already completed an SPI course can be involved in transferring knowledge within the police corps.</p>
13	<p><b>Jurisdiction for prosecution</b></p> <p>Consider extending federal jurisdiction to human trafficking cases.</p>	Federal Office of Justice (FOJ)	2013	Report on extending federal jurisdiction.	Human trafficking is carried out by networks on a transnational scale. Placing responsibility for prosecution under federal jurisdiction would facilitate the management of cases with intercantonal and international connections.
<b>III. Victim protection</b>					
14	<p><b>National victim protection programme</b></p> <p>Compile a national protection programme for human trafficking victims, providing information on protection procedures and tools.</p>	KSMM Permanent Secretariat	2013	Completion of a draft programme.	<p>The national victim protection programme should outline the instruments available at every stage to protect victims of human trafficking, from the identification of victims to their (re)integration into society. This will set the benchmark for applying federal measures uniformly throughout the cantons.</p> <p>The programme should also pinpoint any need for strategic action.</p> <p>The programme is to be developed by a multidisciplinary KSMM working group established for the purpose. The programme will incorporate the expertise of the FIZ/Makasi regional victim protection programme.</p>

15	<p><b>Specialised victim assistance</b> Call upon cantonal advisory centres to ensure that the special needs of victims are taken into account. For this purpose the advisory centres are to either conclude a service agreement with an NGO, train their own staff, or establish joint advisory centres.</p>	Conference of Swiss Liaison Offices for the Victim Assistance Act (SVK-OHG)	2014	The conference issues the cantons with a recommendation letter.	<p>Every canton must be able to provide trafficking victims with the services necessary to alleviate the effects of the crime they have been subject to. Under the provisions of Article 9 VAA, the cantons are free to decide how they carry out these tasks or whether to delegate them. It is important that specialised services also take into account the needs of male and child victims.</p>
16	<p><b>Training I</b> Continue specialised training for staff members of victim advisory centres and social services.</p>	KSMM Permanent Secretariat	2014	Courses take place at least every two years.	<p>The course in 2010 at the <i>Centre de formation continue de la Haute école de travail social de Genève (cefoc)</i> is to form the basis of specialised courses in the French-speaking region. The aim is to offer basic and advanced specialised courses.</p> <p>The courses should cover: identifying victims, determining their situation and providing assistance.</p> <p>It is important that courses include training on the needs of male and child victims, with emphasis on interdisciplinary co-operation, the appointment of a guardian, stay in Switzerland and special victim assistance.</p>



17	<p><b>Training II</b> Carry out specialised training courses for members of the migration authorities.</p>	Association of Cantonal Migration Offices and the Federal Office for Migration (FOM)	2014	First training course lasting at least two days has been completed.	<p>The courses are intended to train members of the migration authorities to identify the needs of victims and to know what victim protection tools are available. They should also be able to correctly apply on a case-by-case basis the provisions regarding the stay of victims.</p> <p>The courses should also include training on specific aspects of child victims of human trafficking, with emphasis on interdisciplinary co-operation and victims' stay in Switzerland.</p>
18	<p><b>Residence permit</b> Clarify cantonal jurisdiction with regard to granting a period of reflection and short-term residence.</p>	Federal Office of Police fedpol	2012	Amendment of the implementing provisions and directives on the Foreign Nationals Act with the entry-into-force of the Federal Act on Extra-Procedural Witness Protection.	The question of cantonal jurisdiction over granting a short-term residence permit must be clarified if a victim lives or is being cared for in a different canton from where their exploitation has taken place. Cantonal jurisdiction must also be decided in cases where a criminal investigation is being conducted in several cantons and regarding which court is responsible for the proceedings.

19	<p><b>Asylum – Victim protection</b> Ensure human trafficking victims in the asylum procedure are identified and clarify procedures for granting victim protection.</p>	Federal Office for Migration (FOM)	2013	<p>Systematic awareness-raising of FOM and cantonal migration staff who work in the asylum procedure.</p> <p>Procedures outlined in the national victim protection programme (see Action 14) or in a separate document.</p>	<p>If exploitation has taken place abroad, the authorities must establish – among other things - which country is responsible for protecting the victim, under which provisions victims can be granted stay in Switzerland, how victims can be protected in Switzerland and in what form foreign cooperation should take place.</p> <p>These questions and procedures are to be clarified by a working group under the direction of FOM.</p>
20	<p><b>Child trafficking victims</b> Compile recommendations on child protection measures and assistance to identified child victims of human trafficking.</p>	Stiftung Kinderschutz Schweiz	2014	Publish recommendations.	<p>Organised begging and theft have recently been the focus of greater public interest. Other forms of organised exploitation also exist. The recommendations are intended to provide reference points for decisions on procedures by the competent agencies once a child has been identified as a victim.</p> <p>The recommendations are to be compiled by a multidisciplinary working group.</p>

IV. Partnership					
21	<p><b>Measures in countries of origin</b> Implement programmes/projects to assist countries of origin in fighting human trafficking.</p>	<p>Swiss Agency for Development and Co-operation SDC as part of development co-operation or Switzerland's enlargement contribution Human Security Division as part of its mandate to promote human rights Federal Office for Migration as part of structural aid</p>	2012 - 2014	<p>Assistance to continue at least at the current volume. Agreement on a project for the care and integration of human trafficking victims in Romania and Bulgaria.</p>	<p>The programmes/projects are intended to enhance prevention and improve victim protection in countries of origin. Victim protection measures are intended to assist victims and to enhance the care and reintegration into society of victims who have been subject to any kind of human trafficking and who return home. These measures should prevent revictimisation. The programmes/projects are intended to provide assistance to state agencies and civil society organisations, and enhance co-operation between them. They should ultimately have a preventive effect on human trafficking to Switzerland.</p>
22	<p><b>Bilateral co-operation</b> Strengthen strategic co-operation, especially with authorities and agencies in countries of origin and transit countries.</p>	<p>Federal Office for Migration (FOM) as part of migration co-operation Human Security Division as part of its mandate to promote human rights KSMM Permanent Secretariat within the framework of the Swiss-Romanian working group</p>	2012 - 2014	<p><b>Migration co-operation and promotion of human rights:</b> Continue implementing projects within the migration partnerships with Nigeria, Serbia, Kosovo, and Bosnia and Herzegovina. Where opportune, human trafficking should be addressed within the framework of bilateral dialogue. One or two roundtables are to take place in Switzerland each year. <b>Swiss-Romanian working group:</b> Conditions are fulfilled for parallel proceedings</p>	<p>International co-operation based on partnership is beneficial to the work of Swiss authorities and agencies. It is also conducive to fighting human trafficking effectively. International roundtable talks on human trafficking are intended to enhance networking, and strengthen co-operation between Switzerland and the authorities/agencies in countries of origin. <i>Parallel proceedings</i> are criminal proceedings against trafficking networks that are conducted separately in the target country and country of origin, but whose content and timing are co-ordinated.</p>

				against trafficking networks in Romania and Switzerland.	
<b>23</b>	<b>International standards</b> Participate in further developing international standards for fighting human trafficking.	Human Security Division in defining human trafficking and implementation State Secretariat for Economic Affairs (SECO) on questions of forced labour	2012 - 2014	Switzerland is actively represented in the relevant bodies.	Switzerland is actively engaged in multilateral bodies, especially the UN, OSCE, Council of Europe and the International Labour Organization (ILO). Swiss “best practices” are incorporated into international political processes.

## Annex 1



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Federal Department of Justice and Police FDJP

**Federal Office of Police fedpol**  
Directorate Staff Office  
Swiss Coordination Unit against Trafficking in Persons  
and Smuggling of Migrants (KSMM)

Swiss Coordination Unit against Trafficking in Persons and Smuggling of Migrants (KSMM)  
September 2012

### Combating Human Trafficking in Switzerland: Strategic Milestones

Switzerland's efforts to combat human trafficking are many-faceted. Various governmental and non-governmental agencies – most of them in close co-operation with the **Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM)** – support these efforts in various ways. The following is a summary of the strategic milestones in **improving the basic conditions and instruments for combating human trafficking** in Switzerland.

- Triggered by an interdepartmental report on human trafficking in Switzerland published in September 2001, the KSMM was established in 2003. It brings together federal and cantonal agencies, NGOs and inter-governmental organisations involved in combating human trafficking and migrant smuggling. A hub for information and analysis in matters of human trafficking, the KSMM develops tools and strategies for combating this crime. Moreover, it co-ordinates measures for victim protection and for preventing and prosecuting human trafficking. The KSMM's Permanent Secretariat is attached to the Federal Office of Police (fedpol).
- In 2004, an **operative unit dealing with paedophilia, human trafficking and migrant smuggling** was established within fedpol's main division of the Federal Criminal Police. In 2007, this division was separated into a section dealing with paedophilia and pornography, and one dealing with human trafficking and migrant smuggling. At the same time, the number of staff in the latter section was increased. Its duties focus on supporting the cantonal police in investigations involving other cantons or having an international aspect.
- In 2004, the "Fachstelle Frauenhandel und Frauenmigration Zurich" (FIZ) opened the first office in Switzerland specialising in intervention and counselling for female trafficking victims. The project, known as Makasi, focuses on counselling and assisting female trafficking victims, improving victim protection and helping victims to enforce their rights. The Makasi project supplements state measures in the field of victim assistance.
- In August 2004, the former Federal Office of Immigration, Integration and Emigration (imes) sent a circular to the cantonal migration offices informing them of the statutory basis for granting victims of human trafficking residence in Switzerland. The circular included recommendations for granting victims a period of reflection to consider whether they wish to co-operate with law enforcement agencies, for their stay in Switzerland during investigations and for granting stay on humanitarian grounds. The recommendations were later superseded by the new Foreign Nationals Act of 2008.
- Based on the experiences gained from the first round table talks on human trafficking, which took place in Canton Zurich and were initiated by the FIZ in 2001, a group of federal and cantonal experts together with specialists from NGOs compiled a set of

**guidelines on co-operation in fighting human trafficking** (*Kooperationsmechanismen gegen Menschenhandel*) under the lead of the KSMM. The guide was published in **late 2005** on the occasion of a national **conference** on human trafficking in Switzerland. It offers a survey of the tools available for fighting human trafficking and recommendations to cantonal authorities on how to co-ordinate work with victim assistance services when dealing with this particular crime. In the guide's annex there is also a **checklist on how to identify victims of human trafficking**.

- With a view to improving co-operation among police, justice, and migration authorities and victim counselling services, a number of cantons have introduced **round-table talks on fighting human trafficking**. These talks are intended to help form a uniform basis for understanding the issue of human trafficking and finding solutions. Moreover, the meetings serve to delineate the responsibilities, the areas of interaction, and the duties of the authorities and institutions involved. In 2005, as few as two cantons had institutionalised forms of co-operation among the various authorities and institutions; today, thirteen cantons have institutionalised co-operation in fighting human trafficking.
- In a March 2005 circular addressed to the **Swiss foreign missions**, the Federal Department of Foreign Affairs introduced **preventive measures for the protection of cabaret dancers**. For instance, visa applicants wishing to enter Switzerland to work as cabaret dancers are invited for a talk at the consulate, where they are given written information on their future employment and asked to sign the contract of employment. In addition, they are informed of the risks this work entails, their rights as dancers, further counselling possibilities, and the fact that it is illegal to be forced into prostitution.
- In a May 2006 circular, the Federal Department of Foreign Affairs issued a **directive on the employment of domestic workers by Swiss-based foreign diplomatic missions**. This directive governs hiring regulations and labour standards, thus preventing domestics working for a foreign mission from possible exploitation. Disputes may be submitted to the Bureau de l'Amiable Compositeur in Geneva for mediation.
- Switzerland has ratified two protocols. One is the **Protocol on the Sale of Children, Child Prostitution and Child Pornography**, an optional protocol to the United Nations Convention on the Rights of the Child; the other is the **Protocol on Human Trafficking**, an optional protocol to the United Nations Convention on Transnational Organized Crime. These protocols became operative on 19 October 2006 and 26 November 2006, respectively.
- The ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography resulted in the amendment of Article 196 of the Swiss Criminal Code (SCC). This article, dealing with human trafficking, needed revision to be brought into line with the international definition of human trafficking set out in Article 3 of the Optional Protocol on Human Trafficking. The **new Article 182 SCC**, in force since 1 December 2006, now makes human trafficking not only for the purpose of sexual exploitation, but also for the purpose of exploiting labour and the removal of human organs a criminal offence. In addition, under the revised article a single instance of trafficking in a single person already constitutes a crime. Furthermore, the recruitment of persons to be trafficked is considered equivalent to trafficking proper and is punishable accordingly.
- The revision of the General Part of the Swiss Criminal Code, effective from 1 January 2007, introduced a new provision regarding the **exemption of trafficking victims from penalty**: In the absence of a need for punishment, the principle of discretionary prosecution set out in Article 53 SCC allows for dispensing with prosecution. Dispensing with prosecuting victims is also possible under Article 54 SCC (effect on the offender) if the punishable act that victims have committed has a significant adverse effect on them. Moreover, the provisions on duress and necessity as set out in Article 17 SCC apply.

- The Conference of Cantonal Police Commanders of Switzerland set up an **intercantonal “Working Group on Trafficking in Human Beings / Migrant Smuggling.”** This group began working in summer 2007, convening once or twice a year. Its goal is threefold: to work out standardised approaches in investigation that are applicable to all police forces throughout Switzerland; to promote operational networking among police corps; and to intensify the exchange of police expertise.
- On 1 January 2008, the Federal Act on Foreign Nationals (Foreign Nationals Act; FNA) and the Ordinance on Admission, Residence and Employment became effective. These pieces of legislation regulate **the stay in Switzerland of human trafficking victims.** Swiss law is thus now in line with the provisions of the Council of Europe Convention against Trafficking in Human Beings. The Swiss statutory provisions allow for granting victims at least 30 days to consider whether they wish to co-operate with law enforcement agencies, for granting them stay in Switzerland pending criminal proceedings against their traffickers, and the right to stay in cases of personal hardship. Moreover, the statutory provisions provide that victims and witnesses of human trafficking be granted federally funded return and reintegration assistance (Art. 30(1)(e) and Art. 60 (2)(b) FNA; Art. 35 and Art. 36 Ordinance on Admission, Residence and Employment).
- Since 9 September 2008, a **registration form has been available to everyone on the website of the Federal Office of Police ([www.stop-childsextourism.ch](http://www.stop-childsextourism.ch)) for reporting suspicions of child sex tourism.** The public is thus given an opportunity of easily reporting to the police occurrences and observations that might suggest child abuse. Reports are dealt with by the Paedophilia and Pornography Unit of the Federal Criminal Police and, if found to be substantiated, appropriate steps are taken.
- The Federal Victim Support Act was entirely revised and became operative on 1 January 2008. **The Victim Support Act is the statutory basis for providing assistance to victims of human trafficking and for compensating NGOs for specialised victim assistance services they provide on commission by the cantons.** Article 9(1) of the Victim Support Act stipulates that when establishing and operating victim assistance centres, the cantons are required to take into consideration the different needs of various victim groups, a term that subsumes victims of human trafficking. The cantons are free to operate public or joint assistance centres or to commission private assistance centres.
- Since April 2007, the Swiss Police Institute (SPI) has been offering **specialist courses on combating human trafficking.** These courses are open to members of the Swiss police forces, the Border Guard Corps and employees at the cantonal migration offices. Previously held in German only, these courses were first held in French in 2009. Various other courses organised, among others, by KSMM assure the continued training of specialists in the fight against human trafficking; in November 2008, for instance, the Competence Centre on Forensics and Economic Crime staged a training course tailored to members of the judicial authorities and other public officials with a vested interest in the subject. Also, for the first time, the Haute école de travail social Genève offered a training course in September 2010, addressing the educational needs of employees at victim assistance centres.
- Sponsored by several NGOs and the Swiss government, a national prevention campaign, the **“EURO 08 Campaign against Trafficking in Women”**, was launched in summer 2008. The campaign addressed matchgoers attending the 2008 European soccer championship held in Switzerland. The goal of the campaign was to inform the public on the extent and consequences of trafficking in women, and make prostitutes' clients sensitive to the issue. The campaign consisted of a spot broadcast both on Swiss national TV channels and during public viewing of matches on wide screens. In addition, the public was given the opportunity of learning more about the issue of trafficking in women through information material made available at special events.
- In September 2008, Switzerland signed the **Council of Europe Convention on Ac-**

**tion against Trafficking in Human Beings.** On 17 November 2010, the Federal Council adopted the dispatch on approving and implementing the convention and a new federal act on extra-procedural witness protection, and submitted the dispatch to Parliament. The new act provides for the protection, if necessary, of witnesses in federal and cantonal criminal proceedings outside of and after conclusion of the trial. The draft bill was approved by the United Federal Assembly on 23 December 2011. Towards the end of 2012, the implementing provisions for the Federal Act on Extra-Procedural Witness Protection should be ready and the new Witness Protection Unit at the Federal Office of Police should have been established. With these measures in place, Switzerland will fulfil all the requirements of the convention. Ratification of the convention and entry-into-force of the new federal act are expected to take place at the beginning of 2013. **Witness protection in criminal proceedings** is grounded in the cantonal criminal procedure codes and, from January 2011, has been guaranteed in the Federal Code of Criminal Procedure (CrimPC Art. 149 seq.). The cantonal police corps are responsible for protecting persons who are in danger of harm to life and limb. Police protection has thus been extended to victims who are not involved in criminal proceedings but who are nevertheless at risk.

- A set of **new directives on the Foreign Nationals Act issued by the Federal Office for Migration** was published on its homepage in autumn 2009. These directives elucidate the application of provisions on the stay in Switzerland of victims of human trafficking. Specifically, these directives stipulate that regardless of whether victims of human trafficking are willing to co-operate with the prosecuting authorities, they may be granted the right to stay if a case of serious personal hardship exists.
- On 16 June 2010, Switzerland signed the **Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse** (Lanzarote Convention). Under the convention signatory states are obliged to criminalise the sexual abuse of children, child prostitution, child pornography and the forced participation of children in pornographic acts. Some points of the convention go beyond the scope of current Swiss criminal law because they extend protection to minors between 16 and 18 years. Switzerland's accession to the convention therefore requires various amendments to the Swiss Criminal Code. For example, under the convention any person who pays for the sexual services of minors can be punished with a custodial sentence of up to three years. The convention also provides for a custodial sentence of up to ten years for inciting minors into prostitution. On 4 July 2012, the Federal Council adopted the dispatch on approving and implementing the convention and submitted it to Parliament.
- A comprehensive **child abduction alert system** has been operative since 1 January 2010. An alert is issued if there is a strong suspicion or certainty that a child has been abducted and the child's physical integrity is under threat. Alert messages are broadcast on radio and TV, displayed on highway information boards and distributed over the public address system in train stations and airports and through press agencies. This procedure facilitates the early search for abducted minors, minimising the risk of sexual exploitation.
- After a two-year trial period, a **project aimed at assisting the return home and re-integration of victims and witnesses of human trafficking, and exploited cabaret dancers was definitively implemented in April 2010**. Implementation is based on Article 60(2)(b) of the Foreign Nationals Act. Assistance is assured by co-operation among Swiss federal government agencies, cantonal return assistance centres and the International Organization for Migration (IOM). In addition, the Federal Office for Migration in collaboration with the Swiss Agency for Development and Cooperation (SDC) supports structural aid programmes aimed at fighting human trafficking.
- The Swiss Agency for Development and Cooperation and the Political Affairs Division IV (PA IV) – two divisions of the Federal Department of Foreign Affairs (FDFA) – sup-



port the **fight against human trafficking in trafficking victims' countries of origin through various projects and measures that are implemented in co-operation with international organisations and local NGOs.** The numerous prevention and reintegration projects amount to several million Swiss francs each year.

- In 2011, the FIZ opened Switzerland's first shelter for victims of trafficking in women. The shelter's concept was based on a comparative study of accommodation for victims in Germany, Austria, Romania and Spain.
- In February 2012, the **Federal Office for Migration issued a circular** to the cantonal migration and employment offices on applying the provisions on stay with regard to people employed in prostitution. According to the circular, cantonal authorities carrying out identity checks on foreigners should also be sensitive to any signs of sexual exploitation or trafficking. If this is the case, the person concerned should be informed about the possibilities of victim assistance. If the person is in Switzerland illegally, they should be granted a period of reflection under Article 35 of the Ordinance on Admission, Residence and Employment. The content of the circular thus **underlines the paradigm shift that, where human trafficking is suspected, victim protection takes precedence over enforcing measures against foreigners staying in Switzerland illegally.**

## Annex 2



Schweizerische Eidgenossenschaft  
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Federal Department of Justice and Police FDJP

**Federal Office of Police fedpol**  
Directorate Staff Office  
Swiss Coordination Unit against Trafficking in Persons  
and Smuggling of Migrants (KSMM)

### FACT SHEET

#### **Swiss Coordination Unit against Trafficking in Persons and Smuggling of Migrants (KSMM)**

The Swiss Coordination Unit against Trafficking in Persons and Smuggling of Migrants (KSMM) was established in 2002 by the Federal Department of Justice and Police (FDJP) and began work on 1 January 2003. With its office incorporated into the Federal Office of Police (fedpol), KSMM provides the necessary structures and networks for fighting and preventing human trafficking and smuggling in Switzerland effectively. Its primary objective is to provide better protection for victims and bring the perpetrators to justice.

Fighting and preventing human trafficking and migrant smuggling requires measures in the fields of victim protection, law enforcement and prevention. Jurisdiction over these areas lies partly with federal agencies and partly with the cantons. The KSMM is responsible for coordinating the work between these agencies and ensuring that procedures are consistent throughout the whole of Switzerland.

The Coordination Unit is also responsible for ensuring that the recommendations of the inter-departmental report "Human Trafficking in Switzerland" and the additional protocols to the UN Convention on the Prevention of Transnational Organised Crime Regarding Human Trafficking and Smuggling, to which Switzerland is a signatory, are implemented. Furthermore, the Unit is the federal and cantonal information, coordination and analysis centre for combating human trafficking and migrant smuggling, and is the main contact and coordination office for international cooperation. Its objective is to bring about a measurable improvement in the fields of prevention, law enforcement and victim protection.

Teams of specialists, headed by the KSMM office, define concepts and strategies for fighting human trafficking and migrant smuggling. These form the basis of the political decision-making process. The KSMM also coordinates the preparation of reports, discussion papers and statements on matters regarding human trafficking and migrant smuggling.

The Coordination Unit is made up of representatives from the FDJP, the Federal Department of Foreign Affairs (DFA), the Federal Department of Finance (DFD), the Federal Department of Economic Affairs (DEA) and the cantons (see overleaf). If necessary, the Coordination Unit can also consult external experts from non-governmental organisations. The supreme body is the steering committee, which is made up of executives from all the federal and cantonal agencies involved. The KSMM also has a permanent office located within the Federal Office of Police (fedpol).

## **KSMM Members**

### **Confederation**

- Directorate of Political Affairs IV (PA IV), Federal Department of Foreign Affairs (FDFA)
- Directorate of International Law (DIL), Federal Department of Foreign Affairs (FDFA)
- Swiss Agency for Development and Cooperation (SDC), Federal Department of Foreign Affairs (FDFA)
- Swiss Border Guard Corps (Central Command), Federal Department of Finance (FDF)
- Office of the Attorney General of Switzerland (OAG), Federal Department of Justice and Police (FDJP)
- Federal Office for Migration (FOM), Federal Department of Justice and Police (FDJP)
- Federal Office of Justice (FOJ), Federal Department of Justice and Police (FDJP)
- Federal Office of Police (fedpol), Federal Department of Justice and Police (FDJP)
- State Secretariat for Economic Affairs (SECO), Directorate of Labour, Federal Department of Economic Affairs (FDEA)

### **Cantons**

- Conference of the Cantonal Police Commanders of Switzerland (CCPCS)
- Conference of Swiss Law Enforcement Agencies (CSLEA)
- Swiss Conference of Equal Opportunity Officers (SCEOO)
- Conference of Swiss Liaison Offices for the Law on Victim Assistance (CSLO VA)
- Association of Cantonal Migration Services (ACMS)

### **Participating NGOs/IOs**

- FIZ Advocacy and support for migrant women und victims of trafficking, Zurich
- International Organization for Migration (IOM), Bern
- Stiftung Kinderschutz Schweiz (ECPAT Switzerland)

\* \* \*

### **Coordination Unit Office**

Boris Mesaric, Head of Office

Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM)

Bundesamt für Polizei (fedpol)  
Nussbaumstrasse 29  
3003 Berne

For further information please contact fedpol's Media Service:

Ms Danièle Bersier, Tel. ++41 (0)31 323 13 10

email: [info@fedpol.admin.ch](mailto:info@fedpol.admin.ch)

KSMM website: [www.ksmm.ch](http://www.ksmm.ch)