Identification, Assistance and Voluntary Return of victims of trafficking in human beings between Switzerland and Romania

This brochure is designed as an in-the-field-tool for professionals working on counter Trafficking in Human beings in Switzerland and Romania.
Introduction

According to the Swiss Federal Office of Police, Romania was one of the main countries of origin for victims of human trafficking for sexual exploitation in Switzerland during recent years. Often victims are aware of the fact that they are going to work as sex workers, but are mislead concerning the conditions. Victims of trafficking of sexual exploitation work in cabarets, brothels, contact bars or on the street. Because of the relatively high number of sex workers from Romania, Hungary and Bulgaria in Switzerland, the police suspect that there is a higher number of victims of trafficking among sex workers from these countries than those that have been identified.

Forms of labour exploitation of human trafficking are seldom prosecuted in Switzerland, but according to police information, there are suspected victims in the care, household, agriculture sectors, in the hotel and restaurant industry as well as in construction.

During the last year there was evidence that trafficking for labour exploitation in the form of forced begging was observed in Swiss cities. Similarly, an increasing number of children from Romania, Hungary and Bulgaria were reported to be forced into begging and shoplifting during 2012.

Currently, Romanian victims of trafficking (VoT) in Switzerland come from rural as well as urban areas of Romania. The victims are recruited through organised criminal networks, family members or ‘Lover Boys’.

In this brochure, you will find information on victims’ rights and assistance as well as on return assistance for victims of human trafficking identified in Switzerland. In addition, information on rights and assistance once the VoT is returned back to Romania.

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3“Fake” boyfriends that gain the confidence of women and girls and coerce/convince them into various forms of exploitation.
Switzerland

Referral Mechanisms for victim assistance in Switzerland

Due to the federal structure of Switzerland, some of the main competences in fighting human trafficking are the responsibility of the cantons, such as criminal prosecution, legal measures on foreign nationals and as well victim assistance. Therefore, there is no single, national referral mechanism to assure the victim’s access to assistance, but various cooperation and referral mechanisms on cantonal levels. So far, 16 cantons have a cooperation and referral mechanism and hold a regular roundtable meeting where different actors from governmental and non-governmental institutions (e.g. police, prosecution offices, victims’ assistance organisations, etc.) discuss improving cooperation. The cantons that currently have cooperation and referral mechanisms are: Aargau, Berne, Basel-Land, Basel-Stadt, Fribourg, Geneva, Lucerne, Neuchâtel, Obwalden, St Gallen, Solothurn, Schwyz, Ticino, Valais, Vaud and Zurich. Each canton has at least one victim assistance service that is directly accessible to the victims.

A. Victims’ Rights in Switzerland

Victims of human trafficking in Switzerland have the following rights:

- Permit to stay in Switzerland. Victims and witnesses of human trafficking may be granted a period of recovery and reflection of at least 30 days. If they cooperate with authorities, they may stay for the duration of criminal proceedings against perpetrators. A residence permit can be granted in cases of serious personal hardship, in which cooperation with authorities is not a pre-condition. For European citizens, a stay may be granted according to the Free Movement of Persons Agreement (FMP).

- Right to information and counselling. Anyone whose mental, physical or sexual integrity has been directly affected due to a criminal act in Switzerland is entitled to free counselling and assistance. The victim shall receive information on his/her rights and receive medical, psychological, social, financial and legal aid.

- Right to claim compensation for damages and compensation for personal suffering. The victim or his/her relatives are entitled to compensation for personal suffering or for damages related to impairments or death of the victim.

- Right to protection. Physical protection is provided for every victim of trafficking. Extra-Procedural Witness Protection extends protection to witnesses and victims of human trafficking in federal and cantonal criminal proceedings also outside the actual proceedings and after conclusion of the trial.

B. Assistance available in Switzerland

Victim assistance

Victims of trafficking receive assistance depending on their individual situation and needs according to the national Victims’ Support Act. In Switzerland, there are both governmental and nongovernmental assistance options available for victims of trafficking. Three specialised non-governmental organisations: Advocacy Support for Migrant Women and Victims of Trafficking (FiZ), Foyer «Au Coeur des Grottes» and Antenna Mayday, provide specific assistance to victims of human trafficking (see section D for more details). There are also several counselling centres in each canton that offer personal counselling via telephone or in the centres themselves. There is at least one Victims’ Counselling Centre in each canton. The victim can choose the office from which he or she acquires help. The link to the list with all cantonal counselling centres can be found in the box on the right.
Return Assistance

Under the Federal Act on Foreign Nationals (FNA), the Federal Office for Migration (FOM) offers return assistance to victims and witnesses of trafficking and exploited cabaret dancers, for voluntary return and reintegration in their country of origin (or in a third country). The return assistance service is implemented in cooperation with the International Organization for Migration (IOM) worldwide. Return assistance is available to persons who do not have any means of their own. Return assistance is also available to victims of human trafficking that have been exploited outside Switzerland and are currently residing in Switzerland.

The following services are offered:

- Information on rehabilitation and reintegration possibilities in the country of origin;
- Organization of the return journey in cooperation with the relevant canton and swissREPAT/IOM;
- Financial start-up assistance of CHF 1,000 per adult;
- An additional in-kind assistance of CHF 5,000 for a reintegration project;
- Medical return assistance (e.g. medications, referral to a rehabilitation programme for victims of human trafficking);
- Follow-up support upon return. In Romania, the follow-up support is organized by IOM Bucharest through a partner NGO, the Romanian National Agency against Trafficking in Persons (ANITP) or through an ANITP designated organization. The decision on what organisation is responsible for the follow-up depends on several factors, such as place of return, special needs of the victim or capacity of the different organizations and on the consent of the victim to transmit her/his case to ANITP.

C. Procedures for return assistance from Switzerland to Romania

A referral mechanism for those victims of human trafficking that want to benefit from the return assistance service granted by the Federal Office for Migration (FOM). Regarding the return from Switzerland to Romania, the mechanism includes the following steps and organisations:
D. Actors involved in identification, victim’ assistance and voluntary return of victims of human trafficking

There is no dedicated hotline in Switzerland to call if there is suspicion of trafficking or if a victim has been identified. Contact either the local cantonal police (117), or the specialized NGO directly.

Federal Criminal Police (FCP)
Within the Federal Criminal Police (FCP), the unit ‘Trafficking in Human Beings / Smuggling of Migrants’ acts as the national focal point for Swiss and foreign law enforcement agencies with the aim to fight and prosecute human trafficking and smuggling of migrants. It supports and co-ordinates the investigation proceedings and maintains an extensive network. This Unit is the recipient point for notifications of suspected incidents of trafficking. The FCP further assures the information exchange between law enforcement agencies, carried out through their designated offices, Europol and Interpol. As the responsibility for criminal proceedings is within the cantons, FCP does not usually engage in criminal proceedings, except when organised crime is involved.

The Swiss Coordination Unit against the Trafficking in Persons and Smuggling of Migrants (KSMM)
KSMM is the national coordination body to develop strategies and instruments against human trafficking and smuggling of migrants. The Unit is made up of federal and cantonal authorities and agencies as well as non-governmental and inter-governmental organisations. The Permanent Secretariat is at the Federal Office of Police. KSMM provides the necessary structures and networks for fighting and preventing human trafficking and migrant smuggling in Switzerland. Its primary objective is to provide better protection for victims and bring the perpetrators to justice. KSMM also compiles and co-ordinates analyses, statements and reports and is the main point of contact and coordination for international cooperation at the strategic level.

Federal Office for Migration (FOM)
FOM provides a special return assistance service for victims of trafficking and cabaret dancers who have been exploited.

Cantonal Return Counselling Services
Return Counselling Services (RCS) is a network of partners of the FOM that provide counselling on return assistance at the cantonal level. Depending on the canton, these may be an administrative agency, such as a cantonal migration department, or a non-governmental organisation, such as the Red Cross or Caritas. Return counselling typically includes information and counselling to potential returnees on a confidential basis. The RCS forward applications for return assistance to the FOM.
International Organization for Migration (IOM)

IOM is the leading inter-governmental organisation in the field of migration and works closely with governmental, inter-governmental and non-governmental partners. IOM Bern is inter alia implementing the return assistance service for victims of trafficking financed by the FOM.

FIZ Advocacy and Support for Migrant Women and Victims of Trafficking

FIZ advocates for the protection and rights of migrant women who are victims of violence and exploitation. The programme FIZ Makasi gives counselling and support for female victims of trafficking according to the national Victims’ Support Act. The programme provides crisis intervention and psycho-social counselling, accommodation in a shelter, and information on victim’s rights. FIZ Makasi also accompanies women to any criminal proceedings and helps them integrate into Swiss society or assist them in voluntarily returning to their countries of origin. FIZ is mandated by the following cantons for the accompaniment of female victims of human trafficking: Aargau, Berne, Basel-Stadt, Basel-Landschaft, Fribourg, Lucerne, Obwalden, Solothurn, Schwyz, Thurgau and Zurich.

Foyer «Au Coeur des Grottes»

Foyer «Au Coeur des Grottes» is a Geneva based foundation that provides shelter and accompaniment to women in precarious situations, whether they are alone or with children. «Au Coeur des Grottes» is providing the following services: daily accompaniment and housing, support with administrative paperwork, education or formation and return assistance.

Antenna MayDay, SOS Ticino

Antenna MayDay was founded in 1996, with the aim to assist immigrants. Antenna MayDay further provides support to persons working in prostitution regarding assistance on health questions and provides social or legal counselling. Antenna Mayday is assisting and counselling victims of trafficking that are identified in the Canton of Ticino.

Victims Assistance centre in the canton (for victims of all crimes)

In every canton there are several counselling centres that offer personal counselling via telephone or in the centres themselves. There is at least one Victims’ Counselling Centre in each canton. Some are general counselling centres, and others are specialized counselling centres (for example for children & adolescents or women). The victim can choose the office from which he or she acquires help.
Romania

Since 2000, Romania has been committed to the international effort and initiative to fight human trafficking through an updated legislative framework that includes the most recent forms of human trafficking, specialized judicial, administration and social assistance institutions, but also by developing public policies aimed to enhance the capacity of reaction towards human trafficking.

For an improved coordination of anti-trafficking policies at national level, but also in order to ensure the synergy between governmental and civil society entities involved in fighting human trafficking, the National Agency against Trafficking in Persons (ANITP) was established in 2006 within the Ministry of Internal Affairs. ANITP is the coordinating body for all the measures against trafficking in human beings in Romania.

A. Victims’ Rights in Romania

Victims are entitled to receive information about their rights and how to access it.

- **The right to a reflection period of up to 90 days** to allow them to recover and escape from the influence of traffickers and to take an informed decision on whether to cooperate with relevant authorities.

- **The right to physical, psychological and social recovery.** Assistance is provided to all victims of trafficking without discrimination, regardless of the type of exploitation and their decision to participate or not in criminal proceedings.

- **The right to free legal assistance.** Victims are entitled to receive information on the conditions and procedures for obtaining legal assistance.

- **The right to financial compensation by the state.** Victims are entitled to information on the condition for granting financial compensation and assistance with the submission of the application for compensation and necessary documents.

- **Right to protection.** Physical protection is provided to victims of trafficking. Those who offer decisive information on identifying and convicting the perpetrators may be included in the witness protection program.

- **Right to coordinated assistance during criminal proceedings.** The Victims’ Coordination Program was initiated by ANITP in 2006. The program aims to create a coordinated response for victims of human trafficking, who are witnesses or injured parties in the criminal trial, through an institutional coordination of those involved in the fight against human trafficking in order to encourage victims to participate in criminal proceedings. The program mandate is to maintain a permanent contact with the victims in order to provide them information about their rights and services that they are entitled to, about judicial procedures and updated information with regards to developments of the criminal case.

B. Assistance available in Romania

Victims of trafficking receive assistance depending on their individual situation and the needs identified, following an early evaluation and comprehensive assessment of each case. Victims can be assisted either by public or private social service providers. These entities can also work together and provide assistance services in partnership. The right to receive assistance and protection is provided to all victims of trafficking without discrimination, regardless of the type of exploitation and their decision to participate or not in criminal proceedings.
The social services provided to victims of trafficking are:

- information and social counselling;
- accommodation in a shelter run by the state or an NGO;
- coverage/support for other basic needs;
- medical care;
- psychological counselling;
- judicial assistance;
- financial and material support;
- professional counselling;
- educational assistance;
- recreational activities.

C. Procedures in order to assure her/his access to assistance services in Romania

National Identification and Referral Mechanism

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<td>Notifies relevant institutions</td>
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<td>Măsuri de securitate</td>
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<td>Referral to social service providers</td>
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<td>Receiving the victim</td>
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<td>National Agency against Trafficking in Persons</td>
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<td>Receives the victim</td>
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<td>Informs relevant institutions in Romania, upon consent of the victim</td>
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<td>Comprehensive assessment</td>
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<td>Individual intervention services</td>
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<td>Informs regional center ANITP for monitoring</td>
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D. Actors involved in the identification and repatriation of victims of human trafficking

National Agency against Trafficking in Persons (ANITP)

The National Agency against Trafficking in Persons (ANITP) has a conceptual, unique approach, among Romanian institutions, which is based on a multidisciplinary team, built to answer the specific challenges of fighting trafficking in human beings.

The Agency is empowered to bind the efforts of different governmental institutions competent in this field and is open to an extended cooperation with civil society representatives involved in the prevention of trafficking and assistance of victims. It further synergises the common action of these actors, with increased results in reducing trafficking in human beings.

ANITP is a specialized structure responsible for coordinating, evaluating and monitoring at national level the implementation of anti-trafficking, victims’ protection and assistance policies by public institutions. The Agency cooperates with Romanian and foreign non-governmental and inter-governmental organizations in order to raise public awareness on human trafficking and its consequences.

ANITP is the national contact point for transnational referral of victims. ANITP also provides support for transnational referral of victims conducted by other entities. The representatives of all 15 Regional Centers (in Alba Iulia, Bacau, Brasov, Bucharest, Constanta, Craiova, Cluj Napoca, Galati, Iasi, Oradea, Pitesti, Ploiesti, Suceava, Timisoara and Targu Mures) conduct the early evaluation to identify the victim’s needs for specialized assistance and ensure the immediate referral to social service providers. Once referred, they monitor the victim’s assistance and maintain constant contact in order to facilitate her/his access to justice. The victims’ coordination programme during criminal proceedings is available for those victims willing to participate in the trial. It provides emotional support, security and legal guidance for an informed decision in legal matters.

Embassy of Romania in Switzerland and its Consular Section

Diplomatic or consular mission personnel may issue travel documents for the victims’ return to Romania and notify ANITP and the Border Police about the return of the victim and to ensure reception at the national border.

Directorate for Child Protection – Ministry of Labour, Family, Social Protection and Elderly

The Directorate undertakes the repatriation, protection and monitors post-voluntary return of unaccompanied Romanian children from the territory of other states and of minor victims of trafficking.

Directorate for Combating Organized Criminality (DCCO)

As a specialized unit of the Inspectorate General of Romanian Police, DCCO coordinates the fight against organized crime at national level.
The Department for Combating Trafficking in Persons is part of DCCO and its main responsibility is the pro-active development of investigative activities related to trafficking in human beings and the smuggling of migrants.

The Department for Combating Trafficking in Persons is represented by a central unit, located in Bucharest, with nation-wide competence in the investigation and prosecution of trafficking in human beings. It is assisted by 15 regional anti-trafficking units located throughout the country, thus allowing for an early identification of potential victims and a more efficient reactive approach when victims are identified and repatriated to Romania. In anti-trafficking investigations, the specialized officers work closely with prosecutors and victim protection bodies.

The Department for Combating Trafficking in Persons coordinates international police cooperation and in matters related to trafficking in human beings, regularly interacts with law enforcement partners, regional and international agencies.

Witness protection measures are available following individual case analysis. Additional support measures throughout the criminal investigation and trial are also available in partnership with the relevant stakeholders.

**Directorate General for Social Assistance and Child Protection (DGASPC)**

The DGASPC exists at every county level with the mission to implement social assistance and protection policies and measures at local level. Specialised personnel appointed as case managers coordinate activities developed for the victim’s recuperation and reintegration, according to a needs assessment and the victims’ willingness to participate.

**IOM Romania**

The current programmes implemented by IOM in Romania are: assisted voluntary return; refugee resettlement; medical screening; assisted transportation; and integration of third country nationals.

**Romanian NGOs with shelters**

**ADPARE**

The Association for the Development of Alternative Practices for Education and Reintegration (ADPARE) provides psychological assistance, reintegration and (legal) assistance during criminal proceedings.

**GENERATIE TANARA TIMISOARA**

Develops programmes for preventing human trafficking, provides psychological and medical assistance to victims and develops programmes for reintegration of victims of trafficking in human beings.

**BETANIA ASSOCIATION**

Ensures assistance, counselling and reintegration into the community, for victims of trafficking in human beings.

Various other NGOs are active in different parts of the country, having different types of services available.
The following brochure is one of the activities of the PIP - project, edited and designed by Sandra Blättler and published in July 2014 by ANITP. The aim of the brochure is to provide information to professionals working in the field of combating trafficking in human beings in both Romania and Switzerland in order to facilitate cooperation.

“P(revention), I(dentification), P(rotection) - addressing anti-trafficking in Romania” is co-financed by Switzerland through the Swiss-Romanian Cooperation Programme to reduce economic and social disparities within the enlarged European Union. The overall goal of the project is to contribute to decreasing trafficking in human beings in Romania. The project is overseen by DCAF through the Swiss Intermediate Body for the Swiss Agency for Development and Cooperation.