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FIZ MAGAZINE

• Advocacy and support
for migrant women and
victims of trafficking



Trafficking in women:
brutal and subtle



Dear Readers,

You are holding in your hands the very first issue of FIZ Magazine! Published once a year, it will replace the leaflets sent in the past. The magazine offers a bit more space for feature articles. In this first issue, we would like to draw your attention to how trafficking in women is only partly what it is commonly presumed to be. The general perception is that a woman is brutally and violently exploited and forced to work in the sex industry. This is the image portrayed by most media and the political sphere is also oriented to this stereotype. The consequence is that anything else is not perceived as “genuine” trafficking in women. However, in order to adequately protect the victims, it is important to be aware of the different forms of exploitation and coercion, and to also recognise things such as psychological coercion, for example. Trafficking in women is brutal. But it is also subtle.

In this issue, we question the stereotypes and examine the vulnerability of victims of trafficking. Public prosecutor Runa Meier shares details of her work on cases that diverge from the prevailing perception. As in previous leaflets, one segment provides insight into a different topic: “How does the FIZ advise sex workers?”

The graphic design is by Christina Baeriswyl of Wald & Wiese.

We wish you a stimulating read!
Warm wishes

Susanne Seytter and Rebecca Angelini

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Trafficking in women: brutal and subtle

A few years ago, a human trafficking trial dubbed “Goldfinger” prompted a major debate. The perpetrators subjected their victims to such brutality that the *Neue Zürcher Zeitung* daily newspaper quoted the presiding judge as saying: “An abyss has opened before us.” This trial had a decisive impact on the public perception, and one important fact was forgotten: Traffickers do not always use physical violence. Their crimes, and the consequences for the victims, are nevertheless just as grave.

A young woman is tricked into migrating to Switzerland under false pretences. She is then taken to a brothel, beaten, and raped. She is constantly watched, prevented from leaving the house on her own and mistreated on a daily basis. This is the scenario that most people imagine when trafficking in women is discussed. But the reality is far more diverse: The chains that bind the survivors of human trafficking are not always physical in nature. Perpetrators also use psychological coercion: they threaten, warn, shame and exploit their target’s vulnerability. There are structural, legal, social and individual factors to vulnerability, such as precarious or illegal residence, discriminatory experiences with authorities in their home country, debts, financial responsibility for children, and a poor level of education, to name just a few examples. The “chains” therefore often comprise a complex series of factors that make the targets vulnerable and thus also exploitable.

Stereotypical perceptions

These aspects are rarely mentioned in the public debate on human trafficking though. Most images in the media portray exoticized, objectified victims. The “helpless victims and foreign perpetrators” dynamic plays into the public perception that human trafficking is the “invention” of foreign villains, affecting just a few migrant women. This distracts from the fact that trafficking in women is also the consequence of discriminatory systems and structures.

Oversimplified portrayals of human trafficking tend to garner support for quick-fix solutions, such as calls for tougher migration laws or a ban on sex work. Thus, structural factors of global inequality – the poverty gap between countries of the northern and southern hemispheres, gender-specific inequalities, capitalistic profit maximisation – are disregarded. But human trafficking does not only play out between perpetrators and victims. Our migration policies, our demand for the services of trafficked people and our stereotypes are part of the problem. And it is in these areas that solutions must be found.

The stereotypical image of trafficked women in the sex industry, moreover, focuses public attention on sex work and implicates it as morally indecent. But the fact is that sex work is legal in Switzerland and anyone is free to engage in it. And human trafficking is a dirty business whatever the industry. Stereotypical perceptions are not only wrong, but they can also directly harm the victims and harbour considerable risks.

Lack of identification

On the one hand, stereotypes can lead to victims not being identified in “untypical” cases. Investigating authorities, labour market inspectors and asylum authorities may misjudge the situation, as they assume a certain pattern of human trafficking.

Lenient sentencing

If there is still an investigation and perpetrators are taken to court, they may be acquitted or only receive a lenient sentence, as public prosecutors and judges are not always familiar with more subtle forms of coercion.

Wrong decisions by authorities

Stereotypical perceptions ultimately increase the risk of authorities making the wrong decisions. Applications for residency on the grounds of personal hardship, or claims for funding according to the Swiss Victim Assistance Act, risk being denied if the victims were “only” subjected to subtle coercion and not to physical violence. Authorities and other specialists need targeted training on the conditions and constraints under which victims of human trafficking live. Only then can lasting protection be assured.

The type of coercion used – whether physical or psychological violence – is by all means significant for survivors of trafficking themselves. But on a policy level, focus should be placed on the needs of all survivors, regardless of the type of coercion. It is important for them to be able to live a decent life after the exploitation has been exposed. Alternative work opportunities with fair conditions and legal residency are needed for this. Switzerland’s migration policy is one of the structural factors that makes migrants vulnerable. A great many human rights violations could be prevented with a pragmatic migration policy that creates sufficient legal migration routes.

¹Brigitte Hürlimann: „Härtere Strafen für Menschenhändler, NZZ, July 19th, 2012.

Stereotypes:

Images in our minds conceal more than they reveal

It isn't easy to identify victims of trafficking in women. Often the images we have in our minds do not correspond with reality. This leads to many cases of trafficking remaining undetected. We must improve our awareness for all victims. An attempt to debunk the clichés.

Stereotype:

Trafficked women are subjected to brutal physical violence.

Stereotypical perceptions make it difficult to identify trafficking, as those who are not brutally beaten struggle to be recognised as victims. Extreme violence often does play a role in human trafficking. But not always: the violence often takes subtle psychological forms. For instance, perpetrators threaten to tell everyone "back home" what the women have been up to in Switzerland, in order to shame them. For the survivors, this can mean their social demise. Or perpetrators abuse their targets verbally and succeed in making them feel dirty and worthless. They manipulate the target's ignorance and lack of orientation, and place her under pressure using her own value systems against her, e.g. by calling upon oaths she may have taken or her duty to obey, or threatening to shame her.

Stereotype:

Trafficked women are smuggled over the border illegally.

Many people believe that trafficked women have been brought to Switzerland illegally by criminals. There are indeed a great many illegalised victims of human trafficking. Without any official documents or residence status, they often aren't perceived as victims in Switzerland, but rather as migrants who get around the entry and residence regulations and misuse "Swiss hospitality". They are consequently criminalised. Instead of being supported as survivors of human trafficking, they are fined and deported as perpetrators. However, there are also a great many women who legally enter Switzerland of their own accord, with an EU passport, as a tourist, or as an asylum seeker. These migrants may be lured in by false promises and hope for a better life. Human traffickers, having promised them a job, education or marriage, are waiting for them in Switzerland.

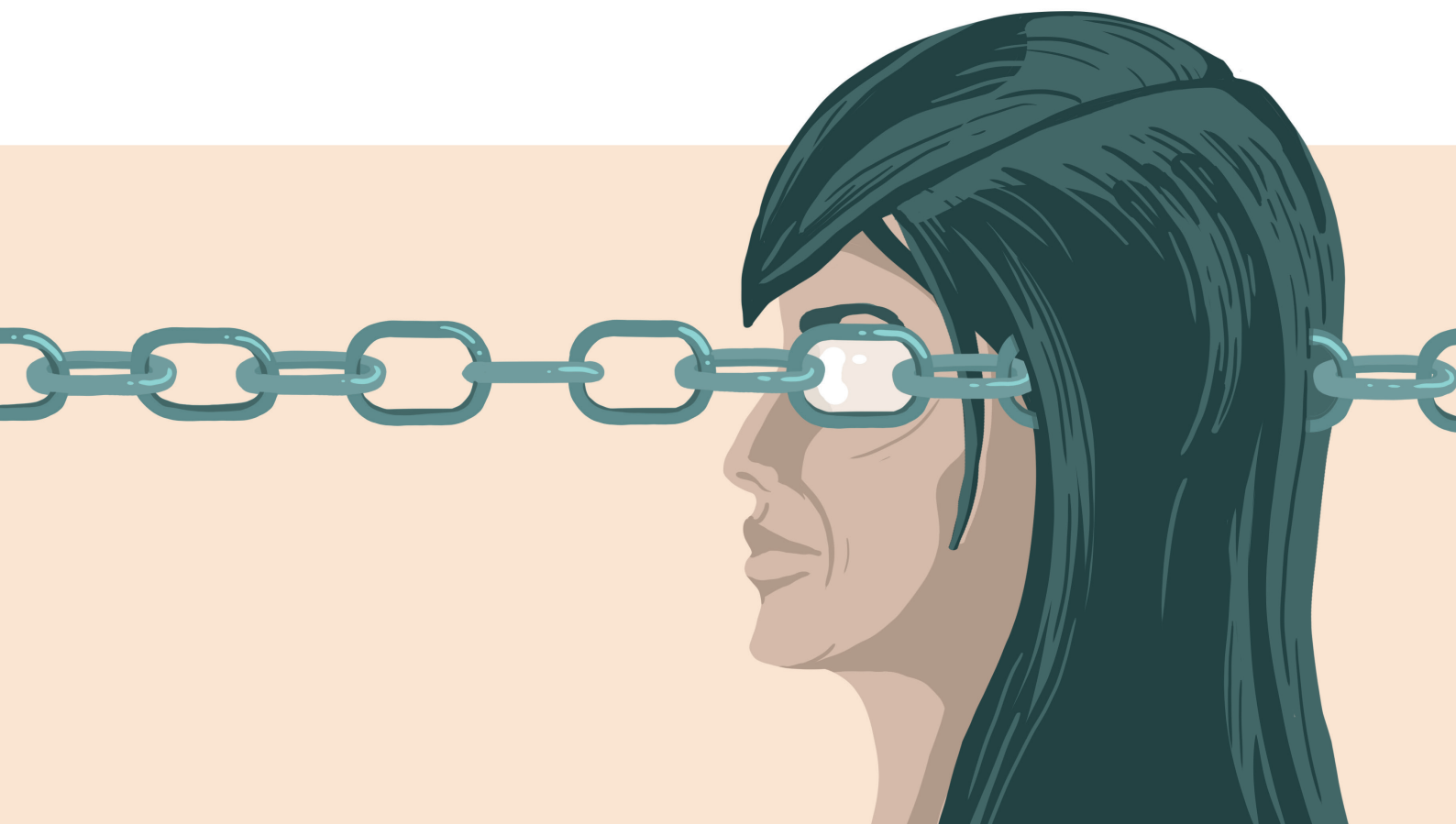


Stereotype:**All trafficked women are exploited for sex work.**

In most people's minds, the typical victim of trafficking in women is a young woman who is forced through using violence or black magic to work in the sex industry against her wishes. According to the stereotype, sex work is never something that someone chooses to do of their own free will – and this leads to calls for a ban. But many women who are trafficked in the sex industry are actually prepared to offer sexual services. Some of them have already worked in the sex industry in their home country. And there are men and transwomen working in the industry, too. A fundamental willingness to perform sex work does not mean that those involved cannot become victims of human trafficking, though. For even if they are fundamentally willing to offer sexual services, they may be forced to work under exploitative conditions. Because they were previously involved in or willing to perform sex work, they are often not perceived as victims of human trafficking. But they are indeed victims if their wages or official documents are withheld, if they must be available day and night, or if they are put under pressure. Human trafficking also exists in other industries: in private households, agriculture, hospitality and the construction sector. The danger that women and men will be forced to live and work under exploitative conditions is greatest where non-transparent chains of subcontractors exist. Even if they agree to perform the work, they do not agree to be exploited. Their wages are withheld, they are required to work unreasonably long hours, their freedom of movement is restricted, or their contact with the outside world is monitored, for example.

Stereotype:**Trafficked women are young, female, dependent and helpless.**

The stereotypical victim is incapable of action and does not have her own free will. She waits to be rescued and is grateful to her rescuer. In other words: older women, men, and people who fight back against the authorities and implement their own survival strategies do not fit with the perception of the "ideal" victim and thus receive less protection. But survivors of human trafficking are active subjects who have developed survival strategies, such as defiance or detachment, in order to endure under difficult conditions. The strategies that were effective during their exploitation may prove less helpful in their lives thereafter. If victims do not correspond with the stereotypical perception, they are branded "difficult" and "ungrateful". But survivors of human trafficking have been controlled extensively by others and when they finally escape this exploitation, they do not want to be domineered again. Even if survival strategies appear irrational, they must be recognised as survival strategies. For seemingly crazy strategies often conceal an experience that privileged people have not had. It is then paramount that we question our notion of normalcy and attempt to see the world from the victims' perspective.



Interview

FIZ spoke with public prosecutor Runa Meier.

FIZ: The “Goldfinger” case caused an absolute furore back in 2012. FIZ supported 14 of the victims and accompanied them during the criminal proceedings. How has the phenomenon of human trafficking changed since then?

Runa Meier: The high-profile “Goldfinger” case undoubtedly had a lasting impact on people’s perception of human trafficking. But to measure human trafficking exclusively by this occurrence – as is unfortunately sometimes done – is unrealistic. The “Goldfinger” case mainly played out in the red light district at Sihlquai (a notorious street in Zurich). Since its closure, prostitution has moved to less visible parts of the city – and this in turn means that potential victims and perpetrators are also less visible. In recent years, sexual services have increasingly been offered online in sex ads, and the women are brought to the clients without anyone noticing. This means that it has also become more difficult for investigations to identify the victims and perpetrators. We must not

Runa Meier is a public prosecutor at Public Prosecutor’s Office II in the canton of Zürich. She specialises in human trafficking and has investigated a great many cases. We asked her about recent developments in human trafficking, particularly about subtle violence and non-stereotypical victims.



forget that human trafficking is not the type of crime that people report. Suspected victims generally don’t walk into a police station one day and announce that they are a victim of human trafficking. They must be identified, their trust must be earned, and they must be prepared to cooperate in criminal proceedings and testify.

The perpetrators in the “Goldfinger” case subjected women to extreme violence. Is this different in new cases?

The perpetrators appear to have “learned”

“I’ve seen how subtle exploitation can be.”

from this case. The severe sentences that were handed down, particularly due to the extreme violence, acted as a deterrent and have made perpetrators more cautious. They now know that blatant physical abuse is visible afterwards and will be penalised.

Are there any other new developments?

In the canton of Zürich, we have increased our efforts to also detect and uncover human trafficking for the exploitation of labour. These cases are practically invisible in society, either because the exploited workers are isolated in private households or because they do not see themselves as victims. Instead they simply struggle along as workers and allow themselves to be exploited, as they do not know their rights and simply hope to receive some wages, as this is always better than returning home without any wages at all. Such cases cannot be compared to “Goldfinger”.

One of a public prosecutor’s central tasks is questioning the victims. What must be borne in mind here?

I have a clear task. I must conduct an interrogation that follows procedure and gathers evidence. Most victims of human trafficking are traumatised, tend to have only a low level of education, and do not trust the “state” or authorities. And then they sit in front of me and have to make a statement while the accused watches them via video link from an adjacent room. They are usually still scared of the accused. Someone who hasn’t dared to defend themselves against a perpetrator for months or even years must suddenly reveal the most intimate of details to strangers. When organising the questioning, I must create an environment that makes it easier for them to give evidence – for example, by preventing the perpetrators and victims from meeting and taking great care in the selection of an interpreter. Sufficient time must be allowed for breaks, too. It requires a lot of patience and a good and appropriate questioning technique.

How would you say that a victim’s appearance as a “strong survivor” affects your work and ultimately the criminal proceedings?

The statements made by the suspected victim constitute key evidence during a human trafficking trial. It is therefore important to critically examine the statements and to organise the questioning accordingly. I often experience that particularly defence lawyers almost expect a survivor of human trafficking to be “broken”, to cry and to break down. When they appear “strong”, doubt is often raised whether they are even a victim. Sometimes a victim’s behaviour can also confuse me as the interviewer: when someone laughs as they tell you about their exploitation, when they do their make-up while you’re questioning them or give arrogant answers to your questions. As the person conducting the interview, it is important at this point to recognise these signs but to not interpret them using

clichés. It may well be that the victim appears to be a “strong survivor” in interviews, as they are filled with anger and this anger helps them to survive outright at that moment. But this does not mean that they have always been strong and could have defended themselves against the perpetrators.

Have you had to reassess or correct your own perceptions of human trafficking since you specialised in such cases as a public prosecutor?

Before I familiarised myself with this field, I also had the perceptions from cases such as “Goldfinger” in my mind when it came to human trafficking. I have since seen how subtle exploitation can be, though, and also why it continues to work so well. Gaining an impression of the home country of trafficked women also makes a difference. It makes an impression on you when you see that in a poor neighbourhood in Bulgaria in which predominantly Roma live, beside all the humble houses, the pimp’s residence is the most splendid with a Porsche standing out front. And when you know that the girls there leave school latest at 16, then soon have kids and don’t have any chance at a career, then it certainly leaves you feeling somewhat dismayed. You cannot change the world by combatting human trafficking, but you can at least help a few victims and punish those who caused the suffering.



Vulnerability:

When women are made into victims

How could I fall for this offer? Why didn't I realise what was going on sooner? Why didn't I defend myself? These are just a few of the self-reproaches that we often hear from women. We can all fall into a trap and be exploited. But the more vulnerable a person is, the likelier it is that they may become a victim of human trafficking. And the more vulnerable they are, the subtler the pressure may be in forcing them to submit.

People are not victims just because they are vulnerable. Even people suffering from extreme poverty have the power to act and reach decisions. Also women living in very difficult conditions can by all means decide of their own accord to offer sexual services in Switzerland. To deny this would amount to disenfranchisement. Only when vulnerability is exploited by others does someone become a victim.

Mauw*, Thailand

"I worked as a hairdresser, but couldn't afford to pay for my mother's cancer treatment. Then a colleague told me about an agency that could organise everything for me: the passport, visa, flight, and work. The agency explained that there were jobs in restaurants, travel would cost 100,000 baht but that was entirely normal, I would earn a lot of money, and I could repay my debt in instalments. It all went well and I was met at the airport and brought to an apartment. Then my future boss introduced herself. I called her "Aunt" – that's how we normally ad-

dress older women who are of a higher status. She told me to give her my passport and plane ticket for safekeeping. I didn't give it a second thought. The next morning, she took me to another apartment in which a few women and ladyboys were sitting around in erotic underwear. Then I got really scared and asked my boss to give me back my passport. She told me that I could have it back when I had repaid my debts. I cried and begged them to call Mr. X at the agency. I wanted to go back. But he told me that it wasn't possible until I had repaid the 30,000 francs that he had paid for me. From that moment, I knew that there was no way out."

Marie*, Ivory Coast

"She told me to shut my mouth and work instead of asking questions. She always found something for me to do: washing, cleaning the floor for the umpteenth time, bringing her tea at night. And when I asked where my contract was, she got angry. What was I thinking, what had got into me... if I didn't stop harassing her, she

would have to call the police – she claimed she had a good contact at the police. I cried and responded I didn't want that because I didn't have any papers. The police wouldn't believe me, and then where would I go?"

Joy*, Thailand

"I'm the oldest of five sisters. When my father died, rather than inheriting money, I inherited his obligations. I had to provide for my family. Older family members are important. While they must be obeyed, they must also take care of the younger members of the family. My mother has been ill for some time and is bedridden. My sisters care for her and I am responsible for making sure there is food on the table. But I didn't earn enough with cleaning. I worked in a restaurant that belonged to a friend of my father's. I called him "Uncle" and had to obey him. He was nice to me, but I had to work long hours every day and I did not earn enough."

* All names and circumstances have been anonymised.



We also asked public prosecutor Runa Meier about aspects of vulnerability:

FIZ: What must be proven in court to ensure a conviction of human trafficking?

Runa Meier: Compared to other countries, Swiss legislation mentions human trafficking only very briefly. The crime (false promises, transfer, receipt, recruitment) and purpose of exploitation (sexual exploitation, forced labour and removal of organs) are noted. But the legislation does not contain any provisions on the means or on consent. These are listed in the supranational UN law². Due to the brevity of the legislation in the penal code, the jurisdiction for the offence is very important and the offence must also be interpreted in light of the definition in international law. To summarise, the injustice in human trafficking lies in the abuse of power by the perpetrator over a position of vulnerability of the victim, and the removal of the victim's right to self-determination if they are controlled like an object. And all of these elements must be proven.

What does "abuse of power or abuse of a position of vulnerability" mean?

A position of vulnerability can arise due to personal or financial dependence or difficult economic or social circumstances. Dependence can also develop due to a romantic relationship, illegal residence, lack of language skills or drug addiction, for instance. In particular, a feigned romantic relationship, in which trust is built up and then the suspected victim is exploited, can often lead to dependence.

To what extent is the victim's consent relevant in human trafficking?

The view is repeatedly aired that a victim's consent makes them complicit and that they cannot then be victims. This is far too simplistic and neglects the fact that the victim very rarely gives their real consent. For example, consent may be relativised by completely or partially false pretences or promises, which ultimately means a clear distortion of the free expression of consent. Even if a victim already worked as a prostitute in their home country or knew that they would be working as a prostitute in Switzerland, for example, they may still be a victim of human trafficking if they were not informed of the circumstances and work conditions beforehand, or if they don't have any choice but to consent due to their position of vulnerability. In practice, it is therefore important to question the victim closely on the situation in their home country, their reasons for coming to Switzerland and their knowledge of what awaited them there.

²Protocol to prevent, suppress and punish trafficking in persons especially women and children, supplementing the United Nations Convention against Transnational Organised Crime ("Palermo Protocol"), 2000.

How does FIZ advise sex workers?

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The FIZ counseling centre for migrant women assists women with residency issues as well as those who are dependent on someone else due to their residence permit. Migrant women who suffer violence or exploitation – in the private sector, at work or elsewhere – come to us for advice. A great many of our clients are sex workers. Sex workers often contact the counseling centre for help with permits or because they do not know how to enforce their rights. Take Maria, for instance (name changed). She has run a small sex parlour in Zürich for many years now. There have never been any complaints from the neighbours during this time. As a small business owner, she has built up an independent enterprise over the years. She uses the money she earns to provide for her four children and sick husband. The new regulation on prostitution introduced in Zürich in 2013 meant that she was suddenly facing the closure and the loss of her livelihood. Maria defended herself against the authorities and FIZ supported her in this.

FIZ: The sex parlour owner Maria went to court to obtain a permit to continue operating her business. FIZ supported her in this battle. Why?

Chantal Riedo: Independent work in a small sex parlour allows sex workers to choose their own hours. They decide which services they wish to offer and which clients they will serve. And they have control of their own wages. This is why FIZ supports this form of work.

What was Maria's problem?

Maria's small sex parlour was in jeopardy, as according to the building and zoning ordinance (BZO) of the city of Zürich, sex parlours are not permitted in zones with a residential ratio of 50 per cent or higher. In our opinion, this constitutes covert discrimination of women, as it is almost exclusively women who work in the sex industry. If the restrictions do not apply for other trades (e.g. food retailers, clothes shops, shoemakers, etc.), then the

BZO indirectly discriminates against women. FIZ opposed this and therefore supported Maria in her court case.

At the end of 2016, the municipal council ruled that the ban on sex parlours in the BZO should be repealed across the board for all zones.

According to the regulation on prostitution in the city of Zurich (PGVO), small sex parlours do not require permission from the police. But, according to the BZO, they require building approval if the property usage changes. So if an apartment or shop is to now be used for the sex industry this need approval according to the BZO. The municipal council agreed that the term "Kleinstsalon" ("small sex parlour") used in the PGVO should be expanded to also refer to sex parlours in which two sex workers work in a maximum of two rooms. It previously referred to sex parlours in which two sex workers worked in a maximum of one room.

The municipal council moreover determined that small sex parlours could also be permitted in zones in which the residential ratio is 50 per cent or higher. This is a huge achievement.

Is everything OK again now?

Maria's case has currently been suspended until the new regulation is integrated into the BZO. Whether everything is "OK again" remains to be seen.

What problems do sex workers come to the FIZ counseling centre with?

Those working in Zürich legally as sex workers must adhere to complex bureaucratic requirements. Among other reasons, sex workers come to the centre because they need help with official permits. It isn't easy to apply for approval to use an apartment for the sex industry. They also need support with meeting social insurance and tax requirements and have questions about residence permits. Violence and exploitation by clients, employers and partners are also a recurring problem. And it happens time and time again that sex workers get into difficulties due to their fluctuating and often low income.

In which areas are sex workers subject to discrimination?

Migrant women working in the sex industry are discriminated against on three levels: as sex workers, as migrants, and as women. Hence we have to fight for their rights particularly frequently – even if they are working here legally, pay their taxes and meet all of their responsibilities. As sex workers, they are stigmatised or fear stigmatisation. They therefore often need assistance during contact with authorities, schools, housing management companies, etc.

There are also other counseling centres for sex workers in Zürich – including one operated by the city. Do we even need the FIZ counseling centre for migrant women?

It is important for women to be able to choose which advice centre they turn to. If sex workers have problems with the au-

thorities, they must be able to turn to a non-state establishment. The fact that there are also different non-state establishments is reasonable and important. FIZ has a lower profile than other counseling centres which are located „on-site“. FIZ's location in Altstetten (a quarter outside the centre of Zurich) offers discretion. Women not wishing to get involved in the scene, women with children or women "sans papiers", appreciate being able to come to us. What's more, no one is required to "out themselves" as a sex worker when they register with us. Our counseling centre is open to all migrant women. This allows sex workers to come to us with other issues and to discuss the problems with their work once we have gained their trust. FIZ's thirty years of experience in counseling migrant women and sex workers is also put to good use.

How does the counseling centre cooperate with FIZ Makasi?

A special strength of the FIZ counseling centre is that it is located under the same roof as FIZ Makasi, the protection programme for victims of trafficking in women. When human trafficking is suspected, we are able to react without any complications and consult a Makasi advisor.

Is the counseling centre also politically active?

No. But FIZ is. The counseling centre supports FIZ clients on a case-by-case basis. FIZ's public outreach and political team advocates for improvements on a structural level. Many theories of social work call for the linking of practical advisory work and political work. This is fulfilled by FIZ.



Chantal Riedo, head of the counseling centre for migrant women, shares insights into the advisory work at FIZ.



The specialised counseling centre for trafficking in women and migrant women in Switzerland

FIZ advocates for the protection and rights of migrant women who are victims of violence and exploitation. It draws attention to abuse and calls for urgently needed improvements for trafficked women and other migrant women who are victims of violence. It operates two counseling centres: one for migrant women and the Makasi centre specialising in intervention for trafficked women. FIZ also does educational and political work.

In 2016, the counseling centre team advised 324 migrant women.
Makasi assisted 233 women.