



# HREIT

HUMAN RIGHTS AND EQUALITY  
INSTITUTION OF TÜRKİYE

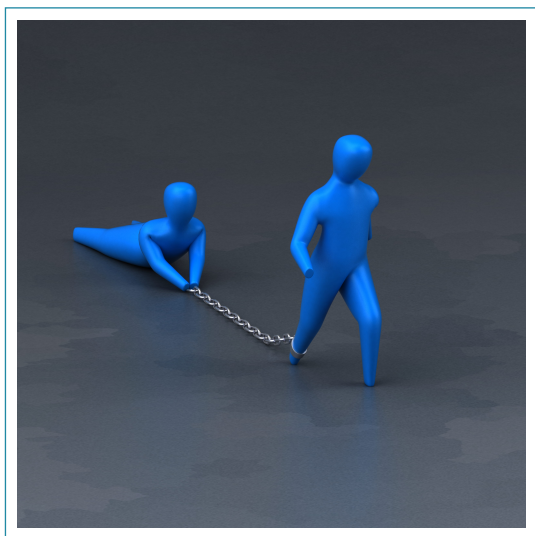
**FIGHT AGAINST HUMAN TRAFFICKING**



# FIGHT AGAINST HUMAN TRAFFICKING

## Definition of Human Trafficking

Although the concept of human trafficking was included in various international documents, a generally accepted definition of human trafficking had not been made in international law until the 2000s. This situation has caused human trafficking cases to be frequently confused with concepts such as illegal immigration and migrant smuggling. The concept of human trafficking is defined comprehensively at the international level for the first time in Article 3 of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Particularly Women and Children, supplementing the United Nations (UN) Convention against Transnational Organized Crime and this definition is also included in the Council of Europe Convention on Action against Trafficking in Human Beings.



According to the Palermo Protocol, **human trafficking** means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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 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.



With the decision of the UN General Assembly in 2013, July 30 was declared as the World Day against Trafficking in Persons. On this occasion, a series of activities are carried out every year to raise awareness on the fight against trafficking in human beings, to prevent more people from becoming victims, to strengthen the protection of victims of trafficking in human beings, to draw attention to effective investigation and prosecution in the fight against trafficking in human beings and to increase the cooperation of international and non-governmental organizations, public institutions and organizations in the fight against trafficking in human beings. Each year, the UN selects a theme within this framework and the theme for 2023 is "Reach out to all victims of trafficking in human beings, leave no one behind".

**Types of Human Trafficking**



Sexual exploitation



Forced labour



Debt bondage



Domestic servitude



Organ removal



Forced begging



Child soldiers



Forced marriage



## **Basic Norms Relating to Combat Human Trafficking**



### **Basic International Standards on Combating Human Trafficking**



#### **1. Palermo Protocol**

#### **2. Council of Europe Convention on Action against Trafficking in Human Beings**

### **Basic National Standards on Combating Human Trafficking**



#### **1. Constitution of the Republic of Türkiye**

#### **2. Turkish Criminal Code**

#### **3. Law on Foreigners and International Protection**

#### **4. Regulation on Combating Human Trafficking and Protecting the Victims**

Türkiye is one of the countries in the world that imposes the most severe sanctions on the crime of trafficking in human beings, imposing imprisonment from 8 to 12 years and a judicial fine of up to 10,000 days.

# Basic International Standards on Combating Human Trafficking

## 1. Palermo Protocol

UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), which is an annex to the Convention, is opened for signature on December 12, 2000 in Palermo, Italy. The Protocol is one of the most important instruments established in the fight against human trafficking at the universal level. Türkiye became a party to the Palermo Protocol on March 25, 2003.

## 2. Council of Europe Convention on Action against Trafficking in Human Beings

The Council of Europe Convention on Action against Trafficking in Human Beings opened for signature on May 16, 2005 and entered into force on February 1, 2008. Türkiye signed the Convention on March 19, 2009 and it was adopted by the Turkish Grand National Assembly on January 30, 2016.





## Basic National Standards on Combating Human Trafficking

### 1. Constitution of the Republic of Türkiye

There is no provision in the Constitution that specifically regulates the fight against human trafficking. However, in the context of fundamental rights and freedoms, provisions are included to prevent the emergence of situations that may lead to human trafficking. In this context, at the constitutional level, the rights related to combating human trafficking include the personal inviolability, corporeal and spiritual existence of the individual (Article 17), the prohibition of forced labor (Article 18), the right to personal liberty and security (Article 19), the right to privacy (Article 20), and the principles relating to crime and punishment (Article 38), protection of the family and the rights of the child (Article 41), freedom of work and contract (Article 48), the right and duty to work (Article 49), working conditions and the right to rest and leisure (Article 50), and persons requiring special protection in the field of social security (Article 61).

## 2. Turkish Criminal Code

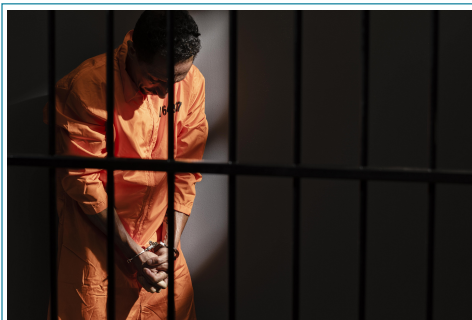
The Turkish Penal Code No. 5237 directly regulates the crime of human trafficking. According to Article 80 of the Law:

*“(1) Any person who procures, kidnaps, harbours or transports a person from one place to another or brings a person into the country or takes a person out of the country, by (1) the use of threat, pressure, force or violence, (2) employing deceit, (3) abusing his influence, or (4) obtaining a consent by exploiting control over another or the desperation of such other, for the purpose of forcing them into prostitution or to work, provide a service, harvest their organs or to subject them to slavery or any similar practice shall be sentenced to a penalty of imprisonment for a term of eight to twelve years and to a judicial fine of up to ten thousand days.*

*(2) Where an act is undertaken for the purposes referred to in paragraph one and such act constitutes an offence, the consent of the victim shall be presumed to be invalid.*

*(3) Where a person under eighteen years of age is procured, kidnapped, harboured or transported from one place to another for the purposes described in paragraph one, the offender shall be sentenced to a penalty described paragraph one, notwithstanding the fact that no act instrumental to the offence has been resorted to.*

*(4) Security measures shall be imposed upon legal entities in respect of the aforementioned offences.”*





### 3. Law on Foreigners and International Protection

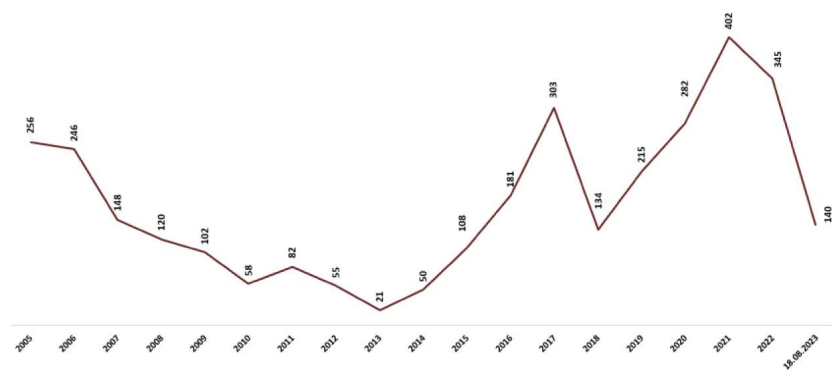
Article 48 of the Law No. 6458 on Foreigners and International Protection regulates the principles of residence permits for victims of trafficking in human beings, and Article 49 regulates the extension and revocation of residence permits for victims of human trafficking. According to the Law, victims of human trafficking can be granted a residence permit for up to three years. Article 55 of the Law stipulates that victims of human trafficking who are benefiting from the victim support process and victims of psychological, physical or sexual violence cannot be deported until their treatment is completed.

## 4. Regulation on Combating Human Trafficking and Protecting the Victims

The Regulation on Combating Trafficking in Human Beings and Protection of Victims, which was prepared based on Article 121 of the Law No. 6458 on Foreigners and International Protection and the Council of Europe Convention on Action against Trafficking in Human Beings, entered into force upon its publication in the Official Gazette dated March 17, 2016 and numbered 29656. The purpose and scope of the Regulation is set out in Article 1 as *“to determine the procedures and principles regarding the prevention of the crime of trafficking in human beings, combating trafficking in human beings, protection of victims of trafficking in human beings within the scope of human rights without discriminating between Turkish citizens and foreigners, granting residence permits to foreign victims and support services to be provided to victims.”* The Regulation covers real persons who have been subjected to human trafficking without distinction between Turkish citizens or foreigners.

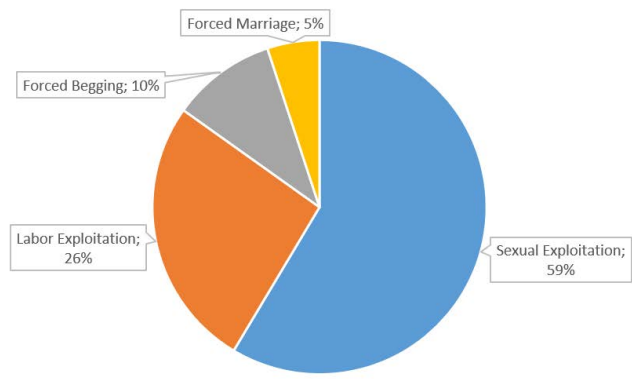


## Data on identified victims of human trafficking in Türkiye by years (2005-2023)



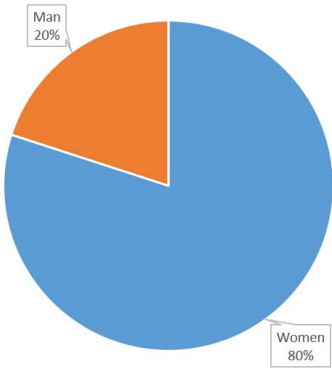
Source: Presidency of Migration Management

## Distribution of trafficking victims identified in Türkiye according to types of exploitation (2017-2021)



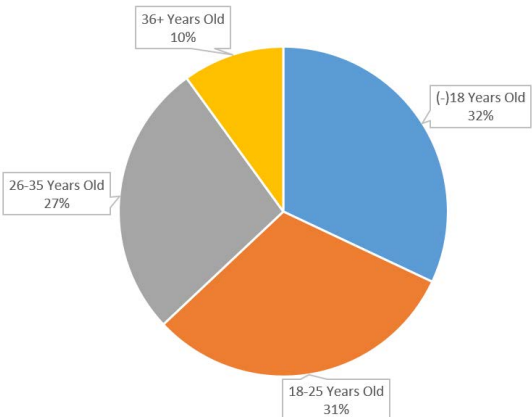
Source: Presidency of Migration Management

## Gender distribution of identified victims of human trafficking in Türkiye (2017-2021)



Source: Presidency of Migration Management

## Age distribution of identified victims of human trafficking in Türkiye (2017-2021)



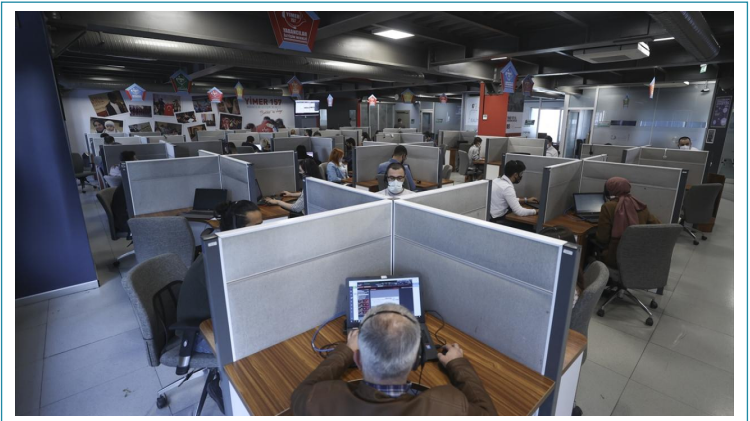
Source: Presidency of Migration Management



## The Foreigners Communication Center

The Foreigners Communication Center (YİMER), established as a hotline for the identification of victims of human trafficking, provides uninterrupted service 24/7 in 7 languages (Turkish, English, Arabic, Farsi, Russian, German and Pashto).

**YİMER 157**



## Measures to Support Victims of Human Trafficking in Türkiye

- Residence permit up to 3 years
- Victim Support Program
- Accommodation in shelters or safe accommodation
- Utilization of health services
- Psycho-social support
- Legal support
- Vocational training
- Support in accessing the labor market
- Provision of temporary financial support to meet basic needs
- Voluntary and safe return



## Human Rights and Equality Institution of Türkiye and Combating Human Trafficking

Article 29, paragraph (4) of the Council of Europe Convention on Action against Trafficking in Human Beings stipulates that *“Each Party shall consider appointing National Rapporteurs or other mechanisms to oversee the activities of public authorities in combating trafficking in human beings and the implementation of the provisions of national legislation.”*

Pursuant to the decision 2020/1.2 taken at the meeting of the Coordination Commission on Combating Trafficking in Human Beings, which was established pursuant to the Council of Europe Convention on Action against Trafficking in Human Beings and Article 5 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims, on December 10, 2020, the Human Rights and Equality Institution of Türkiye (HREIT) was designated as the **National Rapporteur Institution** to examine and report on the activities carried out in the field of combating trafficking in human beings.

### HREIT as the National Rapporteur Institution, Carries out the Following Activities

- Preparing a National Report on Combating Trafficking in Human Beings,
- Raising awareness on combating trafficking in human beings through activities such as trainings, summits, books, brochures and press releases,
- Consultations with national and international stakeholders,
- Visits to shelters serving victims of human trafficking.



# HREIT

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