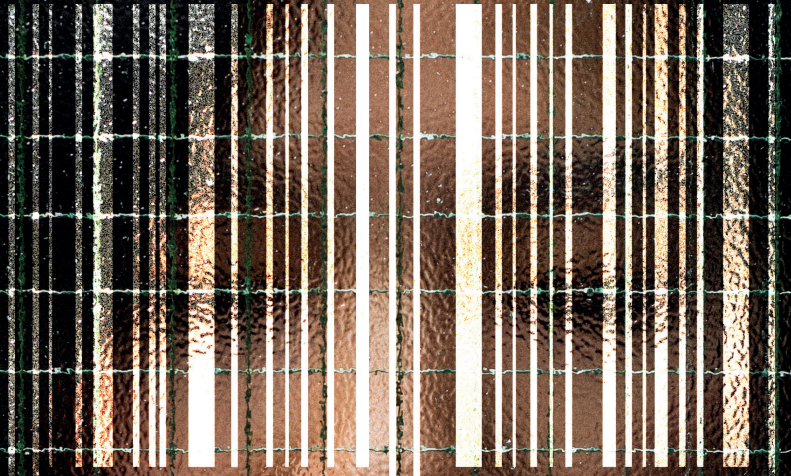


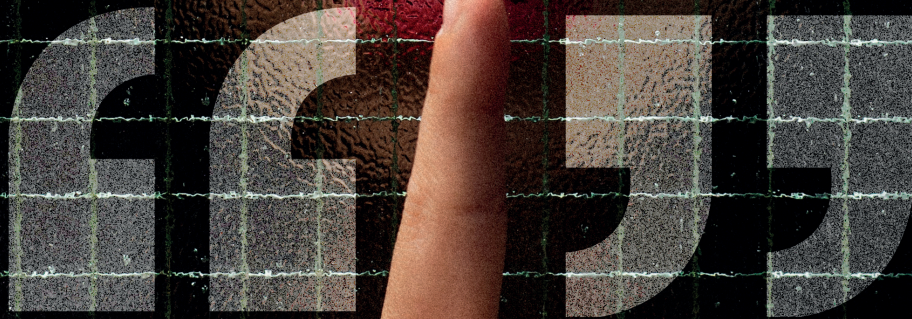


HUMAN RIGHTS AND EQUALITY INSTITUTE OF TÜRKİYE

NATIONAL REPORT OF TÜRKİYE ON COMBATING HUMAN TRAFFICKING



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MARCH 2023



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COMBATING HUMAN TRAFFICKING**

HUMAN RIGHTS AND EQUALITY INSTITUTION OF TÜRKİYE

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HUMAN RIGHTS AND EQUALITY INSTITUTION OF TÜRKİYE

NATIONAL REPORT OF TÜRKİYE ON COMBATING HUMAN TRAFFICKING

MARCH 2023



FOREWORD

Human trafficking, which is defined as the slavery of the modern age and aims to exploit the human body and/or labour, especially of women and children, is considered one of the gravest human rights violations. Common manifestations of human trafficking are sexual exploitation, labour exploitation, debt bondage, domestic slavery, organ and tissue trade, forced begging, forced marriage and child military service. In order to combat human trafficking, important steps have been taken since the 2000s both on legislative basis and institutionalization at the international, regional and national levels. In this context, the United Nations Convention against Transnational Organized Crime, (Palermo Convention), which is the main regulation in the fight against human trafficking, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, were opened for signature in 2000. At the regional level, the Council of Europe adopted the Convention on Action Against Trafficking in Human Beings in 2005, strengthening efforts to combat human trafficking

In parallel with international developments, efforts to prevent the crime of human trafficking and to protect victims have intensified in our country. In this context, our country became a party to the Palermo Convention and the Additional Protocol to the Convention, which are of critical importance in the fight against human trafficking, on March 25, 2003.

At the regional level, the Council of Europe Convention on Action against Trafficking in Human Beings was signed by our country on March 19, 2009, and entered into force on January 30, 2016.

In order to effectively combat human trafficking, legal amendments have been made in our national legislation. In accordance with the Palermo Protocol, the crime of human trafficking is regulated in Article 80 of the Turkish Penal Code. It is important to emphasize that our country is one of the countries that impose the most severe criminal sanctions for human trafficking in the world. The Law on Foreigners and International Protection No. 6458 dated 4/4/2013 and the Regulation on Combating Human Trafficking and Protection of Victims based on the Council of Europe Convention on Action against Trafficking in Human Beings, approved by Law No. 6667, has been adopted, exclusively establishing procedures and principles within our domestic law regarding the prevention of human trafficking crime, the combat against human trafficking, the protection of victims of human trafficking without discrimination between Turkish citizens and foreigners under the framework of human rights, the granting residence permits to foreign victims, and the support services to victims. The Action Plan on Human Rights, which was prepared with the aim of raising human rights standards in line with the vision of 'Free Individual, Strong Society; A More Democratic Türkiye,' and announced to the public on March 2, 2021, also includes goals and activities related to the effective combat against human trafficking..

The fourth paragraph of Article 29 of the Council of Europe Convention on Action against Trafficking in Human Beings states: *"Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements."* With the decision 2020/1.2 taken at the meeting dated 10/12/2020, of the Coordination Commission on Combating Human Trafficking, established pursuant to Article 5 of the Regulation on Combating Human Trafficking and Protection of Victims, the Human Rights and Equality Institution of Türkiye (HREIT) was designated as the "National Rapporteur Institution" in order to monitor and report the activities carried out in the field of combating human trafficking. As part of its responsibilities in performing the role of National Rapporteur on Combating Human Trafficking, our institution has prepared the 'National Report of Türkiye on Combating Human Trafficking' as its first report.

The information and documents obtained by HREIT from the relevant stakeholders during its activities, the documents obtained from public institutions and organizations through official correspondence, the issues compiled from the works of non-governmental organizations of national and international nature, the examinations made during the visits to the shelters, the online and face-to-face interviews organized with the relevant authorities constitute the references of the reporting process. The "National Report of Türkiye on Combating Human Trafficking", prepared within the framework of this methodology, aims to monitor and evaluate the implementation of the anti-trafficking activities of public institutions and organizations, including the implementation of the existing National Action Plan for Combating Human Trafficking, to identify deficiencies in the relevant legislation and to put forward recommendations for these deficiencies.

I would like to express my gratitude to the esteemed members of public institutions, academicians, representatives of non-governmental organizations and the valuable staff of our Institution who have contributed and supported the reporting process with their opinions and evaluations on the basis of a pluralistic methodological approach and participatory fellowship.

Prof. Dr. Muharrem KILIÇ
Chairman of the Human Rights and Equality Institution of Türkiye

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ABBREVIATIONS

EU	European Union
ECHR	European Court of Human Rights
UN	United Nations
CCP	Code of Criminal Procedure
Covid-19	Coronavirus Disease
PMM	Presidency of Migration Management
GRETA	Group of Experts on Action against Trafficking in Human Beings
HELP	Human Rights Education for Legal Professionals
ICMPD	International Center for Migration Policy Development
ILO	International Labour Organization
IOM	International Organization for Migration
PDMM	Provincial Directorates of Migration Management
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Institution
NGOs	Non-governmental Organizations
GNAT	Grand National Assembly of Türkiye
TPC	Turkish Penal Code
HREIT	Human Rights and Equality Institution of Türkiye
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
YİMER	Foreigners Communication Center

INTRODUCTION



I. INTRODUCTION

A. Aim

1. Human trafficking has become one of the most important global problems of the 21st century, led also by the impact of increasingly diversifying and mixed migration movements around the world. The most prominent characteristic of human trafficking, which is classified as a crime against humanity and recognized as modern-day slavery, is that it is based on the exploitation of individuals¹. Especially as a result of the transformations in the economy, such as the Industrial Revolution, the work carried out towards the protection of human dignity, the progress made in the field of human rights, the institution of slavery in which human beings are commoditized was banned by different norms in the first quarter of the 19th century, however this situation could not completely eliminate the activity of buying and selling of persons as if they were commercial commodities. Human trafficking has become a type of organized crime by continuing to exist globally due to its very high sensitivity to socio-economic developments². The fact that human trafficking is a transnational crime and generates high income necessitates effective collaboration and human rights-based activities of both international actors and national public institutions, as well as non-governmental organizations (NGOs), in combating human trafficking.
2. This report has been prepared by the Human Rights and Equality Institution of Türkiye (HREIT) with the purpose of monitoring and evaluating the activities of public institutions and organizations, international organizations and NGOs in this field; examining the relevant legislation and identifying the deficiencies, if any, as well as making an objective assessment of them and generating comprehensive recommendations.

B. Legal Basis

3. The fourth paragraph of Article 29 of the Council of Europe Convention on Action against Trafficking in Human Beings states: “Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements”.
4. Pursuant to the Council of Europe Convention on Action against Trafficking in Human Beings, approved by Law No. 6667 dated 30/1/2016 and Article 5 of the Regulation on Combating Human Trafficking and Protection of Victims, which entered into force upon publication in the Official Gazette dated 17/3/2016 and numbered 29656, the Coordination Commission on Combating Human Trafficking was established.. In its meeting dated 10/12/2020 and numbered 2020/1.2, the Commission designated HREIT (Human Rights and Equality Institution of Türkiye) as the National Rapporteur Institution to monitor and report on activities conducted in the field of combating human trafficking. This report has been prepared by HREIT as the first national report within the scope of

¹ Guide to Article 4 of the European Convention on Human Rights, ECHR, C. Special Context on Trafficking in Human Beings, para. 9

² Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, (2000), General Assembly, a.3.

fulfilling the National Rapporteur mandate on Combating Human Trafficking, as specified in Article 19³ of the European Union (EU) Directive on preventing and combating trafficking in human beings and protecting its victims.

C. Scope

5. The introduction section of the report includes the aim of the report, its legal basis, method, and limitations. The first section of the report presents the internationally and nationally recognized definition, explanations, and details of the concept of human trafficking, while delving into the historical context of human trafficking and efforts to combat it. The second section of the report discusses the activities of public institutions, international organizations, and NGOs engaged in combating human trafficking in Türkiye. The final section of the report provides evaluations and recommendations within the framework of both national and international acquis regarding the activities conducted in the field of combating human trafficking. The report presents the activities and data related to these efforts conducted by relevant public institutions, international organizations, and NGOs until the end of the year 2021.

D. Method and Limitations

6. The data in the report, which serves a basis for the evaluation, were obtained from sources provided by various stakeholders operating in this field. In this context, information and documents obtained from relevant stakeholders during HREIT's work, documents obtained from public institutions and organizations through official correspondence, issues compiled from the work of NGOs of national and international nature constituted the references of the reporting process. In addition to this information and documents, information obtained through online and face-to-face interviews with various stakeholders, field visits to shelters where victims of human trafficking are accommodated, and interviews with centre staff and victims within the framework of these visits are also among the references of the report.⁴
7. Information, documents and statistics as well as assessments on the subject and solutions based on scientific data on existing problem areas, were requested from relevant public institutions, academicians conducting studies in the field of human rights to form the basis of the evaluations in the report. In addition, opinions, suggestions and assessments were requested from NGOs working in the field of human trafficking, but due to the small number of NGOs working in this field, adequate contributions could not be received.

³ 2S.I. No. 432/2020 - European Union (National Rapporteur) Regulations 2020.

⁴ Presidency of Migration Management(PMM), International Migration Policy Center (ICMPD), International Organization for Migration (IOM), Ankara Human Trafficking Victims Shelter and Kırıkkale Human Trafficking Victims Shelter were visited respectively..

CONCEPTUAL FRAMEWORK AND HISTORICAL BACKGROUND



II. CONCEPTUAL FRAMEWORK AND HISTORICAL PROCESS

A. Conceptual Framework

1. Slavery

8. Slavery occurs when a person does not have the freedom to leave or change his/her employer, with the element of ownership or control over someone else's life, coercion and restriction of movements.⁵
9. The international efforts concerning slavery and its abolition have been a recurring theme in the regulations of the 19th and 20th centuries, forming the basis of the discussions⁶. In this context, the first international agreement was adopted in 1926, titled the Slavery Convention (the Convention to Suppress the Slave Trade and Slavery). The scope of the definition of slavery included in the Convention was expanded to encompass the abolition of slavery and the slave trade with the Slavery Convention (Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery), adopted in 1956.⁷

2. Concept of Human Trafficking

10. Although the concept of human trafficking has been included in various international documents, a universally accepted definition for human trafficking in international law could not be established until the 2000s. This situation has frequently led to confusion between cases of human trafficking and terms like illegal migration and smuggling of migrants⁸. The concept of human trafficking was comprehensively defined for the first time at the international level in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, known as the Palermo Protocol,^{9 10}. This definition is also mirrored in the Council of Europe Convention on Action against Trafficking in Human Beings¹¹.

11. Accordingly:

“(a) ‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the

⁵ Glossary of Migration Terms, IOM Publications, 2009, pp. 61.

⁶ UN (OHCHR), Fact Sheet No. 14, Contemporary Forms of Slavery, July 1991, s. 3.

⁷ A.g.e., p. 3.

⁸ UNODC, The International Legal Definition of Trafficking in Persons: Consolidation of research findings and reflection on issues raised, Vienna, 2018, p. 1.

⁹ It was approved by the decision numbered 4800 dated 30/1/2003 and published in the Official Gazette numbered 25014 on 4/2/2003. Hereafter, it will be referred to as the Palermo Protocol.

¹⁰ UNODC, Global Report on Trafficking in Persons 2012, United Nations Publication, p. 16.

¹¹ The Council of Europe Convention on Action against Trafficking in Human Beings, which entered into force on 01/2/2008, was signed by Türkiye on 19/3/2009, approved by the Law No. 6

exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.”

12. As seen in the regulation, the concept of human trafficking consists of three fundamental components: the means, the act, and the purpose¹². In this context, the act element includes the acts of ‘recruitment, transportation, transfer, harbouring, and receipt’; the means element refers to ‘threat, violence, other forms of coercion, abduction, fraud, deception, abuse of power or a person’s vulnerability, and giving or receiving benefit to obtain the consent of a person having control over another’; and the purpose element comprises of ‘exploitation through prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or organ removal’.¹³
13. In practice, the overlapping roles of human traffickers and smugglers, the utilization of the same routes for both human trafficking and smuggling, and the adverse transportation conditions in migrant smuggling that hinder individuals from giving genuine consent have led to difficulties in distinguishing between victims of human trafficking and victims of migrant smuggling¹⁴, resulting in incorrect identifications. The confusion between these concepts can hinder human trafficking victims from exercising their rights based on their status. Therefore, in order to achieve accurate outcomes in combating human trafficking, it is crucial to establish a comprehensive definition of human trafficking and clearly define the boundaries of the concept to prevent confusion.
14. The concept of smuggling of migrants is defined in Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, as follows: ‘The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident’¹⁵. While there are similarities between human trafficking and smuggling of migrants in terms of triggers, the subject of the crime, and the protected legal interests, there are also significant differences between these two offenses:
 - In smuggling of migrants, the relationship between the trafficker and the migrant is a commercial act that usually ends after the border crossing, while the relationship between human traffickers and their victims involves the continued exploitation of victims for the purpose

¹² UNODC, Global Report on Trafficking in Persons 2012, United Nations publication, p. 16.

¹³ IOM, Legal Framework for Combating Trafficking in Human Beings and Protecting Victims in National and International Areas, IOM Publications, 2016, p. 48

¹⁴ UNODC, Toolkit to Combat Trafficking in Persons, UN Office on Drugs and Crime, New York, 2008, p. 4.

¹⁵ The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, was approved by the decision numbered 4800 dated 30/1/2003 and published in the Official Gazette numbered 25014 on 4/2/2003.

se of profit to the traffickers.¹⁶ In this context, unlike the concept of human trafficking, there is no exploitation or coercion in smuggling of migrants.¹⁷

- While the crime of smuggling of migrants is committed against the state's immigration, employment and border security policies; human trafficking crime targets the freedom of person.¹⁸
- In smuggling of migrants, crossing the border of a country is a mandatory element due to the nature of the crime, whereas in human trafficking, there is no obligation to cross the border of a country, and the crime can be committed within the borders of the country.¹⁹

B. Common Forms of Human Trafficking

1. Prostitution and Sexual Exploitation

15. One of the most common manifestation of human trafficking is sexual exploitation. The fact that the phenomenon of prostitution, which has existed since the early periods of history, continues today has caused sexual exploitation being called modern slavery. As in the historical phenomenon of slavery, it is seen that the main reason for all forms of human trafficking is that the trafficker sees the exploited person as secondary or inferior to him/herself. There is no doubt that a large proportion of victims of sexual exploitation and prostitution consist of women and girls. In this context, it is possible to say that this form of human trafficking is more intensively observed in societies where women and girls are considered secondary.²⁰ The Global Estimates of Modern Slavery Report published by the International Labour Organization (ILO) in 2017 also emphasized the gender aspect of the issue. According to the report, it was assessed that 71% of victims of modern slavery consist of women and girls.²¹ Based on this information, it is seen that the gender issue has an important place in the sexual exploitation form of human trafficking.
16. According to the Framework Decision of the Council of the EU of 19/7/2002, trafficking in human beings for the purpose of sexual exploitation is defined as follows;

“the recruitment, transportation, transfer, harbouring, subsequent reception of a person, including exchange or transfer of control over that person, where: use is made of coercion, force or threat, including abduction, or use is made of deceit or fraud, or there is an abuse of authority or of a position of vulnerability, which is such that the person has no real and acceptable alternative but to submit to the abuse involved, or payments or benefits are given or received to achieve the consent of a person having control over another person for the purpose of exploitation of that person's labour or services, including at least forced or compulsory labour or services, slavery or practices similar to slavery or servitude, or for the

¹⁶ Toolkit to Combat Trafficking in Persons, UN Office on Drugs and Crime, New York, 2008, p. 4.

¹⁷ Glossary of Migration Terms, IOM Publications, 2009, p. 37.

¹⁸ Değirmenci, Olgun, 'Human Trafficking Crime in Comparative Law and Turkish Law', Türkiye Bar Association Journal, Issue 67, November/December 2006, p. 59-60.

¹⁹ A.g.e., s. 59-60.

²⁰ ILO, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, Cenevre, 2017.

²¹ ILO, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, Cenevre, 2017.

purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, including in pornography.”²²

17. As the definition suggests, sexual exploitation is not only manifested in the form of prostitution; victims may also be forced to engage in commercial sex activities through the production of pornographic materials, the entertainment sector and so on. Traffickers have created different methods to make victims to commit acts of sexual exploitation that they would not do with their own will. Traffickers deceive victims with promises such as a job opportunity, adventure, a safe home or marriage, making them the subject of various commercial sex activities. It is tried to prevent victims from leaving the system with violence, intimidation and threats in the process following their inclusion in the human trafficking spiral. Victims, being subjected to violence and threats, left alone, whose trust in government officials destroyed systematically, are made to believe that they are doomed to remain in this spiral. Indebting the victim is another method of pressure used by traffickers. In this situation, the victim is coerced into working for an indefinite period under the impression that they will be free after their debt to the trafficker is repaid. Additionally, if the trafficker is someone close to the victim (such as a spouse, partner, family member, etc.), the victim may become dependent on the trafficker and may not even realize that he/she is a victim of human trafficking.²³

2. Organ and Tissue Trade

18. Organ trafficking (or organ smuggling) is one of the most common manifestations of human trafficking. The scientific advancements in organ transplantation, while saving the lives of millions, have also created a *dark* industry that causes the commercial exploitation of the human body. Therefore, the Palermo Protocol²⁴ includes *organ removal* among the forms of exploitation, thus recognizing organ trafficking as one of the manifestations of human trafficking.
19. Organ trafficking is more common in poor and underdeveloped countries. In addition to resorting to gain a material income by selling their organs and tissues due to poverty, victims may also be forced to give their organs through the use of force, coercion or deception. An even more perilous situation is the removal of vital organs of the victims and leaving them to die. It is observed that victims affected by this crime are predominantly members of vulnerable groups. These include children and immigrants. It is assessed that children are abducted for the purpose of organ trafficking and migrants who want to migrate from countries with high poverty to developed countries resulting to their isolation from their countries and families become more prone to become victims of organ trafficking.²⁵
20. Consent is the foremost ethical and legal element in all medical interventions. Therefore, the concept of consent also comes into play in the context of organ transplantation.²⁶ According to the

²² Council Framework Decision Of 19 July 2002 on Combating Trafficking in Human Beings, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CE-lex:32002f0629&from=en> (Access Date: 4/8/2022)

²³ Understanding the Perspective Of Victim, <https://ojdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/252021.pdf> (Access Date: 4/8/2022)

²⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime" (Further details on the subject are provided in the continuation of the study.)

²⁵ IOM, Migrants And Their Vulnerability, Geneva, 2019

²⁶ UNODC, Assessment Toolkit, Trafficking in Persons for the Purpose of Organ Removal, Vienna, 2015.

Palermo Protocol, due to various methods used to eliminate the consent of a person, the consent given in human trafficking is not legally valid. This principle is applicable to organ transplantation a fortiori. Particularly, to recognize the consent of individuals who is not in a situation to provide informed and voluntary consent as valid, poses significant challenges in preventing organ trafficking.²⁷ Furthermore, even if the relevant individual provides consent, performing organ transplantation by an unauthorized person is also unlawful.

3. Forced Marriage

21. In the United Nations Convention on the Slavery Convention (the Convention to Suppress the Slave Trade and Slavery, Articles 1 and 2 highlight that forced marriage is similar to slavery. The crux of forced marriage lies in the lack of consent from at least one of the marrying parties, and the lack of consent includes situations where the declaration of consent is not legally valid. Forced marriage involves circumstances in which individuals do not have the option to choose or reject their spouse, or in which a spouse is forcibly handed over to another individual in exchange for some form of benefit, or in which a spouse forced to be married by his/her relatives and friends through coercive or deceptive means such as abduction, deception, exploitation of vulnerabilities, receiving of payments or gifts to obtain consent. Forced marriage leaves irreparable effects, especially on girls, in situations where various factors cause to a vulnerability to exploitation and abuse, such as age, status, lack of education and employment opportunities.²⁸ This phenomenon leads to physical and emotional abuse of children.²⁹
22. Due to the fact that there are both formal and informal ways of conducting marriages, as well as the difficulty of proving that consent is coerced, human trafficking in the form of forced marriage is rarely reported on a global scale.³⁰ The United Nations Office on Drugs and Crime (UNODC) has prepared a new publication that explains how countries can identify and prevent this crime, and how to protect the victims of this crime.³¹

4. Forced Begging

23. Forced begging can be defined as generating income by abusing people's good will and by making it seem like victims are unable to fend for themselves in terms of spirit and body.
24. Forced begging is usually a type of exploitation that children are subjected to, but adults, especially women, the elderly and disabled, can also be victims of this crime.
25. Forced begging is not specifically mentioned as the purpose element in both the Palermo Protocol and the Turkish Penal Code (Law No. 5237). However, forced begging can be considered within the

²⁷ UNODC, Assessment Toolkit, Trafficking in Persons for the Purpose of Organ Removal, Vienna, 2015.

²⁸ <http://www.endslaverynow.org/learn/slavery-today/forced-marriage> (Access Date: 1/4/2022)

²⁹ Prevention of Child, Early, and Forced Marriages in Türkiye - United Nations Joint Program with SIDA and UN Women, Research Report on Boys' Perception of Child, Early, and Forced Marriages, Section 1.1. Definition and Practices of Child, Early, and Forced Marriages, p. 24, (2018-2021)

³⁰ <https://news.un.org/en/story/2020/10/1074892> (Access Date: 31/1/2022)

³¹ <https://www.unodc.org/unodc/en/human-trafficking/Webstories2020/when-marriage-is-a-crime.html> (Access Date: 1/2/2022)

scope of human trafficking. If both means and purpose elements are employed to force an individual into begging, the crime of human trafficking will occur.

26. According to statistics covering the years 2016–2020, 9.9 percent of victims of human trafficking in our country are exploited through forced begging.³²

5. Labor Exploitation

27. The concept of labour exploitation is used to distinguish between human trafficking for sexual exploitation and exploitative human trafficking in different economic sectors, registered or unregistered.³³ Indeed, the lack of a general definition in international law regarding the concept of exploitation, the variety of working conditions, the absence of clear definitions that can help mark the transition points between working conditions, the frequent use of terms interchangeably such as forced labour and labour exploitation³⁴ make it difficult to determine a precise identification at this point. Although it is not a universal definition, in the context of human trafficking, it is understood that the term *exploitation* denotes the situation, in the simplest form, of obtaining unfair advantage in a continuing way.³⁵
28. According to the Group of Experts on Action against Trafficking in Human Beings (GRETA), the concept of labour exploitation should be understood, at least, as encompassing terms widely accepted in international law, including the case law of the European Court of Human Rights (ECtHR) regarding Article 4 of the European Convention on Human Rights, such as forced labour or services, slavery or practices similar to slavery, servitude, and forced labour in domestic work.³⁶ The International Labour Organization's (ILO) Convention No. 29 on Forced Labour dated 1930 defines forced or compulsory labour as *"all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."* Human traffickers often exploit workers by forcing them to work through veiled coercion methods such as threats of non-payment of wages or actual non-payment of wages, rather than straightforward threat and coercion, capitalizing on their vulnerabilities such as illegal migrant status and lack of livelihood opportunities.³⁷
29. Child labour is among the issues most frequently draw attention in the context of human trafficking for the purpose of labour exploitation. The concept of child labour is defined as any work that deprives children of their childhood, their potential, and their dignity, and that is harmful to their physical and mental development, as described in ILO Convention No. 138 on Minimum Age, ILO Convention No. 182 on the Worst Forms of Child Labour, and the UN Convention on the Rights of the Child.³⁸

³² GIB, Annual Report on Combating Human Trafficking, Ankara, 2020, p. 65.

³³ GRETA, Guidance Note on preventing and combating trafficking in human beings for the purpose of labour exploitation, 2020, p. 44.

³⁴ Skrivankova, Klara "Between decent work and forced labour: examining the continuum of exploitation", Joseph Rowntree Foundation, November, 2010, p. 4.

³⁵ UNODC, The Concept of 'Exploitation' In The Trafficking In Persons Protocol, 2015, p 22.

³⁶ GRETA, Guidance Note on preventing and combating trafficking in human beings for the purpose of labour exploitation, 2020, p. 4.

³⁷ A.g.e., p. 6.

³⁸ ILO, The Organisation for Economic Co-operation and Development (OECD), IOM, UNICEF, "Ending Child Labour, Forced Labour and Human Trafficking in Global Supply Chains", 2019, p2.

30. According to the latest global estimates, there are a total of 152 million child workers in the world today, while 25 million children are forced to work.³⁹ The fact that children are less experienced in accessing rights-seeking mechanisms compared to adults and the idea that children can be more easily dominated, as well as factors that increase vulnerability such as poverty and civil war, cause traffickers to prefer children as victims.⁴⁰

6. Child Soldiers

31. Around the world, hundreds of thousands of children are used in armed activities for a variety of purposes (such as explosive installations, messengers, spies, human shields).⁴¹ According to a 2016 study, approximately 357 million children live in conflict environments and are at risk of exploitation.⁴²
32. Although the use of children in armed activities is not listed as a specific form of exploitation in the definition of human trafficking in the Council of Europe Convention on Action Against Trafficking in Persons, the recruitment of children into armed and/or terrorist groups is considered to be a form of human trafficking.⁴³
33. ILO Convention No. 182 regulates the worst forms of child labour as; *“all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict”*.⁴⁴

C. Legal Historical Process in Combating Human Trafficking in Türkiye

34. Human trafficking, which is one of the gravest human rights violations that disregard human dignity, is a phenomenon that requires effective combat at both national and international levels. Especially with the adoption of the Palermo Protocol in 2000, a new era has begun in the fight against human trafficking in Türkiye as well as in the international arena.
35. The United Nations Convention against Transnational Organized Crime and its Supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (commonly known as the Palermo Protocol)⁴⁵, which was opened for signature on 12 December 2000 in Palermo, Italy, was approved by the Grand National Assembly of Türkiye (GNAT) through Law No. 4804 dated 30/1/2003, and it entered into force with its publication in the Official Gazette No. 25014 dated 4/2/2003.⁴⁶ In line with the UN Convention and its Supplementary Protocol, the crime of human trafficking was regulated in the Turkish Penal Code (TPC), for the first time, in 2002. The crime

³⁹ A.g.e. p. 1., ILO and Walk Free Foundation (2017).

⁴⁰ Dündar, Gufran, Human Trafficking in the Context of Labor Exploitation, Journal of Migration Research, Volume 6, Issue 2, July - December 2020, p. 326 – 349.

⁴¹ UNICEF, The Paris Principles, Principles and Guidelines on Children Associated with Armed Forces or Armed Groups February, 2007

⁴² UNODC, Global Report on Trafficking in Persons in the Context of Armed Conflict, 2018, s. 16.

⁴³ UNODC, Thematic Paper- Countering Trafficking in Persons in Conflict Situations, s. 16.

⁴⁴ ILO, 17/6/1999 tarihli ve 182 No'lu En Kötü Biçimlerdeki Çocuk İşçiliğinin Yasaklanması ve Ortadan Kaldırılmasına İlişkin Acil Eylem Sözleşmesi, m. 3.

⁴⁵ <https://www5.tbbm.gov.tr/kanunlar/k4800.html> (Access Date: 20/3/2022)

⁴⁶ <https://www5.tbbm.gov.tr/kanunlar/k4804.html> (Access Date: 20/3/2022)

of human trafficking was included in Article 80 of the TPC, which entered into force on 1/6/2005 with some amendments and is still in force.⁴⁷

36. The Council of Europe Convention on Action Against Trafficking in Human Beings, another important anti-trafficking convention, was opened for signature on 16/5/2005 and entered into force on 1/2/2008. GRETA, the monitoring and surveillance mechanism of the Convention, started its activities on 1/2/2009. The Council of Europe Convention on Action Against Trafficking in Human Beings was signed by Türkiye on 19/3/2009. The Convention was approved by the Grand National Assembly of Türkiye with the Law No. 6667 dated 30/1/2016 published in the Official Gazette dated 18/02/2016 and numbered 29628.
37. The main national legislation on foreigners in Türkiye is the Law no. 6458 on Foreigners and International Protection dated 4/4/2013. The Regulation on Combating Human Trafficking and Protection of Victims, which was prepared on the basis of the Council of Europe Convention on Action against Trafficking in Human Beings approved by the Law No. 6667 dated 30/1/2016, was published by the Ministry of Interior in the Official Gazette no. 29656 dated 17/3/2016 and entered into force.
38. It is seen that Türkiye has been taking important steps both in the context of legislation and in terms of institutional structure and coordination in parallel with the fight against human trafficking, which has gained momentum in the international arena especially since 2000. Being a party to both the UN Palermo Protocol and the Council of Europe Convention and having taken the necessary steps in this direction is important. The regulation of the crime of human trafficking in the Turkish Penal Code in 2002 and the fact that this type of crime was included in the new Law that entered into force in 2005 were noted as positive developments. However, in the normative field, the amendments given in detail in the following sections of the report, especially the inadequacies in the legislation expressed in the report published as a result of GRETA's visit in 2018, will make positive contributions to Türkiye's fight against human trafficking.

⁴⁷ <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=5237&MevzuatTur=1&MevzuatTertip=5> (Access Date: 30/1/2022)

EFFORTS TO COMBAT HUMAN TRAFFICKING IN TURKİYE



III. EFFORTS TO COMBAT HUMAN TRAFFICKING IN TÜRKİYE

A. Institutional Structure and Coordination

39. The fact that processes such as combating the crime of human trafficking, preventing the commission of crime, protecting persons subjected to this crime and providing support to victims of human trafficking fall within the scope of duties of more than one institution and organization has made it necessary to establish a joint structure among all relevant institutions and organizations working in this field. In this context, the National Task Force on Fight against Human Trafficking was established in 2002 under the coordination of the Ministry of Foreign Affairs with the participation of all relevant Ministries and other institutions and organizations. Until 2014, 20 national task force meetings were held with the participation of public institutions and organizations, international organizations and related NGOs involved in the fight against human trafficking.⁴⁸
40. In the year 2013, along with other developments in the field of migration through Law No. 6458 on Foreigners and International Protection, efforts in combating human trafficking and protecting victims have gained a new dimension. With the enactment of this Law, the Directorate General of Migration Management was established under the Ministry of Interior, and within this Directorate General, the Department of Protection of Victims of Human Trafficking was created to carry out tasks and procedures related to combating human trafficking and protecting victims. With the establishment of the Directorate General, the coordination of the National Task Force on Fight against Human Trafficking, previously managed by the Ministry of Foreign Affairs, was transferred to the Directorate General of Migration Management. Law No. 6458 includes provisions related to residence permits for human trafficking victims and specifies that deportation decisions cannot be taken against victims benefiting from the victim support process related to human trafficking.
41. Following the change of the status of the Directorate General to from “Directorate General” to “Presidency” with the Presidential Decree No. 85 published in the Official Gazette no. 31643 dated 29/10/2021 numbered, the Department of Protection of Victims of Human Trafficking continues its activities within the Directorate General of International Protection.
42. With the Regulation on Combating Human Trafficking and Protection of Victims published in the Official Gazette no. 29656 dated 17/3/2016 and in order to increase the effectiveness of the national task force and to ensure a more comprehensive participation, the National Task Force was transformed into the Coordination Commission for Combating Human Trafficking. With the Presidential Decree No. 85, the referred Commission, in 2021, was transformed into the Coordination Board for Combating Human Trafficking.
43. One of the recommendations included in the 2019 report prepared by GRETA as a result of its visit to Türkiye in 2018 is the establishment of a National Rapporteur Institution. In this context, at the annual meeting of the Coordination Commission for Combating Human Trafficking held on

⁴⁸ https://www.mfa.gov.tr/turkiye_nin-insan-ticaretiyle-mucadelesi-tr.mfa (Access Date: 20/2/2022)

10/12/2020, it was decided to designate the HREIT as the National Rapporteur Institution in the field of combating human trafficking.

44. In the period covering the years 2000-2022, it is seen that there is significant progress in the institutional structure in Türkiye in the field of combating human trafficking. The fact that the national coordination office in the fight against human trafficking was transferred to the PMM, a subsidiary of the Ministry of Interior, in 2014, the status of the institution was raised from general directorate to presidency in 2021, and the establishment of the Department of Protection of Victims of Human Trafficking within the institution are considered as positive developments.
45. It is anticipated that the transformation of the the Coordination Commission on Combating Human Trafficking into a Board in 2021 will increase the effectiveness of the structure. However, it is seen that a deputy national coordinator institution has not yet been established to increase the effectiveness of the National Coordinator Institution.
46. In accordance with the Regulation on Combating Human Trafficking and Protection of Victims⁴⁹, it is stated that the post-identification procedures and proceedings of family members, women and accompanying children with the citizenship of the Republic of Türkiye who are identified as victims will be carried out according to the provisions of the Law no. 6284 to Protect Family and Prevent Violence against Women dated 08/3/2012 and the Child Protection Law no. 5395 dated 3/7/2005 . It is also stated that the proceedings related to Turkish citizens who are subjected to human trafficking crimes abroad will be carried out in the same way. According to the relevant Regulation, it has been envisaged that a protocol between the Ministry of Family and Social Services and the PMM would be established in order to determine the procedures and principles regarding the support services to be provided to the citizens of the Republic of Türkiye who are identified as victims and child victims . However, it is seen that a protocol in this regard has not yet been established between the two institutions. It is considered that there have been important steps taken since 2000 regarding the institutional structure in the field of combating human trafficking in our country, however the protocol stipulated by the provisions of the relevant Regulation between the PMM and the Ministry of Family and Social Services, which are in a position to act in close cooperation, should be created urgently.

B. National Legislation on Combating Human Trafficking

47. On August 9, 2002, with Law No. 4771, which was published in the Official Gazette No. 24841 and came into effect, Article 201/b was added to the Turkish Penal Code (TCK), defining the crime of human trafficking and imposing severe sanctions for those who commit this crime. A comprehensive enforcement system was established to effectively combat the crime of human trafficking within the framework of the activities of legal entities, allowing for security measures to be applied to legal entities involved in committing this crime.⁵⁰ With the new Turkish Penal Code No. 5237, which came into effect on June 1, 2005, Article 80 was revised to address the crime of human trafficking,

⁴⁹ Regulation on Combating Human Trafficking and Protection of Victims, RG. 17/3/2016-29656, a.23,24.

⁵⁰ Güngör, Mümin, Investigation of the Crime of Human Trafficking under the Turkish Penal Code, Journal of the Court of Disputes, Issue 17, 2021.

and the penalties for those who commit this crime were increased. In the final amendment made on December 19, 2006, the definition of human trafficking was expanded to include *forcing individuals into prostitution* and smuggling into or out of the country. As a result, the provisions related to the crime of human trafficking in the Turkish Penal Code are now fully aligned with both the UN Palermo Protocol and the Additional Protocol concerning human trafficking. In the justifications of the articles of both laws that include human trafficking, relevant regulations have been added in order to fulfil the requirements of the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention, which was adopted by Law No. 4804.⁵¹

48. In public opinion, cases of trafficking in human beings are mostly brought up in connection with prostitution and in this sense they may be confused with sex work. Such an approach leads to the fact that the crime of human trafficking is confused with the crime of prostitution and is evaluated within the scope of this crime.⁵² It seems that cases are usually filed for prostitution. The reason for this confusion is that prostitution is a consequence and human trafficking is a process. When focus is only on the outcome part of the case, the process cannot be seen in all its aspects. Therefore, a woman caught in this way is often investigated for prostitution, ignoring the fact that she may be a victim of human trafficking. However, if the process is examined, the crime of human trafficking behind it will be seen. The way to overcome this issue is to carry out awareness trainings for law enforcement and members of the judiciary effectively.⁵³
49. It is seen that bringing into the country and taking out of the country, which are among the purpose elements in the first paragraph of Article 80 of the TPC regulating the crime of human trafficking, are not among the purpose elements specified in the third paragraph regarding children. It is considered that these two issues should also be included in the third paragraph of Article 80 of the TPC.
50. According to GRETA, in Article 80 of the Turkish Penal Code (TPC), there is no reference to the means of “*giving or receiving of payments or benefits to achieve the consent of a person having control over another person*,” as stipulated in the Palermo Protocol. Additionally, there is no specification of the degree of force and violence, nor is there a provision for situations where aggravated forms of intentional injury on account of its consequences occur, which would allow for punishment under both articles. Therefore, GRETA recommends that Turkish authorities ensure that the concepts of *abuse of vulnerability or influence and giving or receiving of payments or benefits to achieve the consent of a person having control over another person* are adequately covered by law and practices⁵⁴
51. As it is known, in criminal proceedings, the statement and involvement of the victim, who has been directly harmed by the crime or who has been in danger of being harmed, is very important in the trial and punishment of the perpetrator. In domestic law, victims are entitled to many rights such

⁵¹ Prosecutor of the Court of Cassation Rifat Sagut, The Crime of Migrant Smuggling and Human Trafficking in Turkish Law, TAA Online Colloquium on Human Trafficking and Refugee Law Book of Presentations, 23-25 February 2021.

⁵² Jahic Galma and Karan, Ulaş (2006), Turkish Criminal and Criminal Procedure Law and the Problems Experienced in the Crime of Human Trafficking for Prostitution, Journal of the Union of Turkish Bar Associations, Issue 67, 97-110.

⁵³ For a comprehensive examination of the crime of human trafficking in terms of criminal law, see Arslan, Çetin, “The Crime of Human Trafficking”, Ankara University Journal of Law Faculty, Vol. 53, p. 4, Ankara, 2004, p. 19-84..

⁵⁴ Greta, Report Concerning The Implementation Of The Council Of Europe Commission On Action Against Trafficking In Human By Türkiye, First Evaluation Around, 2019, p. 2..

as the right to file complaints and to denounce, the right to examine the file, the right to request an evidence investigation, the right to intervene in the prosecution, the right to present evidence, the right to be present in certain proceedings, the right to apply for legal remedies, and it is of great importance that the victims learn the rights they have in administrative and judicial processes and that they are represented in these processes.⁵⁵ The assistance of the defence counsel will ensure the effectiveness of the exercise of many rights and powers, such as intervention of the victim in the investigation and prosecution and in order to actively participate in the process and to reach the material truth in full⁵⁶, filing complaints and denunciations, examining and taking copies of the investigation and prosecution file, applying to legal remedies, requesting the collection of evidence and collecting evidence in person, asking questions,⁵⁷ benefiting from an interpreter (Article 202/1 of the Code on Criminal Procedure (CCP)), receiving legal assistance. Receiving legal assistance is even more important for trafficking victims. The fact that the psychological conditions and conditions of the victim have their own characteristics make legal assistance for the victims obligatory. It is considered by bar associations that the inclusion of victim lawyer appointments in general legal aid appointments has led to some difficulties⁵⁸. The appointment of a lawyer for the victim is carried out within the scope of the Code of Criminal Procedure (CCP) upon the request of the law enforcement or the prosecutor/court, and it is done through the Bar Association according to the CCP Regulation. PMM is not among the institutions that can make such a request; however, the definition of human trafficking victim can be made by PMM. Our institution has sent various questions to the Bar Associations to evaluate this issue and requested feedback on the problems encountered in practice. In the official letter sent by Istanbul Bar Association No. 1, it is mentioned that there are certified lawyers with special training in combating human trafficking within the scope of the Council of Europe Human Rights Education for Legal Professionals (HELP) at the bar associations. They suggest that adding a provision to the legislation that would ensure the selection of lawyers with special training in human trafficking could help solve the issue in the cases of human trafficking.⁵⁹

52. In line with the official letters from the relevant institutions and organizations, it is understood that since the GRETA 2019 Türkiye Report, no new laws or regulations have entered into force, no new international agreement, bilateral agreement or protocol has been created, exclusively on human trafficking. On the other hand, *the services to be provided to vulnerable groups* regulated in Article 7 of the Presidential Decree No. 63 dated 10/6/2020 on the Support for Victims of Crime also include victims of human trafficking.
53. Based on the Council of Europe Convention on Action Against Trafficking in Human Beings, the Regulation on Combating Human Trafficking and Protection of Victims was issued. With this Regulation

⁵⁵ Bozdağ, Ahmet, The Right of the Victim to Receive Legal Aid in Criminal Procedure Law, Issue 132, Journal of the TBB, 2017, p. 121-146.

⁵⁶ "The victim, real persons and legal entities, who have been damaged by the crime, as well as the individuals liable for pecuniary compensation, are entitled to intervene in the public prosecution during the prosecution phase at the court of the first instance, until the judgement has been rendered, announcing that they are putting forward their claim". " (Article 237 of the Code of Criminal Procedure).

⁵⁷ "The public prosecutor, defense counsel or the lawyer who participates at the main hearing as a representative may ask direct questions to the accused, to the intervening party, to the witnesses, to experts, and to other summoned individuals adhering to the rules of discipline at the main hearing. The accused and the intervening party may also direct questions with the help of the chief justice or judge.." (Code of Criminal Procedure, Article 201).

⁵⁸ Degirmenci, Olgun, and Karan, Ulaş, "Horizontal Facility for the Western Balkans and Türkiye II: Analysis of Gaps in Investigation Procedures and Prosecutions Before Judicial Authorities Related to Human Trafficking," Unpublished Draft Report, European Union and Council of Europe, (Horizontal Facility for the Western Balkans and Türkiye II Project).

⁵⁹ Data from Istanbul Bar Association No. 1.

on, the procedures and principles regarding the protection of victims of human trafficking without discrimination between Turkish citizens and foreigners, the issuance of residence permits to foreign victims and the support services to be provided to victims have been determined.⁶⁰ It is evaluated that, in order to combat human trafficking more effectively and to provide a higher level of legal protection, it is necessary to regulate the fight against human trafficking and the issues related to human trafficking victims by law and to enact a separate law within this framework.

54. In the GRETA 2019 Türkiye Report, it is emphasized that the adoption of a new national action plan against human trafficking, which clearly defines concrete activities, objectives, and responsible stakeholders, along with allocating necessary budget resources, is a priority issue. The report highlights the importance of a comprehensive national action plan against human trafficking, taking into account the gender dimension of human trafficking and the specific vulnerabilities of children. The action plan should also prioritize to define all forms of exploitation, including forced begging, coercion into criminal activities, forced marriages, and organ trafficking, and prioritize the identification of all human trafficking victims, including Turkish nationals, as well as refugees, asylum seekers, and internally displaced persons who may fall victim to human trafficking. In addition, the action plan should focus on defining and supporting victims of labour exploitation-based human trafficking by examining the legal framework in various sectors of the economy (especially high-risk sectors such as agriculture, construction, restaurants, entertainment, and domestic work). It suggests involving NGOs, trade unions, labour inspectors, and the private sector to strengthen efforts against human trafficking through the adoption of an action plan.⁶¹
55. In Türkiye, two National Action Plans to Combat Human Trafficking were adopted in 2003 and 2009. However, considering the rapidly evolving methods of this crime along with the increase in mass migration movements targeting the country, and the fact that the laws and implementation regulations developed for combating human trafficking were created after the adoption of the action plans, it is evident that there is an urgent need for a third comprehensive National Action Plan against human trafficking. This matter has been communicated to PMM, and in an official response, it was stated that the preparation of a comprehensive national action plan that meets the country's needs is ongoing.⁶²

C. Educational Activities in Combating Human Trafficking

56. Preventing the crime of human trafficking will only be possible by the recognition of and raising awareness regarding this type of crime. As a matter of fact, one of the most important steps of preventive activities is the training of professionals. Although it has a certain prevalence, the crime of human trafficking is one of the crimes with a low visibility due to its nature. Human trafficking can occur in a wide range of areas from the health sector to the business sphere and can also be

⁶⁰ Değirmenci, Olgun, and Karan, Ulaş, "Horizontal Facility for the Western Balkans and Türkiye II: Analysis of Gaps in Investigation Procedures and Prosecutions Before Judicial Authorities Related to Human Trafficking," Unpublished Draft Report, European Union and Council of Europe, (Horizontal Facility for the Western Balkans and Türkiye II Project).

⁶¹ Greta, Report Concerning The Implementation Of The Council Of Europe Commission On Action Against Trafficking In Human By Türkiye, First Evaluation Around, 2019, p. 73.

⁶² PMM letter dated 25/11/2021 and numbered 54047.

hidden as a motive for other crimes. Considering this nature of the crime, it should be essential that educational activities are carried out intensively in order to ensure prevention.

57. In Article 10 of the Palermo Protocol, it is stipulated that *“States Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons.* According to the provision, ensuring the training of professionals as a preventive policy is an obligation of the States Parties to the Protocol. States are required to plan the training within the scope of the provision in a long-term manner and at certain intervals for repetition. Furthermore, considering the wide range of occurrences of human trafficking, it is essential that education is provided not only to professionals in the public sector but also to stakeholders in the private sector. The Palermo Protocol also addresses this aspect as follows: *“The training ... should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.”*
58. In recent years, there have been positive developments in our country in the recognition of the crime of human trafficking and the training of professionals. Through processes led by the PMM and supported by international projects, trainings were provided to public institution personnel and other relevant professionals to combat human trafficking. According to the information obtained from the PMM, in 2019, a total of 3,384 people, consisting of 3,087 public officials, 297 civil society members, private sector employees and students, were provided with training and awareness-raising activities related to the fight against human trafficking. In the same context, it was stated that a total of 12,879 people were trained, both face to face and online, in 2020 and 1,984 people were trained to combat human trafficking in 2021.
59. GRETA highly emphasizes the advancement of education and expertise for law enforcement personnel, prosecutors, and judges involved in human trafficking cases. In this context, providing regular and systematic training to these professionals is undoubtedly a crucial step towards specialization. GRETA also recommends that the trainings should be implemented at all levels, including high level decision-making mechanisms. In line with this, according to information obtained from the General Directorate of Security, a 5-day, 30-hour training on “Human Trafficking Investigation Techniques” was organised by the Public Order Department, in 81 provinces for vice officers. It has been reported that this course was provided to 100 personnel in 2019 and was conducted again within the year 2021. Additionally, it has been revealed that personnel participating in the “Human Trafficking Investigation Techniques” training are primarily selected from those stationed in provinces with a high incidence of human trafficking and personnel stationed at border control points. The aim of this selection is to enhance the competence of personnel in identifying victims and providing assistance after the training. Moreover, it has been learned from the Counter Migrant Smuggling And Border Gates Department that training activities for the personnel in the units combating the crime of human trafficking are ongoing, and. . in 2020, a total of 247 personnel received human trafficking awareness training, and in 2021, the number increased to 284, summing up to a total of 531 personnel who have been trained in combatting human trafficking.⁶³

⁶³ Letter of the General Directorate of Security dated 4/11/2021 and numbered E-23346125.

60. According to the information obtained from the Gendarmerie General Command on the subject; The Gendarmerie and Coast Guard Academy training curriculum includes smuggling of migrants and human trafficking. In this context, 5,250 students were trained in 2020.⁶⁴
61. According to information obtained from the Ministry of Justice, Directorate of Legal Support and Victim Services, a project titled “Facilitating Access to Justice for Refugees” was carried out in collaboration with the United Nations Development Programme (UNDP) and the United Nations High Commissioner for Refugees (UNHCR) between September 2018 and December 2019. The aim of the project was to strengthen refugees’ access to justice and enhance the capacity of the justice system. Within the scope of this project, 7 pilot regions were identified, and working visits were conducted to these areas. Meetings were held with institutions in contact with refugees, and a needs assessment report was prepared. Following this needs assessment, training programs were organized for various actors involved in the process, particularly judges and prosecutors. These training programs covered specialized topics such as refugee law and approaches to refugee victims. In total, 210 judges and prosecutors, 70 lawyers, and 165 experts were provided with training under the project⁶⁵
62. As part of pre-service training activities conducted by the Justice Academy of Türkiye, it has been reported that in 2019, four-hour courses on “Investigation Procedures and Practices for Migrant Smuggling and Human Trafficking Crimes” were provided to 448 prosecutor candidates, and in 2020, six-hour courses on “Human Trafficking and Migrant Smuggling” were provided to 455 prosecutor candidates. It is stated that similar training programs within this framework are planned to be conducted in subsequent years. Furthermore, within the scope of in-service training activities, in cooperation with the Directorate General of Migration Management, a training titled “Awareness on Human Trafficking Offenses” was organized in Istanbul from October 9 to 11, 2019, with the participation of 25 judges and 25 prosecutors working in Antalya, Istanbul, Izmir, Hatay, Ankara, Adana, Şanlıurfa, Muğla, Mersin, and Kırklareli. Additionally, a training on “Human Trafficking and Migrant Smuggling Offenses” targeting 100 participants was held on December 14, 2021.⁶⁶
63. All the training activities that are mentioned above and have a preventive nature aimed at combating human trafficking are very important and successful steps carried out by our country. It is estimated that all trainings on the recognition and fight against the crime of human trafficking, identification of victims and approach to victims will make a big difference in the field and these positive contributions will increase even more in the proportion of personnel trained. It is seen that the Justice Academy of Türkiye periodically organizes trainings for judges and prosecutors. In addition to these positive developments, it is considered appropriate to make improvements based on some of the points that GRETA has also drawn attention to in the Human Trafficking Report for our country. In this context, it is observed that GRETA’s finding that the trainings on human trafficking are largely project-oriented and that the relevant professionals are not integrated into the initial or continuing trainings continues. It has been observed that the trainings in the field of human trafficking are still largely project-intensive in 2020-2021, the trainings are completed with the completion of the project periods, and a systematic training process has not occurred. In this context, it is

⁶⁴ Gendarmerie General Command’s letter dated 5/11/2021 and numbered 6287381.

⁶⁵ Letter No. 1473 dated 8/11/2021 from the Department of Legal Support and Victim Services of the Ministry of Justice

⁶⁶ Letter dated 9/11/2021 and numbered 1707 of the Justice Academy of Türkiye.

evaluated that trainings aimed at combating human trafficking should be not only project-oriented but also systematic and regular for all professionals. As mentioned above, it is considered that specialization will only be achieved through periodic trainings, and that trainings should be carried out periodically as well as regularly updated in line with GRETA recommendations and that new types of abuse should be focused on issues such as emerging types of abuse.

D. Creating Awareness Measures and Activities to Reduce Demand

64. Within the scope of awareness-raising measures in combating human trafficking, it is important to inform the target group at risk of victimization about the crime of human trafficking by using materials in appropriate languages, to carry out public awareness campaigns, and to inform victims of human trafficking that they can request protection.⁶⁷ In this context, information and documents were requested from the relevant institutions and organizations about the activities carried out with the aim of raising awareness about human trafficking. Some of the works carried out within the framework of the returns are mentioned below.
65. It is stated that 2.000.000 brochures prepared by the General Directorate of Security in Turkish, English, Russian and Arabic languages in order to increase public awareness about the crime of human trafficking and to inform the victims were sent to the provincial security directorates in 81 provinces and distributed until the end of 2019.⁶⁸
66. In 2019, the Department of Protection of Victims of Human Trafficking at the PMM prepared two public service announcements addressing child and women exploitation with the aim of raising public awareness. These announcements were broadcasted on national channels. On July 30th the World Day against Trafficking in Persons, as part of the *Technical Assistance Project for Collaboration with Civil Society in the Field of Migration and International Protection*, the PMM launched the **#sesimsenol** campaign on social media, reaching over 1 million people. Additionally, it was mentioned that the Türkiye Annual Report On Combating Human Trafficking was prepared.⁶⁹
67. The Provincial Directorate of Migration Management (PDMM) has stated that various awareness and prevention activities were carried out in the years 2019, 2020, and 2021. Within this framework, billboards addressing human trafficking and the Foreigners Communication Center (YİMER 157) were placed in the provinces. Stands were set up in city centers to distribute brochures to the public. Short films were created as part of the combat against human trafficking and shared on social media platforms. Informational news articles about human trafficking were also featured in local newspapers in the provinces.⁷⁰

⁶⁷ UNODC, Toolkit to Combat Trafficking in Persons, p. 470. https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-8.pdf (Access Date: 4/8/2022)

⁶⁸ Letter of the General Directorate of Security dated 4/11/2021 and numbered E-23346125.

⁶⁹ PMM letter dated 25/11/2021 and numbered 54047.

⁷⁰ PMM letter dated 25/11/2021 and numbered 54047.

68. GRETA's trafficking in human beings report for our country recommended the launch of nationwide awareness-raising campaigns for vulnerable groups such as migrant children, refugees, children under temporary protection, asylum seekers, and internally displaced persons related to the different types of trafficking in human trafficking that take place across borders and within the country. In this context, awareness-raising activities carried out by PDMMs for different groups, especially in smaller settlements whose populations may be at risk, are very important and successful steps. However, it was observed that written and visual materials were prepared and distributed mostly within the scope of awareness-raising measures, in information and documents received from public institutions. However, it is recommended to increase awareness by using social media tools that have become a part of everyday life more and to carry out anti-trafficking campaigns in partnership with social media experts to ensure that the perception of the human trafficking problem put forward by the media includes a clear description of the incident and a realistic depiction of the victims, and to maximize public knowledge and awareness.⁷¹
69. Another point highlighted in the GRETA Report is that future awareness-raising activities should be designed in the light of the impact assessment of previous measures, focusing on the identified needs. However, the evaluation could not be made because the information and documents submitted did not provide any data indicating that the positive or negative impact assessment of the awareness-raising activities carried out in previous years was made.
70. In 2020, 282⁷² victims were identified by the PMM and 140 of them were children.⁷³ The 2021 United States Trafficking in Persons Report highlights that Syrian and other children are subjected to begging, forced labor in agricultural fields, restaurants, textile factories, markets, stores, and other workplaces. It also mentions that criminal networks particularly exploit Syrian girls for human trafficking. Therefore, the report emphasizes the need to enhance efforts to identify victims among vulnerable groups, including Turkish and foreign women, girls, children working in agriculture and industry, and those who are begging on the streets.
71. In Türkiye, children who are pushed to crime, who are victims of crime, who face social dangers on the street or who are unaccompanied migrants are the responsibility of the Ministry of Family and Social Services. Children under protection under the Child Protection Law No. 5395 are provided with basic services such as shelter, health, education and psychosocial support in child support centers⁷⁴, and preventive and protective measures are implemented. It was stated that Basic Staff Trainings were carried out by the Guidance and Inspection Directorate of the Ministry of Family and Social Services in order to increase the service capacity of all personnel serving children under protection and care in child care institutions throughout the country and to contribute to the psychosocial support program offered to children. Within the scope of the program, it was stated that

⁷¹ UNODC, Toolkit to Combat Trafficking in Persons, p. 470. https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-8.pdf (Access Date: 4/8/2022)

⁷² PMM, Türkiye Annual Report On Combating Human Trafficking 2019 , Ankara, 2020.

⁷³ PMM letter dated 25/11/2021 and numbered 54047

⁷⁴ These are residential social service facilities that are structured or specialized based on the individual needs of children who have been placed under care or protection measures due to being at risk of being involved in criminal activities, being crime victims, or facing social dangers on the streets. These facilities provide temporary care and protection for children until their needs are met. During this period, efforts are made to regulate family, close environment, and community relationships. The services are tailored to address the specific circumstances of the children, such as their victimization, risk of involvement in criminal activities, age, and gender.

there are modules such as initiating and maintaining communication/relationships, approaching and communicating with the child, supporting the development of children, gaining positive behavior, crisis and crisis intervention, boundaries-responsibilities and privacy, teaming together/doing business.⁷⁵ As part of the Strengthening the Protection of the Rights of Migrants and Trafficking Victims Project in Türkiye, self-learning online HELP courses were initiated in June 2021 for professionals working in child support centers (such as social workers, psychologists, child development specialists, teachers, sociologists) and for lawyers working at the Directorate of Family and Social Services in order to enhance the protection of migrant and children victim of human trafficking rights. The courses covered topics related to Migrant and Refugee Children, Child-Friendly Justice, Asylum, and the European Convention on Human Rights (ECHR).⁷⁶

72. The information provided by the mentioned institutions indicates that while various trainings have been provided, there is a lack of a specific information program focused directly on human trafficking victims.
73. Regular field surveys are carried out by the Ministry of National Education General Directorate of Lifelong Learning using national and international resources, especially in the provinces where Syrians are concentrated, children under the age of 18 are brought to the formal education system, illegal situations in the fields of child marriage, child labor, etc. are tried to be prevented and qualified training and vocational training courses are provided to adults in need identified within the same scope.⁷⁷
74. Since half of the victims identified in our country in 2020 are children, awareness-raising activities for children and measures to reduce demand should be addressed separately.
75. In the report prepared by GRETA on our country, it is pointed out that the majority of the victims of human trafficking identified in Türkiye are foreign women exploited through prostitution and that the number of victims of human trafficking identified for the purpose of labor exploitation has increased. In the letters from the institutions and organizations regarding this situation, different aspects of the issue have been pointed out.
76. Within the scope of the Public-Private Sector Cooperation: Supporting Legal Pathways for International Labour Migration Project carried out in cooperation with the International Organization for Migration under the coordination of the General Directorate of International Labour Force of the Ministry of Labour and Social Security, it was stated that awareness-raising workshops were organized for the personnel involved in the supervision of the labour market on labour exploitation, forced labour and human trafficking in the labour market.⁷⁸
77. The Guidance and Inspection Directorate of the Ministry of Labor and Social Security stated that training and awareness programs were carried out for labor inspectors within the framework of the Strengthening the Protection of Migrants and Victims of Human Trafficking in Türkiye from the

⁷⁵ Letter dated 27/10/2021 and numbered 1566190 of the Guidance and Inspection Directorate of the Ministry of Family and Social Services

⁷⁶ Letter dated 3/11/2021 and numbered 1607236 of the General Directorate of Children's Services of the Ministry of Family and Social Services.

⁷⁷ Letter of the Ministry of National Education General Directorate of Lifelong Learning dated 10/11/2021 and numbered 36659826.

⁷⁸ Letter of the General Directorate of International Labor Force of the Ministry of Labor and Social Security dated 4/11/2021 and numbered 56981..

Perspective of Human Rights Project within the scope of the Council of Europe's Horizontal Facility for the Western Balkans and Türkiye within the scope of the fight against human trafficking.

78. Between 2017 and 2018, ICMPD distributed 1500 human trafficking awareness posters in 81 provinces within the scope of the Preventing, Identifying and Combating Trafficking in Persons in Türkiye Project, and since 2021 is the International Year for the Elimination of Child Labour, commitments were made in this regard. In relation to Türkiye, it was stated that the focus was on risk factors specific to child trafficking, vulnerabilities that lead to child trafficking, types of trafficking affecting children in the agricultural and industrial sectors and protection needs.
79. Within the scope of the projects supported by the EU, FERRERO and CAOBISCO (Association of Chocolate, Biscuit and Confectionery Industries of Europe) and carried out in 21 provinces, it is stated that the aim is to prevent a total of 18,300 children from starting to work and/or ensuring withdrawal from working life by the end of 2023 with the inclusive intervention model in the projects carried out by the ILO within the scope of combating child labor in seasonal agriculture.⁷⁹
80. In addition to these positive developments, it was observed that the awareness activities of the relevant institutions on human trafficking for the purpose of labor exploitation were more limited than the awareness studies on human trafficking for the purpose of sexual exploitation, the activities related to the reduction of the demand for labor exploitation were more project-oriented and public institutions should take more initiatives. In this context, it is recommended that working groups involving all relevant actors such as public institutions, companies, trade unions and NGOs can be established under the coordination of the Revenue Administration to raise awareness and coordinate the activities of companies with corporate responsibility in the country to observe human rights in all their foreign activities and supply chains, and in this context, companies can be asked to report information on their production processes and the measures they take to reduce the risks of human trafficking in their supply chains.

E. Border Measures in Combating Human Trafficking

81. Türkiye, which is a bridge between Asia and Europe, is both a transit country and a destination country for migrants coming from Asian and African countries, especially Syria, Iraq and Afghanistan, due to this geographical characteristic. Türkiye, which hosts approximately 5 million displaced foreigners, mostly Syrians, is the country hosting the highest number of refugees in the world in this respect. Currently, due to the ongoing conflict and internal turmoil especially in Afghanistan and Syria, waves of migration to Türkiye continue. Among migrants arriving in Türkiye, there may also be victims of human trafficking. In this context, identifying signs of trafficking and ensuring rapid and effective access to support for victims are gaining importance.
82. The institutions that have the duty to take border measures in the fight against irregular migration and human trafficking are the PMM, the Gendarmerie General Command, the General Directorate of Security and the Coast Guard Command.

⁷⁹ Views of the ILO Office for Türkiye on the Greta Report

83. Pursuant to Article 7 of the Regulation on the Implementation of the Law on Work Permits for Foreigners published in the Official Gazette dated 29/8/2003 and numbered 25214, a regulation has been made regarding applications to be submitted from within the country. “Foreigners who have obtained a residence permit of at least six months and whose residence period has not yet expired, or their employers, can directly apply to the Ministry.

... However, in the case of foreigners who will work in areas subject to human trafficking or potential human trafficking, the requirement of having resided for six months is not taken into account, and it is required that they obtain a work visa from our foreign representative offices each time.”⁸⁰

84. Under visa exemptions, foreigners entering Türkiye who have been identified as victims of human trafficking and voluntarily returned through safe means, in order to prevent the possibility of becoming victims of human trafficking for a second time, their re-entry into Türkiye under visa exemption is subject to a pre-authorization requirement.
85. According to official data obtained from the Gendarmerie General Command, for the purpose of combating irregular migration and human trafficking along Türkiye’s eastern border, additional measures are being taken in the provinces of Ağrı, Hakkari, Iğdır, and Van. A total of 2,335 personnel assigned by the Gendarmerie General Command are stationed at 141 checkpoints. Additionally, patrols are conducted using gendarmerie boats in inland waters to prevent the passage of irregular migrants. The border and domestic transit routes are monitored 24/7 using unmanned aerial vehicles.⁸¹
86. According to the information and documents provided by the Ethics Bureau Directorate (Bureau for Combating Sexual Crimes) of the Crime Investigation Department of the General Directorate of Security, training programs are organized with the aim of developing competence in the investigation, evidence collection, and victim identification related to the crime of human trafficking. These training programs are designed to instil knowledge, skills, and behaviour aligned with national and international legal frameworks and universal values for combating this crime. Priority has been given to coastal cities and border provinces where human trafficking is prevalent in these training sessions.⁸²
87. Through effective efforts against irregular migration, it has become possible to prevent victimization in the field of human trafficking and promptly identify victims if any.

F. Data Collection and Research

88. It was reported by thePMM that the files of the victims identified by the PDMMs were being collected in accordance with the principle of confidentiality, and that the Presidency kept statistics regularly, including information such as the nationality, age, gender, type of exploitation and the support program benefited by the victims. It was also stated that the weekly number of interviews

⁸⁰ PMM letter dated 25/11/2021 and numbered 54047.

⁸¹ Gendarmerie General Command’s letter dated 5/11/2021 and numbered 6287381.

⁸² Letter of the General Directorate of Security dated 4/11/2021 and numbered E-23346125.

from PDMMs was regularly collected and the number of interviews conducted by 81 provincial directorates was kept up-to-date.⁸³

89. The Gendarmerie General Command has reported that in the field of combating human trafficking operations, data regarding the types of exploitation, the rescued victims, and the traffickers who are subject to legal action are kept up-to-date, including information about their age, gender, and nationalities.⁸⁴
90. The Counter Migrant Smuggling And Border Gates Department regularly collects data on human trafficking incidents in the police area of responsibility, and these data are kept in detail under headings such as the region where the crime of human trafficking is committed, the age, gender, nationality, type of exploitation of the victims and suspects, and constitute the basis for risk analysis studies, which are among the proactive methods of struggle.⁸⁵
91. According to the information received from the General Directorate of Criminal Records and Statistics of the Ministry of Justice, in order to produce detailed statistics from the National Judiciary Informatics System regarding the victims of human trafficking crimes, women victims of violence, children involved in the judicial process and disadvantaged groups, the crime-victim matching has been made mandatory as of 24/4/2017 in coordination with the General Directorate, and the data on human trafficking crime have been made more healthy and regular. It was reported that trainings were provided to raise awareness about the accurate, complete and timely entry of data in order to obtain more detailed data by reading the decisions given by the courts regarding this crime, but that detailed statistical data were not yet kept for vulnerable groups within the victims of human trafficking crimes. On the basis of defence, it was observed that no statistics were kept to identify vulnerable groups according to the age, gender and nationality of trafficking victims.⁸⁶
92. It is considered necessary for the Ministry of Justice to develop and maintain a comprehensive and consistent system on trafficking in human beings by compiling reliable statistical data on the investigation, prosecution and adjudication of cases of trafficking in human beings as well as measures to protect and support victims' rights, in order to form the basis for the preparation, monitoring and evaluation of anti-trafficking policies.

G. Identification of Human Trafficking Victims

93. Article 10 of the Council of Europe Convention on Action Against Trafficking in Human Beings obliges Parties to adopt measures to identify trafficking victims. Accordingly, the parties have a duty to "establish competent authorities for the prevention and combating of trafficking in persons, the employment of trained and qualified persons to identify and assist children and victims." Although the detection of human trafficking is not an easy process, sometimes the length of the detection period can lead to additional victimization in the presence of decisions such as deportation to be

⁸³ PMM letter dated 25/11/2021 and numbered E9370195100054047.

⁸⁴ Gendarmerie General Command's letter dated 5/11/2021 and numbered 6287381.

⁸⁵ Letter of the General Directorate of Security dated 4/11/2021 and numbered E-23346125.

⁸⁶ Ankara Bar Association Refugee Rights Center's letter dated 14/10/2021 and numbered 51256.

taken against these people. For this reason, the Convention also provides that if there are grounds for authorities to believe that a person is a victim of trafficking, the person will not be deported until the identification process has been completed and that the rights of potential victims will be protected in such a way as to ensure that the person receives the support provided for by the Convention. In Article 55, the Law on Foreigners and International Protection also included victims of human trafficking among those who could not be deported in line with the Convention.

94. The procedure for identifying victims of human trafficking is regulated in Articles 16, 17 and 18 of the Regulation on Combating Human Trafficking and Protection of Victims. Article 16 defines the procedure for the detection of possible trafficking cases by stating that *“Anyone who declares to be a victim or who is aware of the crime of human trafficking shall report the situation in writing, orally or electronically to the emergency hotline, the Chief Public Prosecutor’s Office or the law enforcement.”* Persons who witness a case of human trafficking, who are aware of it in any way, or who declare that they are victims of human trafficking can forward their complaints to the emergency helpline YİMER 157, law enforcement authorities or the provincial chief public prosecutor’s office.⁸⁷ Government agencies, such as the Ministry of Family and Social Services and the Ministry of Health, are obliged to report the person they suspect of being a victim, to the Emergency Assistance and Hotline, as well as to the PDMM, law enforcement or the Chief Public Prosecutor’s Office immediately. Again, in accordance with Article 16 of the Regulation, NGOs are obliged to report reports of human trafficking offenses to the PDMM, the police and the Chief Public Prosecutor’s Office.
95. During the 2020 Coordination Commission on Combating Human Trafficking Meeting, it was decided that “in order to prevent secondary victimization and consider traumatic experiences in children, who are forced to serve terrorist organizations through various means (threats, abduction, deception, taking advantage of helplessness, etc.), their files, along with the relevant law enforcement’s assessment of the matter, should be sent to the Provincial Directorate of Migration Management for administrative evaluation to determine whether they are victims of human trafficking, in accordance with the Regulation on Combating Human Trafficking and Protection of Victims. The identification of human trafficking victims is based on file review for children aged 15 and below (inclusive of 15 years) and through interviews conducted by the Provincial Directorate of Migration Management for other children aged 16-18. In 2021, 14 child soldiers were identified and it was informed that cooperation with the relevant institutions on this issue continued.”⁸⁸
96. According to the information obtained from the PMM, the identification of the victim of human trafficking among the irregular migrants in the removal centers is carried out within the scope of the provisions of the first paragraph of Article 54 of the Law on Foreigners and International Protection No. 6458. Accordingly, it was stated that those who made a living illegally during their stay in Türkiye and those who were found to be working without a work permit and the foreigners against whom a deportation decision was taken were interviewed by PMM for human trafficking indicators. In addition, where there are indications of trafficking victims in persons in removal centres, human trafficking interviews are also conducted by specialist staff in provincial directorates.

⁸⁷ See Report on the Implementation by Türkiye of the Council of Europe Convention on Action Against Trafficking in Human Beings

⁸⁸ PMM letter dated 25/11/2021 and numbered E9370195100054047.

97. Sectors such as domestic services, restaurants and entertainment are also areas where victims of human trafficking are observed intensively. In this context, GRETA recommends increasing the capacity of labour inspectors so that they can work actively in the prevention of human trafficking, including in private households and small businesses, hotels and food, food and beverage services and restaurants, and small agricultural units. In the response given by the Ministry of Labor and Social Security, it was stated that there was no independent work on the prevention of human trafficking. Likewise, the Social Security Institution (SSI) stated that the main duties of the audit personnel working within their own institutions were legally determined, that it was not possible for audits in the field of human trafficking to be included in the main job description of social security inspectors, and that the main audit duty in this field belonged to the law enforcement authorities.⁸⁹
98. While 4,919 people were interviewed by the PMM in 2020 with the suspicion that they may be victims of human trafficking, it was reported that this rate increased to 8,077 in 2021 with an increase of 64%. It was stated that the number of identified victims was 282 in 2020 and reached 402 with an increase of 42% after 8,077 interviews conducted in 2021. According to the information received from the PMM, sexual exploitation and labor exploitation have been at the top in the last five years.

⁸⁹ SSI Presidency General Directorate of Insurance Premiums dated 8/11/2021 and numbered E-92150556.

Types of exploitation of trafficking victims (2017-2021)

Type of Exploitation	2017	2018	2019	2020	2021	Total	%
Sexual Exploitation	186	95	144	160	200	785	58,7
Labor Exploitation	52	39	55	73	111	330	24,7
Forced Begging	65	-	4	43	22	134	10,1
Forced Marriage	-	-	11	4	54	69	5,2
Child Soldier	-	-	-	-	14	14	1,0
Child Trafficking	-	-	1	1	1	3	0,2
Organ-Tissue Trade	-	-	-	1	-	1	0,1
Total	303	134	215	282	402	1.336	100

Source: PMM

Looking at the age range of identified trafficking victims, it is seen that in 2017-2021, approximately 33% of the victims were children and approximately 59% were in the 18-35 age range.

Age distribution of trafficking victims (2017-2021)

Age	2017	2018	2019	2020	2021	Total	%
(-) 18	98	15	31	165	118	427	32,1
18-25 Age	124	63	74	41	119	421	31,3
26-35 Age	61	42	73	56	128	360	27,0
36 (+)	20	14	37	20	37	128	9,6
Total	303	134	215	282	402	1.336	100

Source: PMM

It is seen that the majority of victims in Türkiye consist of women who have been trafficked for the purpose of sexual exploitation, and approximately 80% of the victims identified in the last five years are women.

Gender distribution of human trafficking victims (2017-2021)

Gender	2017	2018	2019	2020	2021	Total	%
Male	91	23	20	61	81	276	20,5
Female	212	111	195	221	321	1060	79,5
Total	303	134	215	282	402	1.336	100

Source: PMM

Between 2017 and 2021, it was reported that the top five ranks in the ranking of trafficking victims on the basis of nationality consisted of foreigners from Syria, Uzbekistan, Kyrgyzstan, Afghanistan and Morocco.

Nationalities of human trafficking victims (2017-2021)

Nationality	2017	2018	2019	2020	2021	Total	%
Syria	86	15	37	159	158	455	34,1
Uzbekistan	19	29	44	38	63	193	14,4
Kyrgyzstan	31	14	32	14	12	103	7,7
Afghanistan	21	21	14	11	22	89	6,6
Morocco	26	18	28	5	5	82	6,1
Türkiye	9	-	2	11	42	64	4,8
Azerbaijan	11	3	6	9	9	38	2,8
Ukraine	16	3	10	2	5	36	2,7
Turkmenistan	11	3	5	4	11	34	2,5
Russia	16	1	4	3	6	30	2,2
Indonesia	3	6	11	2	5	27	2,0
Kazakhstan	9	7	4	4	3	27	2,0
Moldova	20	1	4	1	-	26	1,9
Georgia	10	1	2	2	-	15	1,1
Iran	-	1	2	2	9	14	1,0
Other	5	9	11	17	61	103	7,7
Total	303	134	215	282	402	1.336	100

Source: PMM

When we look at the provinces where human trafficking victims have been identified, it is seen that the provinces such as İstanbul and Antalya, where the foreign population and the entertainment sector open to sexual exploitation are intense, come to the forefront. In the same period, it is seen that the top five provinces where approximately 61% of the victims (820 people) were identified were İstanbul, Antalya, Şanlıurfa, İzmir and Gaziantep.

Distribution of trafficking victims by provinces where they were identified (2017-2021)

Province	2017	2018	2019	2020	2021	Total	%
İstanbul	48	42	48	98	130	366	27,2
Antalya	66	32	30	17	12	157	11,5
Şanlıurfa	22	-	3	71	34	130	9,6
İzmir	20	14	28	16	14	92	6,6
Gaziantep	-	1	17	5	52	75	5,4
Hatay	24	7	19	7	13	70	5,2
Ankara	28	8	3	3	16	58	4,2
Muğla	15	-	6	2	18	41	3,0
Mersin	18	-	3	2	17	40	2,9
Adana	8	14	3	4	6	35	2,5
Other	54	17	72	62	90	295	21,9
Total	303	134	215	282	402	1.336	100

Source: PMM

99. Although it is seen that the identification of human trafficking victims is a very difficult issue that requires a lot of arduousness and meticulousness, considering the intensive migration movements that our country has faced in recent years, it is evaluated that the number of real victims is higher despite a continuous increase in the number of victims identified since 2019. At this point, considering the GRETA recommendations, it is considered that there is a need for more cooperation and efforts between the institutions in order to identify the victims of human trafficking in the work life, among the victims of abuse and among irregular migrants.

H. Vulnerable Groups

100. It is seen that international human rights law texts do not specifically define vulnerability and do not list vulnerable groups. In this context, it is possible to say that the vulnerability approach has

been included in the literature through the practice of human rights law. Age, gender, ethnicity and minority status, health status and deprivation of liberty can be given as examples of vulnerability in terms of international human rights law.

101. As stated in GRETA's 2019 report, between 2014 and 2018, a total of 776 trafficking victims were identified by the Turkish authorities, 80% of whom were women and 22% of whom were children.⁹⁰
102. Of the victims identified in 2020, 140 were children, 58 were between the ages of 18 and 25, 62 were between the ages of 26 and 35, and 22 were 36 years of age or older. The distribution of 282 victims identified in 2020 according to the types of exploitation is as follows: sexual exploitation 160, labor exploitation 73, forced marriage 4, begging 43, organ-tissue trade 1, child sales 1.⁹¹ Considering the age, gender and nationality of the victim, it is possible to say that people belonging to the groups we have defined above as vulnerable groups are at a higher risk of being exploited from their helplessness. That is why the awareness of the victim about their rights is so important.
103. Soruşturma veya kovuşturma aşamasında suç mağdurlarına tanınan haklar ile sağlanan hizmet ve yardımlara ilişkin esasları ve bu hizmetlerin yerine getirilmesine dair görev, yetki ve sorumlulukları düzenlemek amacıyla 2017 yılında Adalet Bakanlığınca Mağdur Hakları Kanun Tasarısı hazırlanmıştır. İlgili yasa tasarısının 2 nci maddesinin f bendinde “*Kırılgan Grup*” cinsel suç, aile içi şiddet, terör, göçmen kaçakçılığı ve insan ticareti suçu mağdurları ile çocuk, kadın, yaşlı ve engelli mağdurları şeklinde tanımlanmışsa da ilgili tasarı kanunlaşmadığından, ulusal hukukta kırılgan grupları tanımlayan yasal bir mevzuat söz konusu değildir. Halen ilgili tanımlama pratikte belirlenen bir husus niteliği taşımaktadır.⁹² 63 sayılı Cumhurbaşkanlığı Kararnamesi'nin 7'nci maddesinde kırılgan gruplara sunulacak hizmetler belirlenmiş olup insan ticareti suçu mağdurlarına da adli destek ve mağdur hizmetleri müdürlüklerine başvurmaları halinde bu hizmetlerden yararlanma hakkı getirilmiştir.⁹³
104. “The term “unaccompanied child/minor”⁹⁴ is used to refer to individuals under the age of 18 who have been separated from their parents and do not have someone responsible for them legally or according to tradition. When examining the reasons for the arrival of unaccompanied children in our country, it can be observed that some of them set out with their families but got separated from each other on the way, while others, due to life-threatening risks, persecution, economic difficulties, made agreements with smugglers to send their children to safety, and some have no family to

⁹⁰ Greta, Report Concerning The Implementation Of The Council Of Europe Commission On Action Against Trafficking In Human By Türkiye, First Evaluation Around, 2019, para. 12.

⁹¹ PMM letter dated 25/11/2021 and numbered E9370195100054047 dated 25/11/2021

⁹² Letter dated 8/11/2021 and numbered 2021-150/1473 of the Department of Legal Support and Victim Services of the Ministry of Justice.

⁹³ PMM Annual Report On Combating Human Trafficking 2019 , Ankara, 2020.

⁹⁴ In Article 66 of the Law on Foreigners and International Protection No. 6458 titled “Unaccompanied Children”;

“(1) The following provisions shall apply to international protection claims lodged by unaccompanied children:

The best interest of the child shall be the primary consideration in all actions related to unaccompanied children. The provisions of the Child Protection Law № 5395 of 03/07/2005 shall apply as of the date the application is received.

The Ministry for Family and Social Services shall place unaccompanied children in suitable accommodation facilities, in the care of their adult relatives or, a foster family, taking the opinion of the unaccompanied child into account.

Children over 16 years of age may be placed in reception and accommodation centres, provided that suitable conditions are available.

Siblings shall be accommodated together to the extent possible, taking into account the interest of the children, their age and level of maturity. They shall not be transferred to a different accommodation facility unless compelling [reasons exist.]”.

return to. Unaccompanied children are highly vulnerable due to their defencelessness, which puts them at a significant risk of becoming potential victims of human trafficking.

105. Unaccompanied migrant children within Türkiye are the responsibility of the Ministry of Family and Social Services. These children, who are under protection under the Child Protection Law No. 5395, are provided with access to basic rights such as housing, health, education and psycho-social support in child support centers, and these children benefit from preventive and protective measures. Child support centers have been established in the provinces of Ağrı, Ankara, Diyarbakır, Erzincan, Erzurum, Konya, Tekirdağ, Van, Yozgat and Istanbul for unaccompanied children coming to Türkiye from countries such as Afghanistan, Somalia, Sudan, Iraq and Syria.⁹⁵
106. The Department of Legal Support and Victim Services was established within the Ministry of Justice to carry out services for vulnerable groups in Türkiye. As a presidential unit, 161 Legal Support and Victim Services Directorates, which are established in courthouses and inform victims about their rights, have been assigned.⁹⁶
107. In its 2019 Report on Türkiye, GRETA highlights the need for states to also address trafficking in persons as a form of violence against women and to take into account the specific circumstances of child victims of human trafficking as well as the gender-specific types of abuse that increase victim vulnerability.
108. The inclusion of refugees, asylum seekers and victims of trafficking in human beings in the National Action Plan on Violence against Women (2016-2020) by the Ministry of Family and Social Services was included in the GRETA report. The Ministry reported that it included targets to take all necessary protective and preventive measures to combat trafficking and to conduct research to identify the health care needs of women victims of human trafficking.⁹⁷ The 4th National Action Plan on Violence Against Women (2021-2025) includes the objectives of eliminating all forms of violence, including trafficking in women, sexual and all forms of abuse, and eliminating all harmful practices such as child marriage, early and forced marriage.⁹⁸
109. In the “Human Trafficking 2020 Global Report” published by UNODC, based on data compiled from 148 countries, it is stated that during the economic recession caused by the Coronavirus Disease (Covid-19) outbreak, it is difficult for victims of human trafficking to access protection and support mechanisms, and the risk of exposure to human trafficking crime increases.⁹⁹ According to the report, the proportional distribution of the forms of appearance of human trafficking crime was expressed as 50% sexual exploitation, 38% forced labor, 6% criminal activity, and 1.5% forced begging. According to the UN and ILO Global Estimates of Modern Slavery: Forced Labor and Forced Marriage¹⁰⁰ and Child Labor: Global Forecasts 2020, Trends

⁹⁵ Letter dated 25/10/2021 and numbered 660-1535572 of the Guidance and Inspection Directorate of the Ministry of Family and Social Services..

⁹⁶ Letter dated 8/11/2021 and numbered 2021-150/1473 of the Department of Legal Support and Victim Services of the Ministry of Justice

⁹⁷ Five-year Women's Empowerment Strategy Document and Action Plan (2018-2023)

⁹⁸ Greta, Report Concerning The Implementation Of The Council Of Europe Commission On Action Against Trafficking In Human By Türkiye, First Evaluation Around, 2019, p. 23.

⁹⁹ UNODC, Global Report on Trafficking in Persons, 2020, Vienna

¹⁰⁰ ILO, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, 2017.

and the Way Forward Reports¹⁰¹, although it is estimated that there are 40.3 million trafficking victims worldwide, 71% of the victims are women and 25% are children, noting that the sharp increase in unemployment rates caused by Covid-19 will lead to an increase in human trafficking, especially in countries with the fastest and most persistent declines in employment.¹⁰² The situation of the Covid-19 pandemic and its aftermath point to the need for more effective actions to combat human trafficking. In order for the struggle to proceed more healthily;

- Further specialised methods of victim identification should be used and vulnerable groups at potential risk should be prioritised to ensure that protective support measures are fully utilised.
- All forms of gender-based discrimination that make women and girls vulnerable and a target for perpetrators of trafficking crimes must be combated.

I. Support Provided to Victims

1. Accommodation

- 110.** Issues related to the shelter of trafficking victims are regulated by the Regulation on Combating Human Trafficking and Protection of Victims issued by the Ministry of Interior. In this context, in case the victims of human trafficking are foreigners, the PMM is mandated and authorized.
- 111.** In accordance with the Regulation on Combating Trafficking in Human Beings and Protection of Victims, foreign victims those who consent to shelter support and whose identification procedures are completed by PDMMs and children accompanying them are immediately transferred to shelters where safe accommodation is provided and the support process continues here. There are currently two specialised shelters for foreign victims. There is a shelter in Ankara with a capacity of 30 people serving female victims and a shelter in Kırıkkale with a capacity of 12 people that was opened to serve male victims but currently serves female victims due to need. Finally, it was conveyed that the renovation works of the shelter planned to be opened in Aydın are continuing and that the shelter, which is planned to have a capacity of 40 people, will serve the victims who will benefit as a family. It was stated by the PMM that the status of the shelters providing services to female or male victims was available to be changed according to the current needs, that the shelters provided services depending on the PDMM in which they were located, and that the principle of confidentiality was respected in terms of the places where the shelters were located, the sheltered and their contact information.
- 112.** There are no shelters run by NGOs or local administrations in Türkiye. There are no independent victims of human trafficking shelters operated by the Ministry of Family and Social Services, and the Ministry reported that women victims of human trafficking were housed in women's shelters and children in child support centers.

¹⁰¹ ILO, Child Labour: Global estimates, trends and the road forward, 2020

¹⁰² <https://www.aa.com.tr/tr/gundem/turkiye-modern-zamanlarin-koleligi-insan-ticaretiyle-mucadelesini-kararlilikla-surduruyor/2317720> (Access Date: 31/3/2022)

113. PMM has indicated that in accordance with the recommendations of GRETA regarding the physical conditions of shelters, child-friendly areas have been established in shelters, made accessible for people with disabilities, study rooms have been prepared for children attending school to be able to study, a library with publications in different languages for victims has been set up through collaboration with the Ankara Metropolitan Municipality, landscaping and garden arrangements have been carried out in collaboration with the Municipality, and a children's playground has been constructed in the garden of the shelter through collaboration with the Turkish Red Crescent.¹⁰³
114. It was seen that there were babies and children in addition to the victims staying in shelters in Ankara and Kırıkkale. However, it is considered that the existing shelters are not suitable for families with children due to the fact that they are in the form of dormitories and there are no independent bathrooms and toilets in the rooms. It is considered that the acceleration of the procedures related to the planned shelter in Aydın, which will be designed in the form of flats and will provide the opportunity for the victims to benefit together with their children, and the start of the service to the victims will have extremely positive results.
115. The Ministry of Family and Social Services considers it beneficial to open independent shelters for trafficking victims.

Visits to Shelters

116. On December 31, 2021, members of the Human Trafficking Working Group of HREIT (Human Rights and Equality Institution of Türkiye)¹⁰⁴ conducted simultaneous visits to shelters in Ankara and Kırıkkale in two teams. During these visits, meetings were held with shelter management and administrative staff, and individual interviews were conducted with human trafficking victims. The visits included examinations of common areas and dormitories used by the victims, while adhering to COVID-19 precautions.

Kırıkkale Human Trafficking Victims Shelter

117. The manager of the Kırıkkale Human Trafficking Victims Shelter provided information to the delegation about the center. It was stated that the shelter has a capacity for 20 people and that the capacity is planned to be increased with the opening of fully equipped containers in the garden area in the near future. Since its opening in 2016, 66 victims have received services from the shelter. It was mentioned that if the residents are family members, they stay in the same room; otherwise, two victims are accommodated in the same room based on their nationalities. The victims benefit from support services, receive a certain amount loaded onto the Kızılay Card for financial assistance, and during their stay at the shelter, all possible material needs are tried to be covered by Kırıkkale PDMM. The amount loaded onto the Kızılay Card is emphasized to be more for the personal needs of the victims rather than the basic needs such as clothing, hygiene, and food, which are already covered by the shelter.

¹⁰³ 103 PMM letter dated 25/11/2021 and numbered E9370195100054047 25/11/2021.

¹⁰⁴ In accordance with Article 14 of Law No. 6701 on the Human Rights and Equality Institution of Türkiye (HREIT), which states that "The Presidency shall comprise Vice Heads, service units and working groups." the Human Trafficking Working Group was established by the Presidency Decree No. 3828 dated September 6, 2021.

118. It was mentioned that special occasions such as birthdays of the victims and children are celebrated at the shelter. Activities like shopping, picnics, and movie outings are organized for the victims with the accompaniment of a plainclothes security officer. The shelter has been allocated 1 vehicle and 1 driver. It was also stated that the victims have 4-hour leaves weekly.
119. Currently, there are 4 adult victims and 5 children with them in the shelter, and it has been mentioned that one of the children has Down syndrome. Apart from this, there are no other disabled victims in the shelter. The victims in the shelter do not work in any job, and they face difficulties in finding employment due to reasons such as security, work permits, and employers' concerns about hiring victims.
120. It has been mentioned that the necessary information is provided to the victims staying in the shelter upon entry, and they are informed that victim support services will be terminated if they leave the shelter and return to their own residence or if they establish contact with the trafficker. The shelter manager prepares a *6-Month Evaluation Report* about the victims.
121. It has been learned that the treatments of victims with infectious diseases are monitored within the shelter, a 10-day quarantine is applied upon their initial entry, and in necessary cases, with the support of IOM, their treatment can be continued in private hospitals. The individuals staying in the shelter have received two doses of Covid-19 vaccine. There have been cases of Covid-19 among the victims, and they were quarantined during the illness. Given the severe trauma experienced by victims of human trafficking, it has been indicated that if they have psychiatric disorders, their treatment processes are also being monitored. Health services provided to victims are free of charge in accordance with relevant regulations. Prescribed medications under foreign identification numbers are covered by the victims themselves. However, if their financial situation is inadequate, it has been mentioned that the Kırıkkale Social Assistance and Solidarity Foundation covers the medication expenses, but this procedure is reported to be lengthy and not yielding satisfactory results, with some issues. There is no separate budget allocated for the victims' special medical treatments. Due to the lack of a 24/7 driver, there have been problems with hospital trips at night. Since there is no nurse in the shelter, immediate intervention cannot be provided in cases requiring urgent medical attention.
122. It has been reported that financial support, clothing and hygiene material aids are obtained from organizations and associations such as Kızılay, IOM and Helping Hand Association, and additional assistance could be requested from the Red Crescent.
123. It has been stated that victims staying in the shelter have the right to make phone calls from a pay-phone with a phone card for 15 minutes, twice a week. The first phone call upon entering the institution is conducted with the accompaniment of a security guard, while subsequent calls are made by the victims alone. External visitors are not allowed into the shelter. During the summer months, victims have the right to use the garden until the evening. Additionally, victims have the option to participate in public education courses upon their request. However, victims with small children cannot attend these courses due to the lack of daycare facilities. The children of victims staying in

the shelter attend school. Although the school administration is informed about their situations, this information is kept confidential from others due to privacy and security reasons.

- 124. It has been reported that legal aid is included among the victim support services and that the victims are provided with lawyer support from the provincial bar association. It has been stated that even if the victims are afraid, they usually participate in judicial processes.
- 125. It has been reported that human rights training has not been provided to the staff of the Provincial Directorate of Migration Management and the shelter. Despite requests, there has been no appointment of a psychologist or social worker at the shelter.
- 126. In the interviews conducted with the victims staying in the shelter, it has been stated that they receive financial assistance through the Kızılay Card (in some cases it takes a long time until the card is identified, which causes grievances), that they are generally satisfied with the shelter and the staff, that the food in the shelter is generally good, that there may be difficulty in reaching their relatives in different countries by phone, that it is very difficult to find a job, and that there is a request for the education of children with special needs to be supported.
- 127. It has been stated by the shelter management that there are no psychologists or interpreters in the shelter and that the staff do not receive any special training to investigate and document torture and ill-treatment. It has also been stated that there is not enough staff in the shelter and that there is a need for female security guards, psychologists, sociologists, nurses and drivers. It is seen that there are no toilets and bathrooms in the rooms, there are 1 toilet and 1 bathroom in the common area, there are no activity room, television room, place of worship, infirmary, dining hall, room for persons with disabilities, lawyer interview room.
- 128. It has been stated that there are no educational activities conducted for the victims at the shelter, and no efforts have been made to provide vocational training for them. There are no victims with work permits. It is noted that work permits are issued by the Ministry of Labor and Social Security. Due to the fact that work permit applications are made by employers, there have been difficulties in finding employment initially.
- 129. It is indicated that there are no food engineers or dietitians at the shelter. The technical specifications detailing the necessary matters are included in the contract with the catering company. Additional supplementary food is provided for children aged 6 and under. The meal planning is carried out by the catering company.

Ankara Human Trafficking Victims Shelter

- 130. The Ankara Women's Shelter for Human Trafficking Victims was operated by the Women's Solidarity Foundation between 2005 and 2017, by the Ankara Metropolitan Municipality between 2017 and 2018, and starting from August 10, 2018, it has been operated by Ankara PDMM, based on the Women's Shelter Protocol signed between Ankara Metropolitan Municipality and PMM. The capacity of the shelter is 30 people, with a total area of 720 square meters. As of January 14, 2022, the shelter houses a total of 24 individuals, consisting of 14 women and 10 children. There are no disabled

victims in the shelter. Additionally, there are 10 children, 5 boys and 5 girls, who stay in the shelter along with their mothers.

131. In the shelter, victims share common facilities such as the TV room, activity room, library, dining hall, and bathrooms. Due to the physical conditions of the shelter, there are no private bathrooms/toilets in the rooms. Inside the buildings, there are 6 bathrooms (with flush toilets) and 6 squat toilets. There are no canteens or prayer rooms available for various needs. There is 1 room and 1 toilet suitable for people with disabilities' usage. The shelter does not have open kitchens and dining halls available for the use of the victims. Additionally, one room is designated as an infirmary.
132. It is stated that a total of 8 personnel work in the shelter as 1 shelter director (provincial **immigration expert**), 1 sociologist (IOM Project officer), 1 data preparation control operator (VHKI), 1 psychologist (temporarily assigned by the PMM), 2 security personnel, 2 cleaning personnel. It is stated that there is no permanent interpreter in the shelter.
133. It has been reported that the director of the shelter and the professional staff receive detailed trainings on combating human trafficking within the scope of the in-service trainings organized by the PMM, and that the security, cleaning and VHKI personnel are given trainings from the shelter management on the crime of human trafficking and the profile of the victims and the issues to be considered in the provision of services are conveyed. It has been stated that the staff do not receive any special training to investigate and document torture and ill-treatment.
134. It has been observed that the staff currently working in the shelter cannot fully meet the needs of the current capacity. It is considered that additional security guards, social workers, psychologists, child development specialists and nurses should be assigned to the shelter.
135. In the interviews with the shelter administration and the victims, it has been stated that there are no cases of torture and ill-treatment in the last 5 years and that there are no personnel against whom administrative and judicial investigations have been initiated within the scope of alleged torture and ill-treatment. It is stated that no one has died in the shelter in the last five years.
136. During the entry procedures of the victims admitted to the shelter, the Entry Undertaking on the Rules to be Followed in the Shelter is read in a language that the victim understands and signed, the victim who violates the shelter rules without a justifiable reason is first given a verbal warning, if the violation continues, a written warning is given, the victim who receives three written warnings is forced to leave the shelter if he/she does not stop his/her violations, and the victim support service provided to him/her has been terminated. It is noted that there are victims who have been discharged in this way.
137. Appointments are arranged with relevant departments of hospitals for victims admitted to the shelter who have health problems. Upon the victim's request, transportation to hospitals is provided with the assistance of an institution's representative and authorized personnel. The process includes obtaining prescribed medications from the doctor and ensuring the regular use of these medications is monitored.

138. In accordance with Article 32 of the Regulation on Combating Human Trafficking and Protection of Victims, victims can benefit from the health services provided in hospitals free of charge and medication expenses can be requested from the Social Assistance and Solidarity Foundation in the province where they are located. However, it is stated that there are still problems in practice. It has been stated that some hospital administrations do not know the relevant legislation and that the hospital expenses of the victims are billed. In addition, it has been determined that the back of the residence permit issued on behalf of the victims of human trafficking only states that it's a residence permit (The fact that the term "trafficking in human beings" is not explicitly included is a practice to protect the victim.) and that this situation cannot be understood by the institutions. As a result of the meetings held by the shelter directorate with the relevant institutions, it was stated that case-based problems could be solved.
139. Various social and cultural activities are organized for the victims residing in the shelter, including language skill development, art and handicraft activities, vocational group sessions, outdoor trips, and indoor activities. Additionally, Social Integration and Life Skills Training are provided to facilitate the socio-cultural adaptation of foreign individuals to our country.
140. It was observed that there is no payphone available at the shelter. It was mentioned that payphone cards are provided by the PDMM and distributed to the victims upon request. It was learned that the victims can make calls from nearby public payphones around the shelter.
141. As of the visit date, there were 2 victims employed in the shelter. It was stated that both of them are in the trial period, and the work permit applications for them have not been submitted by their employers yet.
142. It was reported that employers reported systemic difficulties in the work permit application process for victims. Some victims not only are victims of human trafficking but also hold statuses such as temporary protection and international protection. It was stated that there are problems with the work permit application process for these victims. However, it was indicated that only victims with a residence permit as victims of human trafficking are facing difficulties in the work permit application process due to a lack of access to their information in the system. All these matters were officially communicated to the PMM by the shelter administration through official correspondence.
143. In addition to the systemic issues encountered in the work permit application process for victims of human trafficking, it was noted that the fact that only employers can apply for a work permit also leads to different problems. In some cases, employers are reluctant to apply for work permits, and victims are afraid of losing their jobs, which prevents them from lodging complaints with any authority. It is emphasized that in this regard, victims should be granted the right to apply for a work permit and that institutional guidance and support should be provided to effectively exercise this right.
144. It was observed that there were problems in terms of victims' access to health services. It is considered that the medical expenses of the victims, who are few in number, should be covered under general health insurance like the holders of international protection status.

145. It was mentioned that financial aid is requested for the victims from the Governorship Social Assistance and Solidarity Foundation every month through official correspondence. Within this scope, financial aid of 300 TL for each woman and 75 TL for each accompanying child is provided. It was indicated that the basic needs of the victims staying in the shelter are covered by the shelter management; however, the provided amount is insufficient for their special needs (cigarettes, additional clothing, food, etc.). Victims who smoke are referred to Green Crescent Consultation Centers on a voluntary basis, but it was noted that some victims may be under severe trauma and have a history of substance use. In such cases, the need for cigarettes can become crucial for the victim, and if they cannot be provided, it can lead to crises.
146. It was stated that lawyers, prosecutors and judges conducting human trafficking cases should have high professional competence on the subject. Information about some of the studies on this subject has been conveyed. Accordingly, it was stated that the PMM was requested to organize trainings for these professional groups, in addition, an information meeting was held by Ankara PDMM for the Refugee Rights Center of the Ankara Bar Association No. 1 and lawyers, and it was requested to establish a unit within the Ankara Bar Association No. 1 in which specialized lawyers were employed to follow the cases of human trafficking victims.
147. Some victims reportedly received social assistance through various assistance mechanisms. It was stated that the victims in this situation agreed with their employers when they started a new job and did not want to apply for a work permit. Because it is reported that when insurance is entered into the system, it is thought that it will not provide access to social assistance. It was stated that this led the victims to work illegally.

2. Residence Permit

148. In Article 30 of the Law on Foreigners and International Protection No. 6458, the residence permit for the victim of human trafficking was counted among the types of residence permits. Articles 48 and 49 of the relevant Law regulate the issues related to the residence permit of a victim of human trafficking. In this context, the following provisions are included in the relevant articles:

“A residence permit valid for thirty days shall be granted, by the governorates, to foreigners who are victims of human trafficking or where there is strong circumstantial evidence that they might be victims with a view to allow them to break from the impact of their [negative] experience and reflect on whether to cooperate with the competent authorities. Conditions attached to other types of residence permits shall not be sought while issuing these residence permits. The residence permit granted to allow for recovery and reflection may be renewed for six months periods for reasons of safety, health or special circumstances of the victim. However, the total duration shall not exceed three years under any circumstances whatsoever. The residence permit shall be cancelled in cases where it is determined that foreigners who are victims of trafficking or might be victims of human trafficking have re-connected with the perpetrators of the crime through their own volition.”

149. In this context, Articles 20 and 21 of the Regulation on Combating Human Trafficking and Protection of Victims have regulated the provisions regarding the residence permits and extension and cancel-

lation of residence permits . Within the scope of these articles, it is regulated that the residence permit of the foreign national victims and their children will be granted without fee in accordance with Article 88 of the Law on Fees No. 492 and that the presence of penalties arising from the violations of the visa and residence period of the victim in previous periods will not constitute an obstacle to the regulation of residence. The residence permit of the victim who does not want to stay in the country and requests only the voluntary and safe return program from the support services offered to the victims is canceled after the voluntary and safe return process has taken place.

150. Another issue regulated in the aforementioned Regulation is that the residence permits of foreigners who have strong suspicion of being or may be victims of human trafficking will be revoked in cases where it is determined that they have re-established contact with the perpetrators of the crime on their own initiative. However, it is investigated whether the victim committed this act as a result of force, violence, intimidation, threats or psychological reasons that he could not resist or get rid of.¹⁰⁵
151. The extension or cancellation of a residence permit pursuant to the said Regulation is subject to the approval of the Governor at the place of residence of the victim. The residence permits of the persons whose Human Trafficking Victim Identification Certificate has not been approved, whose residence permit extension decision has not been made, whose residence permit has been canceled or who do not prefer to benefit from support services, and whose support program has been terminated are not extended and canceled. At the same time, it has been stipulated that the residence permits, of those who pose a threat to public order and security and who are found not to be victims, will not be issued. Provisions relating to foreigners apply to these persons.
152. In addition to these issues, if the victim requests the extension of the residence permit and wants to stay at an address other than the shelter, the law enforcement agency conducts an investigation into the specified address and the persons residing at that address, if any, and this investigation is concluded within ten days. A total of 80 victims of human trafficking were granted residence permits in 2020 by the PMM.¹⁰⁶
153. It is considered that the principles regarding the residence permit granted to victims of human trafficking are in line with Article 14 of the Council of Europe Convention on Action Against Trafficking in Human Beings. In the Law on Foreigners and International Protection No. 6458, the issuance of a separate residence permit for victims of human trafficking, the issuance of a residence permit without fee and the fact that the penalties of the victim arising from the violations of the visa and residence period in previous periods do not constitute an obstacle to the regulation of residence, are considered positive.

3. Work Permit

154. Procedures related to the work permit of victims of human trafficking are carried out by the Ministry of Labor and Social Security, General Directorate of International Labor Force. In accordance

¹⁰⁵ <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=21459&MevzuatTur=7&MevzuatTertip=5> (Date of Access: 15/4/2022)

¹⁰⁶ PMM letter dated 25/11/2021 and numbered E-93701951-000-54047.

with the provisions of the Regulation on Combating Human Trafficking and Protection of Victims, the Ministry of Labor and Social Security stated that the necessary measures will be implemented regarding the access of victims of human trafficking benefiting from the victim support program to the labor market. In the relevant Regulation, it is stipulated that institutions and organizations such as the General Directorate of the Turkish Employment Agency and public education centers will also provide support to the victims in order to improve their professional skills and qualifications in order to facilitate their access to the labor market.

155. Article 16 of the Law No. 6735 on International Labor Force stipulates that victims of human trafficking who benefit from the victim support process may be granted an exceptional work permit. In this context, the evaluation criteria regarding employment, capital and wages applied to other foreigners are not applied in the work permit applications of foreigners who stay in our country with a residence permit as victims of human trafficking. This makes it easier for individuals to obtain work permits.¹⁰⁷
156. It has been reported by the Ministry of Labor and Social Security that between 2018 and 2020, in line with the decisions of the Coordination Commission on Combating Human Trafficking, those who will work in the Provincial Directorates of Labor and Employment Agency within the scope of the fight against human trafficking have been determined, 72 personnel in 36 provinces have been assigned as liaison personnel and the coordination of this has been carried out by the General Directorate of International Labor Force. It was stated that the assigned personnel provided information and guidance to the victims about their job placement and job search skills when necessary.¹⁰⁸
157. In the year 2020, no work permit applications were made for any foreign individuals in Türkiye who held a “victim of human trafficking residence permit.” However, in the year 2021, a work permit was issued for one foreign individual who held a “victim of human trafficking residence permit.” During the visit to the Human Trafficking Victims Shelter in Kırıkkale, it was observed that no victims were employed. Various challenges were reported regarding the victims’ security and work permits, and they faced difficulties in finding employment due to reasons such as employers’ reservations about hiring victims. The shelter administration mentioned that there were no specific efforts to provide victims with vocational training, and the work permit applications were handled by employers, leading to difficulties in their initial job placements. In the shelter located in Ankara, it was observed that victims were directed towards vocational training courses that matched their personal skills, talents, and any previous experiences in specific fields. The shelter collaborated with Turkish Red Crescent and Yenimahalle Public Education Center in this regard. Additionally, the shelter administration actively monitored projects conducted by international organizations and directed eligible victims to these projects.
158. It is important that the Law No. 6735 on International Labor Force regulates that victims of human trafficking who benefit from the victim support process may be granted work permits exceptionally, that the evaluation criteria on employment, capital and wages are not applied to victims of human trafficking, and that work permits are facilitated. However, it is seen that there are problems in

¹⁰⁷ <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=6735&MevzuatTur=1&MevzuatTertip=5> (Access Date 30/4/2022)

¹⁰⁸ Letter dated 4/11/2021 and numbered 56981 of the General Directorate of International Labor Force of the Ministry of Labor and Social Security.

practice. The fact that no work permit application was made for any foreigner in our country with a 'human trafficking victim residence permit' in 2020, and in 2021, a work permit was issued for 1 foreigner who had a 'human trafficking victim residence permit', there were no victims working in the shelter in Kırıkkale, 2 victims in the shelter in Ankara were in the probationary period and there was no work permit, is an indication of this. The shelter administration was informed by employers that the victims were experiencing systemic difficulties in their work permit applications. In addition to being victims of human trafficking, some victims also have temporary or international protection status. There is no problem with the work permit application of these victims. However, the shelter was informed by employers that the information of victims who only have a residence permit for victims of human trafficking could not be accessed in the system for work permit applications.. The necessity of resolving all these issues in cooperation with the PMM and the Ministry of Labor and Social Security is evaluated.

4. Legal Aid and Compensation

159. Article 15 of the Council of Europe Convention on Action Against Trafficking in Human Beings states that from the first contact with the competent authorities, States parties should ensure that victims have access to information on judicial and administrative proceedings in a language they understand. It is also stated that, States parties should provide for victims in accordance with domestic legal regulations, legal assistance and free legal aid and the right to receive compensation from the perpetrator of the crime. It is emphasized that the necessary legislation and arrangements should be made in order to guarantee the right of victims to compensation.
160. Article 239 of Code on Criminal Procedure No. 5271, states the following: “ In cases where the victim or the individual who suffered damages from the crime has intervened the prosecution, a lawyer shall be appointed by the Bar Association in cases of sexual assault and in crimes that carry imprisonment of five years at the lower level and less, if he puts forward a request to the court. If the victim or the individual who suffered damages from the crime is a child, deaf or mute, or an individual who is mentally ill to the extent that he cannot make his own defense, then request is not needed in order to appoint a lawyer.”¹⁰⁹
161. In order to regulate the principles regarding the services and assistance provided to the victims of crime and the duties, powers and responsibilities related to the fulfilment of these services, the Presidential Decree No. 63 dated 10/6/2020 on the Support for Victims of Crime was published. The decree applies to grievances arising out of crimes investigated and prosecuted in Türkiye.¹¹⁰
162. One of the vulnerable groups specified in the Decree No. 63 is victims of human trafficking . Article 7 of the relevant Decree is as follows:¹¹¹

a) To explain the environment, the persons concerned and the process, at the request of the victim, the public prosecutor or the judge, in order to reduce the level of anxiety before the victim is heard.

¹⁰⁹ CCP, OG. 17/12/2004-25673, a.239.

¹¹⁰ Presidential Decree on the Support of Victims of Crime, OG. 10/6/2020-31151.

¹¹¹ Presidential Decree on the Support of Victims of Crime, OG. 10/6/2020-31151.

b) To inform the Public Prosecutor or the judge and to be present with the victim while the victim is being heard, in order to take the necessary measures for the victim to express herself comfortably.

c) To prepare a social examination report upon the request of the Public Prosecutor or the judge.

d) To propose that the statement and declaration procedures be conducted in the forensic interview room upon the request of the Public Prosecutor or the judge.

e) To direct victims in need of treatment or rehabilitation.

f) To implement case management in services for victims who are assessed to require effective support throughout the judicial process.

- 163.** With the Decree No. 63, the service unit of the Department of Legal Support and Victim Services was established within the Ministry of Justice. The unit, which was established to perform services for victims of crime, has duties and powers such as *“To carry out the duties assigned to the Ministry by the legislation on legal aid in cooperation with the relevant institutions and organizations and to take measures for the effective and efficient functioning of legal aid services”*.
- 164.** Within the scope of the activities carried out by the said Department to inform the victims of crime, a website has been prepared with information about the rights of the victims and the services provided to them. When crime victims visit the website, which is designed in an easily accessible, simple and understandable way and opened to access in Turkish, English and Arabic languages and provides services with magdurbilgi.adalet.gov.tr domain name, they can learn what rights they have according to the type of victimization they experience, which institutions they can receive from which institutions and what kind of procedure they should follow for this.¹¹²
- 165.** In order to inform the victims of crime about the judicial process, brochures containing information about some fundamental rights and types of crimes (what is legal aid, what is participation, who is a victim, what is reconciliation, what is a complaint, who is a witness, who is a child victim of crime, what is compensation) have been prepared by the said Department in different languages and have been opened to access at <https://magdurbilgi.adalet.gov.tr/> address in physical and digital media.
- 166.** It has been reported that the information and guidance office established within the legal support and victim services directorates and the information and guidance service are systematically provided to all crime victims by the said Department. In this office, it was stated that the victims were informed about the judicial process, their rights and obligations and the public institutions and NGOs that provide services to them, and that the victims who were affected by the crime they were exposed to, who needed support and who were thought to need individual evaluation, were referred to the vulnerable group support office by the staff in the information and guidance office.¹¹³
- 167.** It has been reported by the said Department that in order to strengthen access to justice and facilitate the procedure for applying for legal aid by persons who are not financially able, an application

¹¹² <https://magdurbilgi.adalet.gov.tr/> (Access Date: 30/5/2022)

¹¹³ Letter No. 1473 of the Department of Legal Support and Victim Services of the Ministry of Justice dated 8/11/2021.

form has been created for standardization of the documents requested during the application process for use in private civil cases and that this form can also be accessed through the e-Government System.¹¹⁴

- 168.** It has been stated that in cases where the judge or the Public Prosecutor deems it necessary to take statements and declarations in private settings or considers it inappropriate for the victim, witnesses, and juvenile pushed to crime, as well as victims from vulnerable groups such as victims of sexual offenses, domestic violence, and human trafficking, in order to contribute to revealing the material truth, there are currently 110 forensic interview rooms operating in 105 courthouses across all 81 provinces in the country. It's noted that specialized training is provided to experts working in these rooms for conducting forensic interviews.¹¹⁵
- 169.** Expert staff at the PDMMs inform each victim at the moment of victim identification and upon admission to the shelter that a lawyer can be appointed for legal proceedings if she/he wishes to receive legal support. For victims who are in shelters and have ongoing legal cases, it is reported that their legal cases are monitored and communication with their attorneys is facilitated. It is noted that some victims may not want to wait for the legal process and wish to return to their home country. In such cases, information is provided about the importance of support services offered to victims and the contribution they can provide to the legal process.¹¹⁶
- 170.** It was s that the PMM and the Ankara Bar Association No. 1 Refugee Rights Center have initiated work on the establishment of a special unit to serve within the scope of the fight against human trafficking, and that this aims to provide fast and effective legal support to the victims by expert and experienced lawyers in the field.¹¹⁷
- 171.** With the entry into force of the Presidential Decree No. 63 dated 10/6/2020 on the Support for Victims of Crime, it is seen that the support to be provided to the victims of crime, including victims of human trafficking, are guaranteed. Although there is no provision in our legislation regulating the right to compensation for trafficking victims, the general provisions on victims' rights and compensation in the Code of Obligations and the Code of Criminal Procedure are also valid for victims of human trafficking.

5. Safe Return and Repatriation

- 172.** Article 30 of the Regulation on Combating Human Trafficking and Protection of Victims contains provisions for the voluntary and safe return program. Accordingly, the return of the victim to his/her country or to a third country within the scope of the voluntary and safe return program is carried out under the coordination of the PMM.
- 173.** The support services provided to trafficking victims identified by PDMMs are broadly divided into two. The first is to ensure that the victim goes to his/her country or to a third country voluntarily and

¹¹⁴ Letter No. 1473 of the Department of Legal Support and Victim Services of the Ministry of Justice dated 8/11/2021.

¹¹⁵ Letter No. 1473 of the Department of Legal Support and Victim Services of the Ministry of Justice dated 8/11/2021.

¹¹⁶ PMM letter dated 25/11/2021 and numbered E-93701951-000-54047.

¹¹⁷ PMM letter dated 25/11/2021 and numbered E-93701951-000-54047.

safely, and the second is the victim support program, which is essential to be provided in shelters. It was stated that at the point of access to these services, the victims were informed after their identification. Accordingly, it was communicated that the support program to be offered was determined on the basis of the victim's statement.¹¹⁸

174. According to the regulation, during the voluntary and safe return procedures, law enforcement escort is requested if there is an imminent danger to the life or physical integrity of the person. It was stated by the PMM that the exit from Türkiye and document control procedures of the victims were completed on the basis of the documents without taking the victims to the passport control point and that the persons were taken directly to the gate of the plane or other means of transportation. It is learnt that the authorities of the country of which the victim is a citizen were informed of the date of the victim's return and the trafficking incident in which the victim was the subject, taking into account the victim's informed consent.¹¹⁹
175. It is indicated that the voluntary and safe return program by PMM can also be implemented in collaboration with IOM. Within this program, all travel expenses of the victim are covered, airport transfer and escort services are provided to ensure their safe exit from Türkiye, and transportation is arranged to their destination country. It is stated that within the program, financial and/or in-kind assistance is provided to the victim to facilitate their adaptation in their home country.¹²⁰
176. PMM and IOM appear to be acting in coordination to ensure the safe and effective repatriation of trafficked victims, and there has been a significant increase in the number of such returnees in 2021. As a result of observations, interviews and correspondence, it was concluded that there was no structural problem at this point.

J. Investigation and Prosecution

177. According to the Presidential Decree No. 1 on the Organization of the Presidency, the General Directorate of Criminal Records and Statistics of the Ministry of Justice is responsible and authorized to "carry out the services related to the determination, collection, classification and evaluation of statistical information related to the subjects falling within the duties and authority of the Ministry" and to keep and publish crime and justice statistics in accordance with the Official Statistics Program in accordance with the Statistics Law of Türkiye No. 5429.
178. Criminal statistics kept by the General Directorate of Criminal Records and Statistics can be obtained from the screens within the scope of the Judicial Data Bank on the basis of region, province, unit and court type.¹²¹
179. Statistical data covering the period between 1/1/2016 and 14/10/2021 were shared by the General Directorate of Criminal Records and Statistics regarding the crime of human trafficking. Statistical data

¹¹⁸ PMM letter dated 25/11/2021 and numbered E-93701951-000-54047.

¹¹⁹ PMM letter dated 25/11/2021 and numbered E-93701951-000-54047.

¹²⁰ PMM letter dated 25/11/2021 and numbered E-93701951-000-54047.

¹²¹ Letter of the General Directorate of Criminal Records and Statistics of the Ministry of Justice dated 5/11/2021 and numbered 61851.

were reported separately according to the issues in the first (human trafficking) and third paragraphs (human trafficking against persons under the age of 18) of Article 80 of the Turkish Penal Code.¹²²

180. Number of Files, Defendants and Crimes in Criminal Courts by Type of Decision in Files Decided During the Year in Accordance with Article 80 of Turkish Penal Code No. 5237 - (1/1/2016-14/10/2021)¹²³

Decision Year	Law No	Sevk Madde	Applicable Article	Conviction			Acquittal			Deferral Of The Announcement Of The Verdict			Other Resolutions		
				Number of Files	No. of Def.	No. of Crimes	Number of Files	No. of Def.	No. of Crimes	Number of Files	No. of Def.	No. of Crimes	Number of Files	No. of Def.	No. of Crimes
2016	5237	80/1	Human Trafficking	21	50	67	57	251	454	1	1	1	14	24	39
2016	5237	80/3	Trafficking in Persons Under the Age of 18	1	3	3	4	38	69				1	1	11
2017	5237	80/1	Human Trafficking	14	27	32	36	175	209				10	19	20
2017	5237	80/3	Trafficking in Persons Under the Age of 18	4	19	35	9	19	55				1	1	1
2018	5237	80/1	Human Trafficking	22	52	71	56	308	840	1	1	1	18	20	20
2018	5237	80/3	Trafficking in Persons Under the Age of 18	8	21	24	7	50	50				2	2	2
2019	5237	80/1	Human Trafficking	25	48	68	51	223	403				13	14	14
2019	5237	80/3	Trafficking in Persons Under the Age of 18	2	2	3	5	41	41						
2020	5237	80/1	Human Trafficking	15	28	67	43	189	242				8	31	137
2020	5237	80/3	Trafficking in Persons Under the Age of 18	1	3	3	1	2	6						
2021	5237	80/1	Human Trafficking	16	45	66	46	203	252				11	27	61
2021	5237	80/3	Trafficking in Persons Under the Age of 18	5	20	35	3	10	10				4	5	6

181. The number of acquittals in both trafficking offenses and human trafficking offenses against persons under the age of 18 appears to be high. It is seen that this issue, which GRETA identified in its 2019 report, continued in the following years and a significant number of the defendants were acquitted.

182. The Ministry of Justice was informed that statistical data on the common manifestations of the crime of human trafficking were not kept. It was observed that the statistics kept by the General Directorate of Criminal Records and Statistics of the Ministry of Justice were made according to the distinction between the first and third paragraphs of Article 80 of the Turkish Penal Code, and no separate studies were carried out according to the types of abuse. In this context, the number of investigations and comprehensive acquittals, convictions, etc. of the investigation into the crime of human trafficking with the aim of prostitution or forced labor were not transmitted. In order to carry out the fight against human trafficking more effectively and to optimize the policies to be determined based on the statistics, it is considered that differentiated and detailed statistics on the appearance of crime should be kept.

¹²² Letter of the General Directorate of Criminal Records and Statistics of the Ministry of Justice dated 5/11/2021 and numbered 61851.

¹²³ Letter of the General Directorate of Criminal Records and Statistics of the Ministry of Justice dated 5/11/2021 and numbered 61851.

K. Cooperation

1. Cooperation between Public Institutions and Organizations

- 183.** In accordance with the Regulation on Combating Human Trafficking and Protection of Victims, the Coordination Commission on Combating Human Trafficking was established to carry out studies on the prevention of human trafficking and the creation of policies and strategies related to the prevention and fight against human trafficking, to prepare an action plan, and to ensure coordination between public institutions and organizations, international organizations and NGOs. Under the chairmanship of the Deputy Minister of Interior, the Commission held its annual meeting in 2016, 2017, 2018, 2019 and 2020 with the participation of representatives of public institutions and organizations, international organizations and NGOs operating in the field of combating human trafficking.
- 184.** With the amendment made to the Presidential Decree No. 4 on the Organisation of Institutions and Organisations Affiliated, Related and Associated to Ministries and Other Institutions and Organisations on 29/10/2021 in order to increase the effectiveness of the commission, the commission has been transformed into the the Coordination Board on Combating Human Trafficking . It is stated that the Board will meet under the chairmanship of the relevant Deputy Minister of the Interior.¹²⁴ The Board held its first meeting on 14/12/2021.
- 185.** In Decree No. 4, it is stated that the Board is responsible for ensuring coordination between public institutions and organizations, international organizations and NGOs in the formation of strategies for the prevention and effective fight against the crime of human trafficking. In order to increase its effectiveness, it has been supervised that the decisions of the Board will be evaluated primarily by public institutions and organizations. It is stated that the regulations on the working procedures and principles of the Board will be included in the Regulation on Combating Human Trafficking and Protection of Victims.
- 186.** As per the 5th article of the mentioned Regulation, the Board consists of the Deputy Minister of the Ministry of Interior as the chairman, representatives from the Court of Cassation Presidency or the Chief Public Prosecutor's Office of the Court of Cassation, and representatives from the Ministries of Justice, Family and Social Services, Labor and Social Security, Education, Culture and Tourism, Foreign Affairs, Health, Trade, as well as HREIT (Human Rights and Equality Institution of Türkiye), Turkish Employment Agency General Directorate, National Intelligence Organization, General Directorate of Borders And Coastal Health of Türkiye, General Directorate of Security, Directorate General for Local Authorities , Gendarmerie General Command, Coast Guard Command, and senior representatives from the Union of Turkish Bar Associations and PMM.
- 187.** In accordance with Article 5 of the aforementioned Regulation, it is stated that representatives of other relevant ministries, central and provincial units of public institutions and organizations, academicians, experts and NGOs related to the subject may be invited to the meetings of the Board, and representatives of international or intergovernmental organizations may be invited as obser-

¹²⁴ <https://www.mevzuat.gov.tr/mevzuatmetin/19.5.4.pdf> (Access Date: 15/4/2022)

vers. In the same article, it is stated that the Board also performs its duty as the national coordinator against human trafficking and that the Deputy Minister of the Interior, who is the chairman of the Board, is the national coordinator.

188. The Coordination Board on Combating Human Trafficking held its first meeting on 14/12/2021.¹²⁵ Among the decisions taken by the Board were the determination of 1 (one) principal and 1 (one) substitute anti-human trafficking liaison officer at the headquarters of the Board member institutions and in all the provinces where they are organized, and informing the PÖÖ of the contact information of the designated persons.¹²⁶
189. In the provinces deemed appropriate by the PMM, the Provincial Coordination Commission on Combating Human Trafficking is established to monitor and ensure coordination of the works and procedures related to the fight against human trafficking and the protection of victims.
190. The Provincial Commission is composed of the Governor or Deputy Governor as the chairman, the Mayor, the Chief Public Prosecutor, the Provincial Director of Family and Social Services, the Provincial Director of Social Security Institution (SSI), the Provincial Director of National Education, the Provincial Director of Culture and Tourism, the Provincial Director of Labor and Turkish Employment Agency, the Provincial Director of Health, the Provincial Director of Security, the Provincial Gendarmerie Commander, the Provincial Directorate of Immigration or their representatives, and if available, representatives from the Coast Guard Command, Customs Enforcement Directorate, and the representative of the Bar Association in the province. Other relevant public institutions and organizations, professional associations, and representatives from non-governmental organizations (NGOs) can be invited to the meetings of the Provincial Commission.¹²⁷
191. It was reported by the PMM that a meeting of the Provincial Coordination Commission on Combating Human Trafficking was held in 36 provinces in 2020 and in 81 provinces in 2021. In addition, it was stated that these meetings should be held at least once a year in 81 provinces in the following period and that it was aimed to strengthen the efforts on combating human trafficking by evaluating the decisions taken in the previous year.¹²⁸
192. It is evaluated that the Coordination Board on Combating Human Trafficking, the secretariat of which is carried out by the national coordinator institution, PMM, and whose status was upgraded in 2021, continues the fight against trafficking in human beings within the framework of cooperation among public institutions and organisations, the appointment of liaison officers by public institutions and organisations, and the evaluation of problems and suggestions by authorized representatives in the Board make positive contributions to the fight.
193. As of 2021, it is seen that the fight against human trafficking is being carried out effectively locally through the Provincial Coordination Commission on Combating Human Trafficking meetings held in all provinces. It is evaluated that holding the meetings at least once a year in the provinces will have

¹²⁵ <https://www.goc.gov.tr/insan-ticaretiyle-mucadele-koordinasyon-kurulu-2021-yili-toplantisi-gerceklestirildi> (Access Date: 15/4/2022)

¹²⁶ PMM letter dated 29/12/2021 and numbered E9370195100054047.

¹²⁷ PMM letter dated 29/12/2021 and numbered E9370195100054047.

¹²⁸ PMM letter dated 29/12/2021 and numbered E9370195100054047.

positive results. It is considered that realistic determinations of the problems and the presentation of suggestions based on them in the consultations to be held in local meetings will make the fight against human trafficking effective.

2. The Role of Bar Associations and Non-Governmental Organizations

194. According to the provisions of the Regulation on Combating Human Trafficking and Protection of Victims, NGOs are also counted among the authorities with which the PMM will cooperate in the field of prevention of human trafficking, victim identification process, protection, shelter and return of victims.
195. Article 32 of the Convention on Action against Trafficking in Human Beings regulates broad cooperation by the parties with civil society in the prevention and fight against trafficking in persons, the protection of trafficking victims, and the provision of assistance.
196. Within the scope of the Technical Assistance for Civil Society Organizations (TACSO) Project, which was funded by the European Union and implemented for a duration of 24 months from March 2019 to March 2021, with PMM being the beneficiary, efforts were made to combat human trafficking as well. It was conveyed that 25 training sessions on Migration and International Protection were planned as part of this project. These trainings were aimed at NGOs specialized in migration, asylum, or humanitarian assistance, and were intended to reach around 750 NGO employees. The trainings covered fundamental knowledge about international and national legal regulations related to human trafficking, shared recent statistics on human trafficking victims worldwide and in Türkiye, and discussed examples of case studies to elucidate the elements that define human trafficking as a crime.¹²⁹
197. In the interviews with the ICMPD,¹³⁰ it was stated that work is underway in cooperation with the PMM on the “Model Protocol” developed in the field of protection of trafficking victims and the Standard Working Procedures developed for the Provision of Victim Support Services in Shelters to be Operated for Victims of Human Trafficking. On 1/10/2021, it was reported that a Consultation Meeting was held with NGOs on the model protocol and standard working procedures.¹³¹
198. It was reported that prescription medicines of trafficking victims were procured by the PMM, that the expenses of the medicines were covered by the state depending on the status of the victim in Türkiye, and that assistance was requested from the Social Assistance and Solidarity Foundations, international organizations or local NGOs for the victims’ medication expenses.¹³²
199. The PMM stated that victims who wish to acquire a profession and improve themselves were provided with access to vocational courses conducted by municipalities, international organizations and NGOs, that cooperation was made with international organizations and NGOs to finance the

¹²⁹ PMM letter dated 25/11/2021 and numbered E9370195100054047.

¹³⁰ Visit of the members of the HREIT Working Group on Human Trafficking to the ICMPD on 24/11/2021.

¹³¹ <https://www.coe.int/tr/web/ankara/strengthening-the-human-rights-protection-of-migrants-and-victims-of-human-trafficking-in-Türkiye> (Access Date : 30/4/2022)

¹³² PMM letter dated 25/11/2021 and numbered E9370195100054047.

transportation of children to long-distance educational institutions, and that financial support was provided from projects carried out in cooperation with international organizations and NGOs.¹³³

200. It is stated by the PMM that non-governmental organizations such as the SGDD-ASAM Association for Solidarity with Asylum Seekers and Migrants make possible victim referrals to PDMMs and at the same time cooperate with non-governmental organizations such as the Turkish Red Crescent and the Yardimeli Association in order to meet the various needs of the victims in the shelters.¹³⁴
201. It has been reported that coordination and reciprocal referrals are provided by the Turkish Red Crescent with the PMM or provincial organizations, referrals are made to the relevant units for the interview and identification of persons who may be victims of human trafficking, and at the same time, referrals can be received from PMM units for in-kind assistance/support (accommodation, clothing, travel fees, medical expenses, etc.) that need to be provided urgently for the victims of human trafficking.¹³⁵
202. Between September 2018 and April 2019, the Turkish Red Crescent provided various services to victims of human trafficking in Ankara and Kırıkkale Shelters in cooperation with IOM, providing psychosocial support to the Ankara Shelter by a social worker (full-time) and the Kırıkkale Shelter by a psychologist (part-time), as well as organizing social and cultural activities for the victims of human trafficking. It was stated that the children of the victims were provided with schooling follow-up and access to school support, support for access to health services and referrals were also made for their participation in community centre vocational courses/language courses.¹³⁶
203. It is stated that within the scope of the programs carried out by the Turkish Red Crescent in the fields of activity of Children's Programs, preventive activities are carried out on issues such as abuse, early and forced marriages, children's rights, and training services are carried out especially for the identification of child victims and their referral to the necessary services.¹³⁷
204. It is stated that the Human Resource Development Foundation carried out direct victim support activities between 2004 and 2016, that after the closure of the shelter in Istanbul, contributions in this field continued to be given in different ways, that activities were carried out in support of asylum seekers in general, and that activities continued in the field of human trafficking through training, conferences and offering opinions.¹³⁸
205. It was reported by the Family Counselors Association that between 2009 and 2017, direct services were provided to victims of human trafficking, active participation in the National Referral System, but since 2017, the Association could not provide services to victims because it was not an active member of the "National Referral System" and only awareness and information activities were carried out on the fight against human trafficking. Cyprus International University has reported that

¹³³ PMM letter dated 25/11/2021 and numbered E9370195100054047.

¹³⁴ PMM letter dated 25/11/2021 and numbered E9370195100054047.

¹³⁵ Data from the Turkish Red Crescent

¹³⁶ Data from the Turkish Red Crescent

¹³⁷ Data from the Turkish Red Crescent

¹³⁸ Data from the Human Resource Development Foundation.

for the first time, the subject of human trafficking has been included in the training program as an elective course at a university and that the course has been given by the President of the Association, and that 21 of the students who took the course are citizens of the Republic of Türkiye residing in Türkiye.¹³⁹

206. It has been reported by the Istanbul Bar Association No. 1 that consultation meetings for cooperation between the Red Crescent, the Istanbul Provincial Directorate of Migration Management, IOM and the Istanbul Bar Association are continuing. In this context, it was reported that if an agreement was reached within this framework, the Istanbul Bar Association would appoint lawyers who had specialized training in the field to the victims in relation to human trafficking, but that some issues related to the appointments were encountered with legislative obstacles and that the problems could be solved by a legislative amendment.¹⁴⁰

207. The Istanbul Bar Association No. 1 has stated the following to be done regarding the appointment of lawyers for victims of human trafficking:

“Within the scope of a criminal investigation, the appointment of a lawyer to the victim is only made by the relevant Bar Association upon the request of the law enforcement or the prosecutor’s office/court within the scope of the Code of Criminal Procedure. PMM is not among the institutions that can make requests. To solve this problem and to remove the formal obstacles to the appointment of lawyers for victims (even if the procedure is based on prostitution (sex work) as defined in the legislation) in investigations carried out within the scope of the fight against human trafficking in the relevant legislation. Lawyers who have passed the Council of Europe HELP certified Human Trafficking training are available before the Istanbul Bar Association. However, there has been no request for appointment in this regard so far.”

208. The Istanbul Bar Association No. 1 reported that one of the most important issues in the fight against human trafficking was that law enforcement and the prosecutor’s office did not deepen the investigation by assessing the situation within the scope of prostitution or other crimes under the Turkish Penal Code.¹⁴¹

209. The Istanbul Bar Association No. 1 states that if effective protection is provided to the victims, the victims will be able to communicate and assist the investigating authorities without fear, that the scheme of human trafficking networks and organizations can only be solved in this way, and that for this reason, first of all, the law enforcement and prosecutorial authorities must comply with the principle of not accepting consent in terms of human trafficking, and even if there is consent, the principle of protection of victims within the scope of human trafficking and not being punished is clear. it is stated that it must be ensured that it is implemented in such a way.¹⁴²

210. Within the scope of the report, the evaluations of the Ankara Bar Association No. 1 Refugee Rights Center were also consulted. During the statistical study conducted in 2021 as the Refugee Rights

¹³⁹ Data from the Association of Family Counselors.

¹⁴⁰ Data from Istanbul Bar Association No.1

¹⁴¹ Data from the Istanbul Bar Association.

¹⁴² Data from the Istanbul Bar Association.

Center of the Ankara Bar Association No. 1 regarding the anti-trafficking efforts, it was reported that a total of 72 files were assigned within the Ankara Bar Association Criminal Procedure Center for the year 2019-2020. However, while creating statistical information, it was stated that in the appointments made specifically for the crime of human trafficking, there was no detailed information on whether the persons were accused or victims, age, gender, nationality.¹⁴³

211. The Union of Turkish Bar Associations Türkiye reported that the decision no. 2019/1.3 of the Coordination Commission on Combating Human Trafficking was “Establishment of special groups of lawyers within bar associations to follow the cases of victims (Union of Turkish Bar Associations, Related Bar Associations)”. It is stated that the Commission’s aim is to provide legal aid to victims of human trafficking and training by private groups of lawyers trained in this field in the assignments to be made in accordance with the CCP, and that the Commission’s decision was communicated to all bar associations with the announcement dated 24/2/2020 and numbered 2020/16. Regarding the issue, it is stated that the Human Rights Center of the Union of Turkish Bar Associations operates by the Refugee Rights Working Groups in line with the establishment of legal aid teams specialized in refugee law in provincial bar associations, providing training to the lawyers who will take part, preparing annual reports and organizing regular follow-up meetings with the executive and administration.¹⁴⁴
212. Within the scope of the “Project on the Promotion of Access to Justice by Refugees, Asylum-seekers and Temporary Protection Beneficiaries in Türkiye Türkiye” project carried out by the Union of Turkish Bar Associations and UNHCR, Şanlıurfa, Gaziantep, Hatay and Kilis Law Clinics have been opened and continue their activities. It was stated that legal support was also provided to the victims of human trafficking in the Law Clinics and that the clinics shared the practices in the field with public institutions and organizations.¹⁴⁵
213. It is seen that the number of NGOs operating in the field of combating human trafficking is quite limited. The request for information and documents was answered by the Turkish Red Crescent, the Human Resource Development Foundation and the Family Counselors Association.
214. Until 2018, shelters were operated by NGOs in Istanbul and Antalya, but according to the information received from the PMM, as a result of the problems that arose, the shelters were closed or started to be operated by the PMM itself. Cooperation with NGOs is important in the operation of the shelter and the necessity of developing an application that will be efficient through an effective supervision mechanism is evaluated.

3. International Organizations

215. Meetings was held with IOM and ICMPD, international organizations operating in the field of combating human trafficking, and information and documents were also requested by the HREIT delegation. In addition, information and documents on activities in the field of combating human traf-

¹⁴³ Letter of the Ankara Bar Association dated 8/11/2021 and numbered 64482

¹⁴⁴ Letter dated 12/11/2021 and numbered 31247 of the Human Rights Center of the Union of Turkish Bar Associations 1.

¹⁴⁵ Letter dated 12/11/2021 and numbered 31247 of the Human Rights Center of the Union of Turkish Bar Associations.

ficking were requested from the UN Children’s Fund (UNICEF) Türkiye Office, UNDP Türkiye Country Office, UNHCR Türkiye Office, ILO Türkiye Office.

216. During the meeting with ICMPD, it was reported that as of 2018, they have been operating in 18 member countries. Their activities have focused on promoting regular migration, enhancing capacity-building in countries, contributing to the policy-making process, and strengthening regional migration dialogues. Although they do not work directly in the field of human trafficking, they have been assisting migrants with voluntary return efforts to promote regular migration. They have collaborated with academics in 9 provinces to identify labor trafficking and child exploitation. Furthermore, to combat child exploitation, they provided training on capacity-building, identification, and prevention to personnel from the General Directorate on the Status of Women and other relevant professionals.¹⁴⁶
217. It has been reported by the ICMPD that the Research on Human Trafficking Based on Child Trafficking and Labor Exploitation in Türkiye (Combating Human Trafficking Research) Project has been carried out to support the decisions taken by the PMM in Türkiye’s Fight Against Human Trafficking and the Evidence-Based Policy-Making Process. The overall objective of the project is to contribute to the knowledge base for policy-making in Türkiye and decision-making on Türkiye’s fight against human trafficking through research on trafficking in human beings based on child trafficking and labour exploitation, focusing on both Syrians under temporary protection and Turkish citizens in 9 selected pilot provinces (Istanbul, Hatay, Gaziantep, Şanlıurfa, Kilis, Adana, İzmir, Konya and Bursa) and to facilitate anti-trafficking practices through targeted capacity building activities.¹⁴⁷
218. It is stated that the SHIFT Project, which is known as Increasing the Capacity of Professional Personnel Working in the Field of Women in the Field of Combating Human Trafficking, was implemented by ICMPD between 01/4/2019-31/8/2020 in cooperation with the Ministry of Family and Social Services. It was also reported that ICMPD carried out the Prevention, Detection and Struggle of Human Trafficking in Türkiye Project between 2017-2018 and the “Prevention of Foreigners under Temporary Protection in Türkiye from Being Subject to Human Trafficking (PICTOR) Project” between 2016-2017.¹⁴⁸ Within the framework of the projects, it was observed that workshops on combating human trafficking, institutional capacity building activities and personnel trainings were carried out intensively.
219. The HREIT delegation held a meeting with representatives of IOM Türkiye Office. It was reported that IOM carries out projects in the field of human trafficking, one of which is the Project on Combating Child, Early and Forced Marriages, and within the scope of this project, programs, training of trainers and thematic studies were organized in 2020. In addition to these, it was reported that studies were carried out for judges and prosecutors within the scope of the project and the outputs were shared with the PMM. In the context of the project, it was stated that the relationship between child, early and forced marriages and human trafficking was evaluated and focused on this issue between 2020-2021. Within the framework of the project, in 2021, in order to improve HREIT’s

¹⁴⁶ Visit of the members of the HREIT Working Group on Human Trafficking to the ICMPD on 24/11/2021.

¹⁴⁷ Visit of the members of the HREIT Working Group on Human Trafficking to the ICMPD on 24/11/2021.

¹⁴⁸ Visit of the members of the HREIT Working Group on Human Trafficking to the ICMPD on 24/11/2021.

national rapporteur institution capacity, a 4-day training on the fight against human trafficking was provided to judges, prosecutors, experts and assistant experts working in the Institution.¹⁴⁹

220. At the meeting held with IOM, the representative of IOM Gaziantep Office stated that although they work mainly in the field of migration, they also carry out activities related to human trafficking, capacity building activities with public institutions, joint studies with municipalities, awareness studies for migrants and asylum seekers, and training of lawyers in partnership with the bar association. IOM has stated that PMM has recently focused on human trafficking in the Southeastern Anatolia Region and they welcomed this development.¹⁵⁰
221. According to the IOM representative, financial aid and legal assistance are provided to human trafficking victims. Collaboration is carried out with individuals in Kırıkkale and Ankara shelters, with the nature of the assistance varying from person to person. Financial aid is aimed at facilitating the voluntary return of refugees to their home countries. Financial aid is only provided to foreign victims, as Turkish victims are accommodated in shelters under the Ministry of Family, and Social Services. It was emphasized that a protocol between the PMM and the Ministry is needed to access these areas. The recipients of assistance are predominantly citizens from Kyrgyzstan, Uzbekistan, and Morocco, with a significant number of human trafficking victims opting to return to their home countries.¹⁵¹
222. Under the Protection and Empowerment Project in Southeast Anatolia by IOM, legal information sessions are conducted for individuals who are potential victims of human trafficking or their relatives. Participants' information from these activities is stored in accordance with the principles of personal data security, and identified cases are directed to relevant institutions and organizations. Additionally, Emergency Case Management and Psychosocial Mobile Teams conduct assessments, and the data of these individuals are stored securely in line with the principles of personal data security. Those identified are directed to the support mechanisms they require.¹⁵²
223. IOM reported a role in the safe and effective return of 28 trafficking victims in 2020 and 43 trafficking victims in 2021.¹⁵³
224. IOM welcomed and appreciated the measures taken by the Government of the Republic of Türkiye in the field of combating human trafficking and the determined struggle, care and attention of state institutions, especially the PMM Department of Protection of Victims of Human Trafficking.
225. Within the scope of UNHCR's mandate, in cooperation with the PMM Department of Protection of Victims of Human Trafficking, it is reported that it focuses on the following areas;
 - i. Strengthen procedures for identifying the international protection needs of trafficking victims,

¹⁴⁹ Meeting of members of the HREIT Working Group on Human Trafficking with IOM officials on 3/12/2021.

¹⁵⁰ Meeting of members of the HREIT Working Group on Human Trafficking with IOM officials on 3/12/2021.

¹⁵¹ Meeting of members of the HREIT Working Group on Human Trafficking with IOM officials on 3/12/2021.

¹⁵² Meeting of members of the HREIT Working Group on Human Trafficking with IOM officials on 3/12/2021.

¹⁵³ Meeting of members of the HREIT Working Group on Human Trafficking with IOM officials on 3/12/2021.

- ii. Providing technical assistance in establishing the link between international protection and human trafficking,
- iii. Supporting the technical capacities of PMM and PDMM personnel in related fields,
- iv. Strengthening and coordinating the coordination between the PMM and the relevant actors,
- v. Raising awareness on human trafficking

Regarding the strengthening of procedures for identifying the international protection needs of trafficking victims, it was noted that the survey on the procedures for determining the international protection needs of trafficking victims monitored in PDMMs was carried out with 81 PDMMs in co-operation with UNHCR and PMM. To provide technical assistance in establishing the link between international protection and human trafficking and to support the technical capacity of PMM and PDMM personnel in related fields, UNHCR stated that it provided support in updating the interview and registration forms used in the trafficking victim identification process and establishing a comprehensive guideline on interview techniques in the context of human trafficking. In addition, UNHCR is reported to provide technical and operational support to social service centres within the framework of its cooperation with the Ministry of Family and Social Services.¹⁵⁴

226. Especially since 2000, it is seen that effective activities and studies have been carried out within the framework of both legislative arrangements and administrative structuring and inter-institutional cooperation related to Türkiye's fight against human trafficking. Both in the meetings held by the HREIT delegation with the representatives of international organizations in Türkiye and in the information and documents requested, the positive steps taken by Türkiye in this field and the progress it has made were appreciated. Under the leadership of the national coordinator institution, PMM, it is seen that projects are carried out regularly and intensively with international institutions and joint support is provided to victims of human trafficking.

¹⁵⁴ Data obtained from UNHCR..

GENERAL EVALUATION AND RECOMMENDATIONS



IV. GENERAL EVALUATION AND RECOMMENDATIONS

A. General Evaluation

227. Human trafficking, by commodifying human bodies and labor and denying human potential, essentially denies the core of human rights administration, and find its roots in slavery. After the abolition of slavery, human trafficking has continued to exist in new forms due to its flexible and covert nature. Despite centuries of efforts to prevent it, human trafficking and its derivatives, which result in severe violations of human rights for individuals who are both subjects and consumers of the concept of human rights, still require an effective struggle. At this point, it is evident that this crime and violation of human rights necessitate ongoing and robust efforts.
228. Although the fight against human trafficking has a relatively long history, it is seen that this struggle has intensified with the year 2000. In this context, both legal studies and protective mechanisms have been established to prevent human trafficking at national, regional and universal levels. These norms and mechanisms have contributed both to the prevention of human trafficking in individual cases and to the formulation of general policies and practices in this area. In addition, in terms of dissemination of good practice examples to the general, especially reporting activities and contract bodies have made important contributions.
229. Reporting in the fight against human trafficking is one of the most effective means of combating human trafficking in order to identify and disseminate good practice examples to the general public and to put forward recommendations in areas where development is needed. In this context, effective supervision and monitoring to be carried out by independent institutions are of vital importance at this point. When all the issues covered and monitored in this report, which we have addressed as the National Rapporteur Institution in the fight against human trafficking and which is the first in this field in Türkiye, are evaluated together, it is seen that the recent efforts in Türkiye reveal a positive picture in the fight against human trafficking. It has been seen that significant progress has been made in basic issues such as normation, institutionalization, employment of expert personnel, training and cooperation, voluntary and safe return, provision of basic needs. However, it has been determined that there are some issues that need to be improved in order to further strengthen the effective combat against human trafficking. It is evaluated that if the necessary studies are carried out within the framework of the findings included in the concrete recommendations below, the violations and victimizations caused by human trafficking will be reduced.

B. Recommendations

- Establishment of a deputy national coordinator institution that will increase the effectiveness of the national coordinator institution,
- Preparation of a national action plan to combat human trafficking, taking into account the gender dimension of human trafficking and the special sensitivities of children, and setting out the responsibilities of all stakeholders,
- The trainings carried out on the fight against human trafficking are not solely project-based, the trainings are carried out regularly and systematically, and the trainings are implemented at all levels, including high-level decision-making mechanisms,
- Preparing and distributing written and visual materials within the scope of awareness-raising measures in the fight against human trafficking, as well as more active use of social media platforms,
- Since a significant proportion of the identified victims are children, awareness-raising activities for children and measures to reduce demand should be addressed separately,
- Requesting companies operating within the country under the coordination of the PMM to report on the measures they have taken to reduce the risks of human trafficking in their supply chains and increasing their awareness in this direction,
- Opening shelters specialized by the Ministry of Family and Social Services where only victims of human trafficking are protected,
- In order to make the fight against human trafficking more effective and to provide legal protection at a higher level, the fight against human trafficking and the issues related to human trafficking victims are regulated by law, and a separate law is enacted within this framework,
- Greater cooperation between institutions to identify victims of trafficking, especially in cases of abuse, and irregular migrants, in the world of work,
- Providing human rights training to PDMMs and shelter workers,
- Solving the difficulties experienced by the victims in finding a job, eliminating the difficulties experienced in the first entry into the job since the work permit applications are made by the employer, authorizing the victim as well as the employer to apply for a work permit and determining a procedure to guide the victim in ensuring this,
- Ensuring adequate staff employment in shelters, especially psychologists and social workers,
- Creation of an activity room, television room, place of worship, infirmary, dining hall, room in accordance with the standards reserved for the disabled and lawyer interview room in shelters,

- Covering the medical expenses of trafficking victims under general health insurance, likeholders of international protection status,
- Review and harmonize the offences and penalties relating to human trafficking in accordance with the provisions of the Council of Europe Convention on Action Against Trafficking in Human Beings and the GRETA recommendations,
- To regulate the procedure for the appointment of lawyers for victims of human trafficking differently from general appointments and to add the PMM, the competent authority for the identification of victims of human trafficking, to the list of authorities that can request the appointment of lawyers,
- The development of a disaggregated, comprehensive and consistent data and statistical system to serve as the basis for the preparation, monitoring and evaluation of anti-trafficking policies,
- The words “entry into the country and removal from the country” shall be added to the third paragraph of the Turkish Penal Code, which regulates the principles relating to children as contained in the first paragraph of Article 80,
- Establishment of a cooperation protocol between the Ministry of Family and Social Services and the PMM in accordance with the Regulation on Combating Human Trafficking and Protection of Victims,
- Accelerating the procedures for the commencement of the operation of the shelter planned to be opened in Aydın by the PMM,
- Joint work by the PMM and the Ministry of Labor and Social Security to address the problems experienced by the victims of human trafficking in terms of work,

are recommended.

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Official Writings

Data received by the Department of Legal Support and Victim Services of the Ministry of Justice in letter No. 1473 dated 8/11/2021.

Data received by the Ministry of Justice General Directorate of Criminal Records and Statistics in the letter dated 5/11/2021 and numbered 61851.

Data received by the General Directorate of Criminal Affairs of the Ministry of Justice with the letter dated 5/11/2021 and numbered 91665.

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Data received by the letter dated 3/11/2021 and numbered 1607236 of the General Directorate of Child-ren's Services of the Ministry of Family and Social Services.

Data received by the letter dated 25/10/2021 and numbered 660-1535572 of the Guidance and Inspection Directorate of the Ministry of Family and Social Services.

Data received by the Ankara Bar Association No. 1 Presidency dated 8/11/2021 and numbered 64482.

Data received by the Ministry of Labor and Social Security's General Directorate of International Labor Force dated 4/11/2021 and numbered 56981.

Data received by the letter of the General Directorate of Security of the Ministry of Internal Affairs dated 4/11/2021 and numbered E-23346125..

Data received by the letter of the Directorate of Migration Management of the Ministry of Internal Affairs dated 29/12/2021 and numbered E9370195100054047.

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Data received by e-mail from Istanbul Bar Association No. 1 dated 2/11/2021.

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Data received by the Human Rights Center of the Union of Turkish Bar Associations in its letter dated 12/11/2021 and numbered 31247.

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