

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**



**Recommendation CP/Rec(2024)08
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Switzerland**

*adopted at the 34th meeting of the Committee of the Parties
on 21 June 2024*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Switzerland on 17 December 2012;

Recalling Committee of the Parties' Recommendation CP/Rec(2019)10 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Switzerland and the report of the Swiss authorities on measures taken to comply with this recommendation, submitted on 7 October 2020;

Having examined the third report concerning the implementation of the Convention by Switzerland, adopted by GRETA at its 50th meeting (18-22 March 2024), as well as the comments of the Swiss Government received on 23 May 2024;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Switzerland;

Welcoming the measures taken and progress achieved by the Swiss authorities in implementing the Convention, and in particular:

- the adoption of the third National Action Plan against Trafficking in Human Beings, which reflects many of GRETA's previous recommendations and will be subject to regular monitoring and an independent evaluation;
- the establishment of the public prosecutors' exchange platform on human trafficking, and the existence of specialised police units and prosecutors in some cantons;
- the adoption of guidelines on the application of the non-punishment principle by the Swiss Conference of Public Prosecutors;
- the steps taken to combat human trafficking for the purpose of labour exploitation, including the organisation of an awareness-raising campaign and training for labour inspectors, and the inclusion of labour inspectors in the cantonal roundtables for anti-trafficking co-operation;
- the significant increase in the detection of potential victims of trafficking in the asylum procedure, thanks to awareness-raising measures, training and close cooperation with specialised NGOs;
- the active participation in international co-operation related to combating trafficking in human beings.

A. Recommends that the Government of Switzerland take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. ensure that victims obtain a decision on compensation from the offender for unpaid wages, as part of the criminal trial, regardless of whether they held appropriate work and/or residence permits or not, and facilitate victims' access to compensation in civil proceedings (paragraph 87);
2. bring the definition of trafficking in human beings in the Criminal Code fully in line with Article 4 of the Convention, including by ensuring that all forms of exploitation are adequately covered, and adding the element of 'means' for adult victims (paragraph 95);
3. take measures to ensure that human trafficking offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions, in particular by:
 - ensuring that human trafficking offences for different forms of exploitation, including labour exploitation, are proactively and promptly investigated, by allocating sufficient resources to the police and prosecution services.
 - ensuring that human trafficking offences are classified as such every time the circumstances of a case allow it, and are not qualified as other offences, by taking into account all of the different means applicable, which are part of the international definition of human trafficking (paragraph 111);
4. take further measures to combat trafficking for the purpose of labour exploitation, and in particular:
 - ensure that labour inspectors can effectively detect and follow up on cases of trafficking in human beings, including in the agricultural sector;
 - ensure that cantonal labour inspectors, labour market inspectors, inspectors of posted workers, law enforcement officers and other relevant actors increase their capacity to proactively detect victims of trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors, and to collect evidence enabling the prosecution of cases of human trafficking (paragraph 175);

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

5. ensure that all victims under Swiss jurisdiction, including asylum seekers and persons exploited abroad but identified in Switzerland, benefit from assistance measures in accordance with Article 12, paragraph 1, of the Convention. Victims who are identified in reception centres and in the course of the asylum procedure should be systematically referred to specialised organisations and transferred to appropriate housing adapted to their needs (paragraph 207);
6. improve the identification of, and assistance to, child victims of trafficking, including by:
 - ensuring that a formalised procedure for the identification of child victims of trafficking is put into place in all cantons, which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk;
 - ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking, by paying particular attention to unaccompanied and separated foreign children;
 - ensuring that child victims of trafficking across the country, regardless of whether they seek asylum or not, benefit from the assistance measures provided for under the Convention, including appropriate accommodation, effective access to free legal assistance and psychological support;
 - providing further capacity-building to stakeholders (police, NGOs, child protection authorities, social workers) as well as guidance for the identification of child victims of trafficking for different purposes, including the exploitation of begging and exploitation of criminal activities;
 - taking measures to deal effectively with the problem of disappearance of presumed child victims of trafficking from accommodation centres, by providing them with secure accommodation and appropriate services and a sufficient number of appropriately trained supervisors (paragraph 219);
7. review the application of the Dublin Procedure to presumed victims of human trafficking and conduct risk assessments in order to prevent victims being returned to the country where they first applied for asylum, but where they face the risk of being re-trafficked (paragraph 245).

B. Recommends that the Swiss authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Swiss Government to report to the Committee of the Parties on the measures taken to comply with this recommendation by **21 June 2026**.

D. Invites the Swiss Government to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.