

42nd UPR Pre-session, Geneva, 1st December 2022

Statement of Nuria Spicher, ACT212

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Excellencies,
Distinguished representatives,
Estimated representatives of the Government
Dear colleagues,

I am Nuria of ACT212 and I shall speak on human trafficking and exploitation in CH. We are a specialised training and advisory center for these subjects, and we also run the National Hotline against Human Trafficking and Exploitation.

We form part of NEGEM, the National Expert Group on Human Trafficking that advises the Government.

ACT212 has submitted its UPR report in July 2022. The full report is accessible on our website and on the website of the UPR Info Team.

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1. Switzerland continues its efforts to counter human trafficking. Progresses have been made in several areas, however, some setbacks had to be accepted since the last UPR review. For example, it has been criticised, that there are still little convictions of traffickers and that the imposed sentences are not commensurate to the gravity of the crime, a point already raised by Greece in the UPR cycle of 2012-16.

From 2017-20 a second National Action Plan was implemented. Continued and improved coordination of anti-trafficking measures at State level was however necessary.

An important milestone in this regard was the decision to develop a third National Action Plan in October 2021. It should be adopted this very month and will cover the years 2023-27. One thematic focus will be on labour exploitation.

2. In the last UPR in 2018, Switzerland accepted six of our recommendations addressing the issue of trafficking.

3. As regards protection, all trafficking victims are entitled to assistance from government funded assistance centres. While shelters for adults are available all over Switzerland, places for minor victim of trafficking (especially in the context of the loverboy method) are virtually non-existent. Malaysia, Bosnia and Herzegovina and China asked in previous cycles to enhance efforts and provide adequate resources and services to victims.

Without further ado, let me get straight to the recommendations.

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The first subject we would like to address is labor exploitation. Even though attention on the issue has increased in the past years, it is assumed that the number of undetected cases remains high and further work is needed.

As you see, we recommend to:

Inform the general public about forced labour in the context of consumption.

Include an explicit definition of labour exploitation under Art. 182 CC in order to provide for an easier criminal prosecution of such cases.

We commend and thank the Government for the fruitful collaboration in our common trainings for labor inspectors. We recommend to consider possibilities to improve the capacities of labor inspectors to follow up on suspicious cases in their daily work.

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The second and third subjects are forced marriage and forced begging.

We urge the Government to:

Recognise the interlinkages between human trafficking and forced marriage.

Improve the identification of victims of forced begging and forced criminal activities.

Immediately abolish criminalisation of acts carried out under duress in accordance with the Istanbul Convention.

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Finally, we have some general recommendations on all forms of exploitation and human trafficking:

As you see, we highly recommend specific training to judges in order to

- increase awareness and knowledge on the crime of trafficking, avoid procedural errors and increase the number of convictions

- increase the sentences for perpetrators, which are shockingly low and most often conditional. Conditional sentences should be abolished in severe cases to reflect the gravity of the crime.

Given the ongoing migratory movements, establish comprehensive trainings for border protection units, effect immediately.

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You may find these recommendations in our handout, which is now available (on that table), and the business contacts of both the founder of ACT212, Irene Hirzel, who is also present here, and myself.

Please find us in the Human Rights Café after this session.

Thank you!

Separate Conclusion (after Question Round):

Concerning labour exploitation, we need to raise awareness to consumers, nationwide; and include an explicit definition of labor exploitation under Art. 182.

Forced marriage must be recognized as a form of human trafficking.

The very low and most often conditional sentences convey a devastating message to victims and potential victims and highly encourage potential perpetrators, meaning: low risk, high gain.

In our opinion, the message of the state to potential perpetrators must be: we will persecute you with the full force of the legal state if you commit such acts.

The message of the state to victims must be: we - stand - by - you!

This is a fundamental responsibility of any state, and even more of Switzerland, which has the means and the capacity to do so.

As to ACT212, it is our greatest wish to see the end of human trafficking in Switzerland and abroad within our lifetime. This will remain our top priority.

Thank you.