



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

**Recommendation CP/Rec(2019)10
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Switzerland**

*adopted at the 25th meeting of the Committee of the Parties
on 18 October 2019*

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(2015)13 of 30 November 2015 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 29 November 2017;

Having examined the second report concerning the implementation of the Convention by Switzerland adopted by GRETA at its 35th meeting (8-12 July 2019), as well as the comments of the Swiss Government received on 12 September 2019;

1. Welcomes the progress made by Switzerland since the first round of evaluation in the following areas:

- the adoption of the second National Action Plan to Fight Human Trafficking (2017-2020), which reflects many of GRETA's previous recommendations;
- the provision of training on human trafficking and the identification of victims to a wide range of officials, following a multi-stakeholder approach;
- the efforts made to raise awareness of human trafficking, including a campaign targeting medical staff;
- the steps taken to prevent and combat human trafficking for the purpose of labour exploitation, including the setting up of consultation centres for undocumented migrants;

- the increase in the number of places in shelters providing specialised assistance to victims of trafficking, including men;
- the increase in the number of criminal investigations for human trafficking and the number of victims of trafficking granted State compensation;
- the engagement of Switzerland in international co-operation in the field of action against human trafficking, including through supporting co-operation projects in the main countries of origin of persons trafficking to Switzerland;

2. Recommends that the Swiss authorities take measures to address the following issues for immediate action identified in GRETA's report:

- devise and provide training programmes for labour inspectors and prosecutors dealing with labour exploitation cases;
- broaden the mandate of labour inspectors to cover the detection of cases of THB and build their capacity in this respect;
- strengthen efforts to prevent trafficking of unaccompanied and separated children by addressing the problem of such children going missing, in particular by providing suitable safe accommodation and adequate supervision, as well as systematically carrying out police investigations into disappearances of unaccompanied and separated children and strengthening follow up and alert systems on reports of missing children;
- take steps to ensure that all victims of trafficking are properly identified and can benefit from the assistance and protection measures contained in the Convention, in particular by:
 - ensuring that a formalised victim identification procedure is put into place in all cantons without further delay, defining the roles and responsibilities of all stakeholders and including indicators for identifying victims of different forms of exploitation;
 - increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation, by reinforcing the capacity and training of labour inspectors and involving trade unions and other relevant actors, who should be involved in the work of the cantonal roundtables on human trafficking;
- 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;
- improve the identification of, and assistance to, child victims of trafficking, in particular by:
 - ensuring that a formalised procedure for the identification of child victims of THB 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 THB, by paying particular attention to unaccompanied and separated foreign children;
 - providing further capacity-building to stakeholders (police, NGOs, child protection authorities, social workers) as well as guidance for the identification of child victims of THB for different purposes, including the exploitation of begging and exploitation of criminal activities;

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- ensure compliance with Article 26 of the Convention through the adoption of a provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, and/or by developing relevant guidance; ensure that Public prosecutors receive training on THB and are encouraged to be proactive in establishing if an accused person is a potential victim of trafficking while considering trafficking in human beings as a serious violation of human rights; ensure that potential victims of trafficking are not punished for immigration-related offences while the identification procedure is on-going.
3. Requests the Government of Switzerland to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **18 October 2020**.
 4. Recommends that the Government of Switzerland take measures to implement the further conclusions of GRETA's second evaluation report.
 5. Invites the Government of Switzerland to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.