

To: hrc-sr-trafficking@un.org

Subject: Input for report GA 2024 gender peace and security

Zürich, 20th of June 2024

Trafficking in persons and gender, peace and security - Situation in Switzerland

To the attention of:

Ms. Siobhán Mullally, the UN Special Rapporteur on trafficking in persons, especially women and children in regards to her call for input on Trafficking in persons and gender, peace and security

The answers for this call have been drafted by **FIZ Advocacy and Support for Migrant Women and Victims of Trafficking**. FIZ advocates for and supports migrant women affected by violence and Victims of Trafficking (VOT) in Switzerland. The organization runs two support services: One is the Counselling Centre for Migrant Women. The second service is the specialized Victim Protection Programme for VOT. We offer counselling, support services and safe housing for VOT, mostly women. FIZ also does educational and policy work. This is where the experience we gain from practical work becomes visible and is put into effect for social change.

Furthermore, FIZ founded a project specifically for VOTs in the Swiss asylum system. Within this project, FIZ supported around 300 VOT (2019 – 2023) in the asylum sector, thus having an in-depth view of current challenges and experiences of this especially vulnerable group who flee from conflicts, violence and exploitation.

We would like to express our gratitude for the opportunity to comment on the issue of trafficking in persons (TIP) and gender, peace and security.

Preliminary remarks

Different policy and operating fields

Switzerland has so far pursued four National Action Plans (NAPs) to implement Security Council Resolution 1325¹. Discussions on the development of the 5th NAP are underway². In the 4th NAP, the issue of TIP was mentioned exclusively in reference to the NAP against Human Trafficking as one of the strategic instruments closely related to the NAP 1325. In Switzerland's third and current NAP against Human Trafficking³, diplomatic - and in particular bilateral - instruments are mentioned as a way of improving measures to combat TIP in other countries. In concrete terms, neither gender nor conflict-specific priorities are mentioned. For Switzerland, FIZ observes two different policy fields between 'women, peace and security' and 'trafficking in persons'. So far, there have only been very isolated overlaps.

As a specialised victim protection organisation, FIZ will base its contribution to the SR TIP regarding gender, conflict and security on the experiences of its day-to-day support work with VOT. We often encounter gender-specific and - especially in the refugee and asylum context - conflict-specific issues and topics. To this end, we comment on specific issues/topics explicitly requested in the Call for Input of the Special Rapporteur on TIP.

Very concerning reforms in the European (and Swiss) asylum system

The EU has recently approved the reform of the common European asylum system (CEAS). Swiss officials have expressed their support for the pact. Beat Jans, Federal Councillor responsible for migration policy, "welcomed the approach known from Switzerland of wanting to speed up asylum procedures and announced that Switzerland would play an active role in the implementation of the pact".⁴

The pact will significantly restrict access to fair asylum procedures and legal remedies. The planned fast-track procedure at the external borders is particularly critical: possible VOT are less likely to be identified, have no safe accommodation, no support and no opportunity to build trust. They will most likely be sent back to a country where they were exploited. The pact therefore increases the risk of re-trafficking.

Based on our experience, we can affirm that restrictive migration laws do not hinder migration, but increase irregularity and vulnerabilities. Even though it is known that human traffickers deliberately use refugee routes to Europe and the vulnerability of refugees to exploit people on their move, very little political attention is paid to this. Establishing legal pathways for migration is an effective

¹ Cf. Fourth National Action Plan on Women, Peace and Security (2018-2022, extended until 2024): <https://www.eda.admin.ch/eda/en/fdfa/fdfa/publikationen/alle-publikationen.html/content/publikationen/en/eda/menschenrechte-humanitaeres-migration/frauen-frieden-sicherheit> [10.6.2024]

² Cf. the current report on this by various peace organisations in Switzerland: https://koff.swisspeace.ch/fileadmin/user_upload/EN_ONLINE_NAP_Bericht.pdf [10.6.2024]

³ Cf. Third National Action Plan against Trafficking in Human Beings and especially goals and measures under 7.2 and 7.3: <https://www.news.admin.ch/news/message/attachments/74538.pdf> [10.6.2024]

⁴ Cf. Bundesrat Beat Jans at ministerial meeting in Gent: <https://www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-100868.html> [12.6.2024]

measure to combat TIP and should be prioritized. This was demonstrated in the beginning of Ukraine war: We believe that thanks to safe migration routes, support in Switzerland and a secure residence permit, there were hardly any VOTs despite large numbers of people fleeing.

Information on a collection of mentioned topics/issues by SR TIP

National procedures for early identification, assistance and referral to protection services for victims or potential victims of trafficking including gender and child sensitive measures in conflict and post-conflict settings, including in context of forced displacement and forced migration

Problematic practice in identification of VOT in asylum procedure

The Swiss Secretary on Migration (SEM) implemented an in-depth asylum interview on the matter of TIP in 2020. Asylum seeking (potential) VOT have no time for preparation or embedding in a suitable setting, the risk of re-traumatization due to the interview is elevated. In case of suspicion, a flyer from the nearest TIP victim protection organization (depending on asylum region) will be distributed in addition to the general flyer on victim protection in Switzerland. Our experience shows that victims do not usually contact a victim protection organisation on their own via a flyer; a specialist is needed to triage the potential victim.

No considerations of trafficking in transit-countries on the move to Europe

A change in practice by the SEM, introduced on 1.1.2024, curtails fundamental rights of VOT: only potential VOT with a certain constellation of country of origin and Dublin country will be invited to an in-depth hearing on the matter of TIP. Exploitation and TIP that has taken place for example in Libya – a post-conflict-state were exploitation and trafficking of people on the move/flight to Europe is confirmed – is therefore not considered relevant at all.

Unaccompanied minor asylum seekers

The situation of unaccompanied minor asylum seekers who are potential VOT is alarming. In 2023, due to a lack of capacities to support minor asylum seekers, the problematic category of "independent minors" has been introduced, labelling minors from the age of 15 onwards who show a certain kind of independency and maturity as "independent minors". They are treated as adult asylum seekers and receive less support.

Additionally, the SEM continues with the problematic and contested practice of medical age assessments in order to establish whether someone is a minor or an adult. If they are labeled an adult, they are taken out of the housing for vulnerable people and minors. They are then transferred to the standard structure for adult asylum seekers. Furthermore, often they then face a return to the country into which they set foot for the first time (Dublin-III-regulation). This is when minors leave the regular asylum structures and "go missing". The number of minors who leave Switzerland "uncontrolled", as it is labelled by the migration authorities, remains high. These minors are at a particular risk of re-trafficking.

No safety or support for VOT in Dublin-Countries

The SEM continues to apply the Dublin return practice in a very restrictive manner, even if the asylum seeker is identified as a VOT: ignoring their highly

vulnerable psychological and physical situation. Repatriation harbours different risks for VOT: a lot of countries (for example Croatia) do not offer any protection, medical or psychological support, subjecting them to inhumane conditions. Often the VOT were exploited in the Dublin state, therefore the risk of re-trafficking is knowingly accepted (for example Greece or France). Italy is currently refusing to take back asylum seekers. Switzerland is nevertheless not examining the application itself to put political pressure on Italy to revise its decision. As a result, VOT are transferred to cantonal structures with uncertain status and no access to assistance for up to six months.

No safe accommodations for VOT in asylum structures in Switzerland

Asylum seekers in Switzerland are housed in national centres, oftentimes in multi-bed rooms, without any privacy and no opportunity to retreat. The conditions are cramped and oppressive. There is still no budget for specialized accommodation for especially vulnerable people like VOT.

This also applies to the sensitization and training of support staff in asylum centres. Access to specialized psychological counselling remains very difficult.

Relief, recovery and assistance programmes which ensure effective access to reparations for victims of trafficking

No access to victim aid if exploitation took place outside of Switzerland

VOT who were victimized on the migration route are not entitled to receive victim aid under the Swiss Victim Aid Act. The Act (Art. 17 in combination with Art. 3) states that only persons victimized on Swiss soil and/or that have a residence status in Switzerland are entitled to receive victim aid. This exclusion is particularly glaring given the intersection between conflict, migration, and TIP; 90% of the VOT we counsel from the asylum sector are not entitled to victim aid. This leaves us as a specialized victim organization to counsel them solely funded on private donations - whereas for those VOT who have become victims on Swiss soil, we receive public funding by the cantonal victim aid.

A parliamentary initiative wants to close this gap⁵. The National Council agreed, however it is still unclear whether the Council of States will follow. The current political climate suggests that it will be a difficult discussion, despite violating international law, especially the Convention on Trafficking⁶.

Inclusion of early warning and early-screening to detect victims and potential victims of trafficking in conflicts within the framework of the women peace and security agenda

In Switzerland there are currently no guidelines or requirements for early warning or early-screening to detect potential VOT in relation to conflict-settings.

During the outbreak of the Ukraine war, early-warning signals for fleeing individuals were more prominent and awareness on TIP was heightened. Many state actors (on all levels) worked together to inform potential VOT through

⁵ Cf. Closing the gap in the victim assistance law. Supporting victims with exploitation abroad: <https://www.parlament.ch/de/ratsbetrieb/suche-curia-vista/geschaefft?AffairId=20220456> [18.6.2024]

⁶ Cf. Council of Europe Convention on Action against Trafficking in Human Beings <https://rm.coe.int/168008371d> [18.6.2024]

awareness campaigns, flyers and more. Additionally, there was an exchange on TIP with specialized police units from 10 different cantons. These proactive measures represent a form of best practice that has not been observed in other conflict situations. The absence of similar measures for other asylum-seekers highlight a clear deficiency in political will.

Investigations and accountability for trafficking in persons and exploitation of natural resources and land dispossession and the nexus between trafficking and militarization which address challenges, protection gaps and good practices

EU member states recently adopted the European Supply Chain Directive. It aims among other things to combat child and forced labour. The directive requires EU companies of a certain size to ensure compliance with human and environmental rights along their supply chains. Switzerland has previously rejected a similar initiative and thus failed to act against exploitative labour. The adoption of the European Supply Chain Directive now increases pressure on Switzerland, as it could soon be the only country in Europe without corporate social responsibility.

Concluding remarks

By commenting on specific topics and drawing from our daily experiences in supporting VOT, we aim to contribute to the research of the UNSR on TIP. As outlined in our preliminary remarks, the policy fields of 'gender, peace, and security' and 'trafficking in persons' are treated separately in Switzerland, making it challenging to address all requested topics comprehensively. However, our experiences highlight the intricate links between these fields. We believe that fostering a stronger connection between these policy areas could prove beneficial for both fields. The need for integrated approaches is particularly pertinent given the CEAS reform, which may exacerbate various vulnerabilities of potential VOT.

We kindly thank you for the attention.

Best regards,



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