

**ALTERNATIVE REPORT ON THE FOURTH / FIFTH REPORT FROM SWITZERLAND ON THE IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (ICEDAW)**

**REGARDING ART. 6 (TRAFFICKING OF WOMEN AND EXPLOITATION OF PROSTITUTION) CEDAW**

TO THE ATTENTION OF

**THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

This alternative report on the implementation of **Art. 6 CEDAW** by Switzerland has been drafted by **FIZ Advocacy and support for migrant women and victims of trafficking<sup>1</sup>** and is supported by **PROKORE (Prostitution, Kollektiv, Reflexion)<sup>2</sup>**, a Swiss umbrella network advocating for and defending sex workers' rights.

Our assessment is based on years of experience and practical knowledge acquired through our work in the whole of Switzerland. FIZ has been advocating and supporting migrant women affected by violence and victims of trafficking **for over 30 years**. The Counselling Centre for Migrant Women of FIZ yearly provides advice to more than 400 women, mostly to victims of exploitation and/or violence within the sex trade. 12 years ago FIZ established FIZ Makasi – a specialised intervention and support centre for trafficked women. Today FIZ Makasi has performance contracts with eleven cantons and is mandated to counsel and assist persons who fell victim to human trafficking. Year by year FIZ Makasi supports and protects women in around 200 cases. 2011 FIZ Makasi opened a specialised shelter home. FIZ combines its support work with political lobbying and with intensive efforts in the awareness raising and capacity building of involved authorities and other stakeholders.

We would like to express our gratitude for the opportunity to comment on the issue of human trafficking and sex work by submitting our *alternative report on the fourth / fifth report from Switzerland on the implementation of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), Art. 6 ICEDAW*, to the attention of CEDAW's reviewing of Switzerland during its 65th session (24 October – 18 November 2016).

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<sup>1</sup> Cf. FIZ's webpage: [www.fiz-info.ch](http://www.fiz-info.ch).

<sup>2</sup> Cf. PROKORE's webpage: <http://www.sexwork.ch>.

## **HUMAN TRAFFICKING**

The International Labour Organization, ILO, estimates (2012) that 21 million people around the world are victims of human trafficking and forced labour. Human trafficking happens in Switzerland, too; Switzerland is both a transit country and a destination. Nobody knows how many people in Switzerland are affected by human trafficking, as there are no reliable figures or current estimates of the situation in the country. However, experts assume that only a fraction of victims of human trafficking are being identified and protected. One tangible figure is the number of women who have received support from FIZ over the last year; in 2015, FIZ Makasi, the intervention centre for trafficked women, handled 229 cases. Of these, 95 were new cases and 134 were on-going from previous years.

Even though Switzerland has ratified the Palermo protocol<sup>3</sup> and the Council of Europe Convention on Action against Trafficking in Human Beings and has a national action plan to combat human trafficking, those affected by it are often still not identified. Victims find themselves in a particularly vulnerable situation: they have no or only a precarious residence status in Switzerland and have little opportunity to claim their rights. Protection of victims is seriously neglected; victims suffer discrimination and unequal treatment time and again. The consequences are that only a handful of traffickers are brought to court and that there is little justice done to victims in the Swiss legal system.

In our practical work with the victims of human trafficking, we witness again and again that there are gaps in the protection and support of victims in Switzerland and that action is needed in order to prevent this violation of human rights. The shortcomings relevant for the implementation of Art. 6 ICEDAW are explained below.<sup>4</sup>

### **Cantonal differences and insufficient funding impair the protection of victims**

**The worrying shortcomings regarding cantonal differences in the protection of victims and victim support determined by the 2009 CEDAW Committee and the lack of state funding for existing specialized services relating to this (cf N 29 et seq.) are still an issue today.**

All relevant areas of law and powers to investigate perpetrators of human trafficking and to identify, protect, and support victims of human trafficking are at the discretion of the Swiss cantons. **There are no consistent standards across Switzerland concerning action against human trafficking and victim protection.** This results in inequality, in a lack of legal certainty and ultimately, in discrimination against victims. The Swiss government shifts the responsibility onto the cantons and does not take advantage of its scope of action; at the very least, the national government should be monitoring and promoting implementation of national and international

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<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime dated 15 November 2000 (SR 0.311.542).

<sup>4</sup> You can find more information on the trafficking of women in Switzerland on our website ([www.fiz-info.ch](http://www.fiz-info.ch)) and in the GRETA report ([Report by Switzerland concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, First evaluation round, GRETA\(2015\)18](#)).

obligations regarding the protection of victims of human trafficking and their rights and take action against any non-compliance.

There are great differences from canton to canton in the number of identifications, even though the situation is similar in all cantons. The highest number of victims are identified in the Canton of Zurich, followed by Solothurn and Lucerne.<sup>5</sup> In other cantons only isolated cases are identified. Out of all 26 cantons only Zurich and Vaud have institutionalized, non-repressive police units specializing in human trafficking; the significance of this can be seen in the number of cases of human trafficking that are identified. However, also then not all victims might be identified and the rights of victims are not always respected.

***In its recommendations (no 30), the CEDAW committee explicitly calls on Switzerland to ensure the protection and recovery of victims of human trafficking by allocating sufficient funds to specialised bodies. Switzerland complies only partially with this recommendation, as victim protection services for victims of human trafficking are still not secured financially on a long-term basis.***

FIZ is the specialized advocacy centre in Switzerland for victims of trafficking in women. It runs a comprehensive victim protection programme for survivors of women's trafficking. We provide advice and support in more than 200 cases each year. The financial contributions to the programme by the Cantons with which FIZ has concluded performance contracts according to the Assistance of Victims Act (OHG) still don't cover all the costs; in 2015 we had to finance more than 30% of our costs by donations and project contributions. In the same year we benefited for the first time from financial support detailed in the 2014 CEDAW report from Switzerland in accordance with the Ordinance on Measures to Prevent Offences in connection with Trafficking of Human Beings (N 51). This relieved some of the pressure and enabled us to ensure our services throughout 2015. However, as we have to submit a new application each year, we cannot plan securely for the future.

Another flaw in victim protection is the lack of suitable accommodation for the victims of human trafficking.<sup>6</sup> In Switzerland, there are not enough specialised protection programmes for victims of human trafficking that provide accommodation. In order to handle the specific situations and needs of victims of women trafficking appropriately, suitable accommodation and specialized support is needed. Again, there is a lack of funding to this purpose.

Furthermore, the number of human trafficking cases involving asylum-seeking women is increasing and specialist support and advice for them, as well as medical, therapeutic and legal support, receives no funding. Central government and cantons are shifting the responsibility onto each other.

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<sup>5</sup> According to FIZ statistics 2015.

<sup>6</sup> Cf also GRETA report, N 139.

## Protection by residence status for victims of human trafficking remains uncertain

*Switzerland does not comply with recommendation N 30 of the CEDAW Committee, in which the country is called upon to pursue and punish perpetrators of human trafficking and, in particular, to ensure the protection of victims; in this context Switzerland is requested also to consider extending temporary residence permits for victims and other measures.*

In its 2014 CEDAW report the Swiss government explicitly points out the possibility of issuing a hardship permit (Article 30 (1)(e) AuG<sup>7</sup> and Article 36(6) VZAE<sup>8</sup>), or a residence permit to victims of human trafficking irrespective of the existence of criminal proceedings and of the victim's cooperation with the authorities. It also mentions an underlying paradigm shift towards the protection of victims taking priority over criminal prosecution in cases of human trafficking. **We do not share this assessment:**

The Swiss legal system only "permits" the granting of residence permits due to cooperation with law enforcement agencies or to personal circumstances of the victim (hardship case) – the granting of residence permits in such cases is not mandatory. With regard to residence of victims of human trafficking, the Foreign Nationals Act only suggests the possibility, in accordance with Article 30(1)(e) of the Foreign Nationals Act: "Derogations from the admission requirements (Art. 18-29) are permitted in order to regulate the period of stay of victims and witnesses of trafficking in human beings." There is thus no legal clarity. Residence rights are protected, or not, at the discretion of the authorities, leading to striking differences in the 26 cantons when it comes to residence decisions.

Under current law (Art. 36 of the Ordinance on Admission, Residence and Employment (VZAE), particularly paragraph 5), and according to common practice, victims of human trafficking who are not ready to give evidence (or victims, whose evidence is not considered to be relevant, or where proceedings have not been initiated or have been closed) generally have to leave Switzerland and are therefore not able to claim the victim support services as legal residents which are due to them. There is no option for victims of human trafficking to obtain legal residence quickly and unbureaucratically for a few months after a period of reflection in which she or he may, for example, decide against cooperation with the authorities out of fear. Only if this were the case a victim could claim the support and protection as defined in the Victim Support Act (OHG) as a legal resident irrespective of cooperation with authorities.

According to Swiss law, such a case would require an application for a humanitarian permit on the grounds of personal hardship. Issuing permits on the grounds of hardship lies in the responsibility of the cantonal migration offices. Requests are handled differently across the country in each canton and very few permits are granted. Even though the State Secretariat for Migration (SEM)<sup>9</sup> has issued relevant guidelines for granting

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<sup>7</sup> SR 142.20, Federal Law on Foreign Nationals (Foreign Nationals Act, AuG) dated 16 December 2005 (as at 1 February 2014).

<sup>8</sup> SR 142.201, Ordinance on Admission, Residence and Employment (VZAE) dated 24 October 2007 (as at 1 January 2015).

<sup>9</sup> SEM Guidelines version 06/01/2016, in: <https://www.bfm.admin.ch/dam/data/bfm/rechtsgrundlagen/weisungen/auslaender/weisungen-aug-d.pdf>, Chapter 5.6.2.2.5: 'Victims and Witnesses of Trafficking in Human Beings'.

hardship permits in human trafficking cases, the process in some cantonal authorities is characterised by ignorance of existing legal principles, by the discretionary powers of the authorities and by the personal assessment of the civil servant entrusted with the case. The legal basis is too weak and has not been firmly established at an institutional level. Furthermore, since these guidelines were revised in July 2015, the situation for victims of human trafficking has gotten worse. Although the guidelines still state that it should be possible to issue hardship permits or residence permits on humanitarian grounds regardless of whether the victim is willing to cooperate with law enforcement, it newly mentions a list of documents required for the application for a permit: the list includes police reports, written complaints and relevant criminal convictions. In practice, this means that also hardship permits are reserved for those victims who cooperate with law enforcement authorities in criminal proceedings.

The situation is particularly serious when a criminal proceeding is closed. Notably Cantonal Victim Aid and migration offices view this as evidence that there is no case of human trafficking and that the person involved cannot be deemed a victim. This then means that even a hardship request, which was previously the only remaining option, is not available in practice.

With regard to the amount of time allotted for the victims to recover and consider their options, it has become apparent to FIZ that the time is often limited to the absolute minimum, with the decision of whether to cooperate with the authorities or not is wrongly given priority over the victim's recovery. Revised SEM guidelines now state that the period for the victim to recover and consider their options should be at least 30 days, 'but not longer than 3 months'. ***This runs counter to the spirit of the CEDAW Committee recommendation regarding the extension of residence permits.***

Fundamentally, aspects of the Swiss Foreign National Act (i.e. punishment of victims for violation of the Foreign Nationals Act, the granting of residence only when victims cooperate in criminal proceedings) are the greatest hurdles for those affected by human trafficking for accessing their rights. These aspects of the law of foreign nationals are given greater priority than the protection and support of victims of human trafficking. Police controls generally focus on 'Violations of the Foreign Nationals Act' and on deportation and thus make it impossible to identify and protect victims. Also in cases of well-founded suspicions of human trafficking and contrary to international law, victims are deported.

***The structure of the Swiss legal system and current practices of authorities, the judiciary and the police have retained the focus on prosecutions and violations of the Foreign National Act, and thereby fail to implement CEDAW's recommendation.***

### **No application of international regulations regarding human trafficking in the area of asylum**

FIZ welcomes measures of the Swiss government as specified by the State Secretariat for Migration SEM to improve the situation of victims of human trafficking in the area of asylum. These measures include structural changes within the State Secretariat (e.g. the creation of a position focusing on human trafficking) and the provision of training and awareness raising events for key civil servants.

***In the area of asylum, however, there are still some fundamental shortcomings that have been overlooked:***

If there is a suspicion of human trafficking, Switzerland's **obligations to protect and support** in accordance with the European Convention on Human Rights (ECHR) and the Council of Europe Convention on Action against Trafficking in Human Beings apply immediately; presumed victims must therefore be provided with specialized accommodation, receive the medical care they need and be supported by specialist victim advice centres. But currently, the authorities only hand out an information leaflet with contact details of the cantonal victim support centres specializing in human trafficking. According to the experience of FIZ and to international opinion<sup>10</sup>, this is inadequate; very few victims register with these centres on their own. GRETA (Group of Experts on Action against Trafficking in Human Beings, the Council of Europe's monitoring body regarding human trafficking) in its 2014 report on Switzerland also urgently calls upon the state to improve identifications in the area of asylum and ensure that all victims of human trafficking receive the support and protection that are due to them.<sup>11</sup>

Some international regulations such as the recovery and reflection period, the possibility of issuing a residence permit and thus the provision of sufficient support are, to some extent, covered in the Foreign Nationals Act. However, due to the exclusivity principle in the Swiss asylum law (Asylum Act, Article 14(1)), these regulations do not apply to victims of human trafficking seeking asylum. Instead, the revised SEM guidelines explicitly state regarding residence of victims of human trafficking that standards regarding the law on foreign nationals do not directly apply to asylum cases; as a result, Switzerland does not comply with international obligations. This is particularly devastating in Dublin cases or if the suspicion of human trafficking occurs immediately before deportation. ***Victims can exercise their rights only if Switzerland grants them residential protection, if they can legally stay in Switzerland and if they can therefore gain access to support and protection.***

Another violation of international regulations (such as Article 10(2) of the Council of Europe Convention on Action against Trafficking in Human Beings) is that in Switzerland, people who have been identified as victims of human trafficking, but where **the criminal act took place abroad, do not receive any specialized support or protection from Switzerland**. This is despite the fact that international law does not differentiate between victims based on the location of the criminal act.

Moreover, identified victims of human trafficking falling within the Dublin Regulation are transferred to the responsible Member State, regardless of any criminal proceedings on their behalf in Switzerland and their cooperation with the authorities. If needed for testimony in court, authorities can issue an entry visa for victims. This regulation is not practicable. As experience shows, victims of human trafficking generally don't come back to Switzerland in order to cooperate with the same authorities that deported them before. This plays into the hands of the perpetrators. Perpetrators have not much to fear in Dublin-cases after the victims are deported.

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<sup>10</sup> Cf [http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/iom-projektbericht-menschenhandel-asyilverfahren.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/iom-projektbericht-menschenhandel-asyilverfahren.pdf?__blob=publicationFile) (as amended on 13/08/2015).

<sup>11</sup> Cf GRETA report on Switzerland, recommendation 15, Appendix I, p 52.

## No focus on exploitation of labour

Article 182 of the Swiss Criminal Code, which came into force in 2006, makes trafficking in human beings for the purposes of sexual exploitation, exploitation of labour and organ trafficking criminal offences. Indeed, **some steps have been taken to address the issue of human trafficking for the purpose of labour exploitation, but progress has been extremely limited.**<sup>12</sup> The cantonal round tables, for example, and police investigations continue to focus on human trafficking for the purpose of sexual exploitation. Employing foreign workers in exploitative conditions is often still seen as a trivial offence. ‘No matter how poor the working conditions may be in Switzerland, they’d be much worse in their country,’ is often the attitude of the public and many authorities. More intensive awareness-raising initiatives are required, as well as legal employment opportunities for third-country nationals in line with demand in Switzerland. It is disturbing that working permits for third-country nationals are available for certain expert roles, but not for low-wage workers. There needs to be greater cooperation, particularly with players such as employment agencies, and more training for the relevant players, in order to enable the identification of victims and the development of intervention mechanisms that benefit them. To date, we have knowledge of merely four convictions for human trafficking for the purposes of labour exploitation in Switzerland.

Contrary to the statement of the Swiss government in the Swiss CEDAW report 2014 (N 48), **laws against undeclared employment cannot be classified as measures against trafficking in human beings for the purposes of exploitation of the workforce.** Even the current, ongoing revision of the law against undeclared employment misses the opportunity to strengthen worker protection and play a part in contributing to the identification of victims of human trafficking. Instead, the law focus on the damage to the national economy and the Treasury and neglects to give labour inspectors an explicit legal mandate to monitor and report<sup>13</sup> violations of Article 182 of the Swiss Criminal Code<sup>14</sup>.

### FIZ recommendations:

- **Combating human trafficking requires a nation-wide solution.** The insight that combating organised crime needs a transnational approach should, obviously, also be transferred to the Swiss cantonal structure and accordingly lead to an inter-cantonal strategy for the fight against human trafficking. **Switzerland needs to introduce uniform and binding standards for all cantons**, so that identifying and protecting victims isn’t handled arbitrarily and in different ways from canton to canton.
- **Switzerland should comply with the recommendation of the CEDAW Committee and provide funding for a comprehensive victim protection programme with sufficient accommodation and appropriate integration measures. Reliable, long-term government funding is needed for NGOs who offer specialized protection for the victims of human trafficking.**

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<sup>12</sup> GRETA is of the opinion that Switzerland should strengthen their efforts against human trafficking for the purposes of the exploitation of labour (cf. e.g. GRETA report, recommendation 4, Appendix I, p. 50).

<sup>13</sup> Cf. FIZ report on the revision of the Federal Law on Measures to Combat Undeclared Work (BGSA) dated 30/07/2015, available from: [http://fiz-info.ch/images/content/VernehmlassungBGSA\\_StellungnahmeFIZ.pdf](http://fiz-info.ch/images/content/VernehmlassungBGSA_StellungnahmeFIZ.pdf) .

<sup>14</sup> Swiss Criminal Code (SR 311).

- **The recommendations of the CEDAW Committee should be implemented. In particular, more importance should be assigned to the protection of victims and protection regarding residence rights should be strengthened.**  
The serious violation of human rights involved in human trafficking should be reason enough to receive a long-term residence permit. In most cases, victims are severely traumatised and **should be able to stay in Switzerland simply because of the protection that is required and the medical, therapeutic and other rehabilitation services that they need.**  
**The recovery and reflection period should be interpreted and granted in the interests of victims.** During this period, the police should not interview or interrogate victims etc. and data protection must be guaranteed. To this purpose a clear legal basis is required as well as additional awareness-raising and training events, particularly for the police, the Prosecution Service and migration authorities. Switzerland should also ensure residence rights for all victims of human trafficking, regardless of the existence of criminal proceedings and the willingness of a victim to cooperate and provide evidence. This is the only way to ensure that victims receive the protection and assistance due to them in accordance with the Victim Assistance Act.  
The phrase 'derogations...ARE PERMITTED' in Article 30(e) of the Foreign Nationals Act is insufficiently precise and leads to stark differences in how the law is applied. In practice, the residence of victims of human trafficking depends on the canton, the type of exploitation, the authority and the individual civil servant; a nation-wide standard needs to be established.
- **International regulations regarding the protection of victims and human trafficking should also be implemented and applied in Swiss asylum law.** In addition to making efforts to increase and improve identification of those involved in the asylum process, it is vital that Switzerland exercise its obligations to provide protection and support as soon as there is a suspicion of human trafficking in a given case. Those affected by human trafficking should effectively be able to access protection, support and their rights as a victim. In addition, potential victims in the asylum process should be granted time to recover and consider what they want to do next and contact with specialist victim advice centres must be guaranteed.  
In **Dublin cases, the suspicion of human trafficking should establish Switzerland's responsibility** and result in the asylum request being materially reviewed by Switzerland, taking into account the specific situation of human trafficking victims.
- Switzerland focuses mainly on combating human trafficking for the purposes of sexual exploitation. **Very few victims of human trafficking for the purposes of exploitation of labour are identified.** We have have knowledge merely about FOUR convictions for human trafficking for the purposes of exploitation of labour in Switzerland. **Switzerland should urgently promote involving and training new players and NGOs such as labour inspectors, employees and trade unions; inspectors must have an explicit remit for their controls regarding human trafficking.**

### MEASURES IN THE EROTIC INDUSTRY

FIZ and PROKORE emphasize the importance of differentiating between human trafficking for the purpose of sexual exploitation and sex work. While human trafficking for the purpose of sexual exploitation is a criminal offence and a severe violation of human rights, sex work in Switzerland is a legal trade. By no means all sex workers are affected by human trafficking or exploitation.



Experts estimate that 13,000 to 20,000 people work in the erotic industry in Switzerland. Most female sex workers in Switzerland are migrants, with around 70% from European countries, 15% from West Africa, mainly Nigeria, Sierra Leone and Ghana, 10% from Latin America and 5% from Asia.<sup>15</sup> Migrants working in prostitution face a range of problems; women who have no legal residence permit are affected by layers of exclusion and structural violence. Illegalised and criminalised migrants cannot trust the police and other authorities, they can't ask for help even if they need it and cannot defend themselves against exploitation and violence. The main problems of sex workers who come to FIZ for advice are social exclusion and stigmatization. The mental stress that results from this stigmatization is huge and can have an impact on their health.

The increased regulation of the sex industry in the last few years has **not led to the promised increase in protection for** sex workers, but instead has resulted in more repression and pressure. Legal, bureaucratic and financial impediments for sex work – indoor as well as street sex work – are so high that to practise sex work in a legal framework has become almost completely impossible. The consequence is that sex work has been forced underground, making the work more dangerous, more difficult and riskier for women, and making them dependent on large brothels or welfare, which many sex workers try to avoid at all costs.

In the fourth and fifth periodic reports by Switzerland on the implementation of CEDAW, the Swiss Federal Council presents measures planned to protect sex workers and others working in the sex industry. It is good to see that these include stronger support for NGO's prevention work and the revision of the Foreign Nationals Act; if a sex worker becomes a victim of a criminal offence during work, she or he can receive repatriation assistance and support with residence arrangements. A key measure which has already been carried out is the abolition of the cabaret dancer status. This abolition, which came into force in 2016, does not increase the protection of those involved, but rather weakens it considerably. Migrants from third-country states who currently work in a cabaret will no longer be able to rely on any protection of their residence and labour rights, making them much more vulnerable than before.

In order to fulfil several requirements of the national Parliament, the Swiss Federal Council recently published a report on 'Prostitution and Trafficking in Human Beings for the purposes of Sexual Exploitation'. In this report, the Swiss Federal Council makes specific suggestions for additional protective measures in the erotic industry.

FIZ welcomes the clear refusal of the Swiss Federal Council to ban prostitution and to criminalize clients. This confirms that sex work in Switzerland is a legal trade. A ban on prostitution, such as in Sweden, would drive the sex industry underground. This would result in sex workers having to work in secret and being less protected against exploitation and violence. Some of the measures in the report are also to be welcomed, such as the creation of a national panel of experts on prostitution and combating extortionate rents.

However, by far the majority of the Federal measures would not achieve their desired aims but would instead place sex workers under a huge amount of pressure, stigmatize them and restrict their legal employment opportunities. They include strengthening the police presence in sex trade milieu, making it illegal to rent rooms to sex workers and introducing a special identification card for sex workers. Other measures, such as

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<sup>15</sup> [Discussion paper on sex work: facts, positions and visions from a feminist perspective, Terre des femmes, FIZ Advocacy and Support for Female Migrants and Victims of Trafficking](#), cfd, XENIA, Pro Co Re, August 2014, p. 5.

making it obligatory to use a condom, are not viable. New prostitution laws may regulate the work, but neither permit requirements for sex worker nor business plans required for brothels and independent sex workers strengthen their rights.

**FIZ regrets that the report does not make any concrete suggestions to strengthen sex workers' rights and improve their working conditions. It is indisputable that the best way to protect sex workers against exploitation and violence is to grant and strengthen their rights.**

In the concluding remarks regarding the elimination of discrimination against women, the Swiss Committee recommends 'considering the introduction of provisions enabling women to move from the erotic industry into other employment' (N32). Switzerland has not implemented this recommendation. None of the planned measures allow migrant women to undergo legally protected, practical re-training so that they can work in Switzerland legally in a trade other than the erotic industry.

**FIZ calls for the following measures for sex workers:**

- **Sex work must be considered as equal with other industries across Switzerland. The argument of unconscionability needs to be removed.** Contracts in sex work are seen as unconscionable in almost all of Switzerland and courts cannot enforce them. It is not clear why people conducting a legal trade cannot enforce their claims in a court of law.
- **Sex workers should have the freedom to choose whether they are employed or self-employed.** This freedom is currently restricted; in some cantons, sex workers are only allowed to be self-employed, whilst in others they can only work as employees.
- **The state must provide a low-cost service enabling sex workers to leave the sex industry if they choose to do so and subsequently assist them in obtaining legal residence and legal work in Switzerland.** However, this measure must not negatively affect women who want to continue to work in the sex industry.
- **Sex workers and grassroots organization should be involved and have a say in the discussion of new measures.** Until now, the state decides on the regulation of sex work and those involved are insufficiently included. This is not consistent with the procedure for regulating other trades in Switzerland and there is no reason why men and women who work in the erotic industry should not speak for themselves.

*FIZ Advocacy and Support Centre for Female Victims of Trafficking, October 2016*