



GRETA

GROUP OF EXPERTS
ON ACTION AGAINST
TRAFFICKING IN HUMAN
BEINGS

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**Report concerning the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Türkiye**

SECOND EVALUATION ROUND

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I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by Türkiye took place in 2018-2019. Following the receipt of Türkiye's reply to GRETA's first questionnaire on 5 February 2018, a country evaluation visit was organised from 5 to 12 October 2018. The draft report on Türkiye was examined at GRETA's 34th meeting (18-22 March 2019) and the final report was adopted at GRETA's 35th meeting (8-12 July 2019). Following the receipt of the Turkish authorities' comments, GRETA's final report was published on 8 October 2019.¹

2. In its first evaluation report, GRETA noted that Türkiye had taken a number of steps to put in place a legal and institutional framework for combating trafficking in human beings. Nevertheless, GRETA urged the Turkish authorities to ensure that the criminalisation of trafficking in human beings (THB) in the Turkish Criminal Code is fully consistent with the definition of THB in the Convention, and to adopt as a matter of priority a new anti-trafficking action plan, accompanied by a mechanism for monitoring its implementation. Furthermore, GRETA recommended that the Turkish authorities mainstream human trafficking into the regular training curricula of relevant professionals and launch nation-wide awareness-raising campaigns regarding human trafficking for different forms of exploitation. Seriously concerned by the limited accommodation capacity of the specialised shelters for victims of trafficking, GRETA asked the authorities to provide appropriate and safe accommodation with a sufficient number of places for victims of trafficking and to facilitate their social inclusion. Noting the lack of information on compensation awarded to victims of THB by courts and the absence of a state compensation scheme for victims, GRETA urged the authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking. Moreover, GRETA called on the authorities to take additional steps to ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. GRETA noted with concern the high proportion of acquittals in human trafficking cases, and urged the authorities to prioritise the identification of gaps in the investigation procedure and the prosecution of trafficking cases with a view to ensuring effective, proportionate and dissuasive sanctions. In addition, GRETA stressed that the authorities should make full use of the available measures to protect victims and witnesses of human trafficking and to prevent their intimidation.

3. On the basis of GRETA's report, on 18 October 2019 the Committee of the Parties to the Convention adopted a recommendation to the Turkish authorities, requesting them to report back on measures taken by 18 October 2021.² The report submitted by the Turkish authorities was considered at the 29th meeting of the Committee of the Parties (17 December 2021). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.³

4. On 27 January 2023, GRETA launched the second round of evaluation of the Convention in respect of Türkiye by sending the questionnaire for this round to the Turkish authorities. Türkiye submitted its reply on 2 June 2023.

¹ <https://rm.coe.int/report-concerning-the-implementation-of-the-council-of-europe-conventi/1680981563>.

² <https://rm.coe.int/cp-rec-2019-11-tur-en/1680987e21>.

³ <https://rm.coe.int/report-submitted-by-the-authorities-of-turkey-on-measures-taken-to-com/1680a5b407>.

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Turkish authorities, the above-mentioned report submitted by them to the Committee of the Parties, and information received from civil society. An evaluation visit to Türkiye took place from 18 to 22 September 2023 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Conny Rijken, member of GRETA;
- Mr Peter Van Hauwermeiren, member of GRETA;
- Ms Teresa Armengol de la Hoz, Administrator in the Secretariat of the Convention;
- Mr Mesut Bedirhanoglu, Administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation held consultations with representatives of the Presidency of Migration Management (PMM) and its Department of Protection of Victims of Human Trafficking, the National Police, the Gendarmerie General Command, the Coast Guard Command, the Ministry of Justice, the Ministry of Family and Social Services, the Ministry of Labour and Social Security, the Ministry of National Education, the Ministry of Health, the Ministry of Foreign Affairs, and the Ministry of Treasury and Finance. Meetings were also held with prosecutors and judges from the Court of Cassation and at provincial level. Further, the delegation met representatives of the National Human Rights and Equality Institution, which acts as the National Rapporteur on human trafficking. In addition to holding meetings in Ankara, the delegation travelled to Gaziantep and Istanbul Provinces where it met representatives of relevant provincial structures.

7. Separate meetings were held with representatives of non-governmental organisations (NGOs), lawyers and victims of human trafficking. Further, the GRETA delegation met with representatives of the International Centre for Migration Policy Development (ICMPD), the International Labour Organisation (ILO), the International Organisation for Migration (IOM), the United Nations Children's Emergency Fund (UNICEF), the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), and the United Nations High Commissioner for Refugees (UNHCR).

8. In the course of the visit, the GRETA delegation visited the two existing shelters for victims of human trafficking in Türkiye, in Ankara and Kırıkkale, run by the respective Provincial Migration Management Directorates (PDMM). It also visited the Violence Prevention and Monitoring Centre and Pursaklar Specialised Homes for Children in Ankara, as well as the Removal Centre for Irregular Migrants in Gaziantep.

9. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

10. GRETA wishes to place on record the co-operation provided by the contact person appointed by the Turkish authorities to liaise with GRETA, Ms Ekin Sevil Gürünlü, Assistant Migration Expert at the Presidency of Migration Management, in preparing and conducting the evaluation visit.

11. The draft version of the present report was approved by GRETA at its 50th meeting (18-22 March 2024) and was submitted to the Turkish authorities for comments. The authorities' comments were received on 10 June 2024 and were taken into account by GRETA when adopting the final report at its 51st meeting (1-5 July 2024). The report covers the situation up to 5 July 2024; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 59-66).

II. Main developments in the implementation of the Convention by Türkiye

1. Emerging trends in trafficking in human beings

12. Türkiye remains primarily a country of destination and transit of victims of trafficking in human beings (THB) but it is also increasingly a country of origin. According to statistical information collected by the Ministry of the Interior's Presidency of Migration Management (PMM), the number of identified victims of THB was 217 in 2019, 281 in 2020, 402 in 2021, 343 in 2022, and 223 in 2023 (a total of 1466 victims). This represents a significant increase compared to the period 2014-2018 covered by GRETA's first report when there was a total of 775 victims. 82% of the identified victims (1208 victims) were female and 29% (422 victims) were children. The prevailing form of exploitation has remained sexual exploitation (758 victims, i.e. 52%), followed by labour exploitation (441 victims, i.e. 30%), forced marriage (132 victims, i.e. 9%), and forced begging (88 victims, i.e. 6%). The authorities also identified as victims of human trafficking 5 children trafficked as child soldiers, 5 victims of child sale and 3 victims of organ or tissue removal. The main countries of origin of the victims were Syria (512 victims), Uzbekistan (236 victims), Afghanistan (108 victims), Türkiye (98 victims), Kyrgyzstan (76 victims), Morocco (56 victims), Indonesia (49 victims), Azerbaijan (29 victims), Turkmenistan (29 victims), and Ukraine (20 victims). There has been a growing number of victims of THB for the purpose of labour exploitation as well as Turkish nationals identified as victims of THB. As regards the provinces where the victims were identified, the biggest number of identifications took place in Istanbul (406), Gaziantep (136), Şanlıurfa (121), Antalya (91) and Hatay (69).

13. According to the observations of the Turkish National Police, victims are being recruited through online platforms, especially in the post-Covid-19-pandemic period, and THB is committed in places where it is difficult to detect it, such as entertainment venues, beauty centres, private apartments and hotels. Further, Türkiye is used as a transit country for victims trafficked to Middle Eastern countries for the purpose of domestic and care work or sexual exploitation.

14. Türkiye continues to host the largest number of refugees worldwide, with over 3 million registered Syrian refugees⁴ along with 370 000 refugees of other nationalities (mainly from Iraq and Afghanistan).⁵ The country also attracts important labour migration from other countries and has a large informal sector. These factors create conditions conducive to human trafficking and exploitation. The risk sectors for THB include agriculture, construction, domestic care, restauration and entertainment, the clothing industry and garbage collection.

15. GRETA notes that the official figures of identified victims of THB probably do not reflect the real extent of the phenomenon of THB in Türkiye, due to difficulties in the detection and identification of victims and taking into account the high numbers of refugees and Syrians under temporary protection, the transit of irregular migrants, and the social acceptance of child labour and child marriage (see paragraphs 55, 108 and 142).

⁴ <https://www.goc.gov.tr/gecici-koruma5638>. The total number of registered Syrians has been fluctuating at about this level since 2017.

⁵ Although Türkiye is a party to the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol, it retains a geographic limitation to their ratification, according to which only those fleeing as a consequence of "events occurring in Europe" can be given refugee status. Syrian nationals, as well as stateless persons and refugees from Syria, who came to Türkiye due to events in Syria after 28 April 2011 are registered by the PMM under the status of "temporary protection", introduced in 2014. More than half of Syrians were registered in four out of the 81 Turkish provinces: Istanbul, Gaziantep, Hatay and Şanlıurfa. Around 50 000 Syrians under temporary protection (around 1,5%) live in the seven camps spread across five provinces in Southern Türkiye in the larger Syria border region. The other Syrians under temporary protection reside in residential areas across Türkiye.

2. Developments in the legal framework

16. Since GRETA's first evaluation, there have not been any significant changes in the Turkish legislative framework relevant to combating THB. Article 7 of the Presidential Decree No. 63 on "the Support for Victims of Crime" published on 10 June 2020 defines victims of THB as one of the vulnerable groups to be provided with specific protection measures (see paragraph 222).

17. GRETA was also informed that with the amendment of Article 100 of the Criminal Procedure Code (CPC) on 6 December 2019, the existence of a strong suspicion that a person committed a THB offence constitutes a reasonable ground for his/her pre-trial detention.

3. Developments in the institutional framework

18. The institutional framework for action against THB in Türkiye has evolved since GRETA's first report. On 29 October 2021, the Ministry of the Interior's Directorate General on Migration Management (DGMM) which was responsible for co-ordinating national action against THB was transformed into the Presidency of Migration Management (PMM).⁶ The PMM has a Department of Protection of Victims of Human Trafficking, placed under its Directorate General of International Protection. The Department consists of a director, three migration experts and three assistant migration experts, who are trained on human trafficking. The experts are divided into two working groups of the Department: the Working Group on Anti-Trafficking and Co-operation which is responsible for training, awareness-raising and co-ordination, and the Working Group on Victim Protection. GRETA was informed that the budget allocated to the Department of Protection of Victims of Human Trafficking has significantly decreased in recent years because no NGOs applied for state funding to carry out anti-trafficking projects. While the budget was 2.1 million euros in 2016 and 1.9 million euros in 2017, it was reduced to TL 1.5 million (around EUR 227 000) in 2019. From this budget, in 2019, TL 72 000 (around EUR 11,000) was spent on education and awareness-raising activities and on purchasing tickets for victims as part of the voluntary return programme. For these activities, TL 179 000 (around EUR 24 000) was spent in 2020 and TL 67 000 (around EUR 6500) in 2021. Following the transformation of the DGMM into PMM, the budget was incorporated into the Directorate General of International Protection's budget, which amounts to TL 9 billion (around EUR 258 million) annually. From this budget, a total of TL 136 000 (around EUR 6500) was spent on education and awareness-raising activities on THB in 2022-2024.

19. Following the restructuring of the DGMM, in October 2021 the Co-ordination Commission on Combating Human Trafficking to which the DGMM was providing the secretariat was transformed into the Co-ordination Board for Combating Human Trafficking. The composition and duties of the Board remained unchanged. Pursuant to Article 4(4) of the Anti-Trafficking Regulation, the President of the Co-ordination Board shall be the National Co-ordinator for Combating THB, who is the Undersecretary of the Ministry of the Interior. The duties of the Board are defined in the 2016 Regulation on Combating Human Trafficking and the Protection of Victims (hereinafter: "Anti-Trafficking Regulation") as follows: to draft policies and strategies regarding preventing and combating THB and prepare action plans; to ensure co-ordination between public institutions, international organisations and NGOs; to identify measures on protection and accommodation of victims; to co-ordinate the collection and analysis of data; to make legislative proposals; and to discuss the annual report on combating THB prepared by the PMM. The Co-ordination Board includes representatives of the Presidency of the Court of Cassation or the Presidency of the Court of Cassation's Chief Public Prosecutor's Office, high-ranking officials from the relevant ministries, state agencies, directorates and organisations as well as the Human Rights and Equality Institution of Türkiye and the Union of Turkish Bar Associations. International organisations, trade unions and NGOs may be invited to Board meetings. The Board meets, in principle, once a year. According to information provided by the authorities, in 2019-2021, the Co-ordination Commission/Board convened three times, each session involving participation from international organisations (Council of Europe, UNHCR, IOM, ICMPD) and

⁶ The responsibilities of the PMM and its various departments are set out in Article 108 of the Law on Foreigners and International Protection and the 2016 Regulation on Combating Human Trafficking and the Protection of Victims and described in GRETA's first report, paragraphs 24 and 25.

NGOs (Turkish Red Crescent, International Children's Centre Association, Human Resource Development Foundation, Family Counsellors Association, Association for Victims of Human Trafficking, Association for the End of Commercial Sexual Exploitation of Children, Gevher Nesibe Sultan Solidarity Association, and Association for Supporting Equal Life and Sustainable Development). During these meetings, the Co-ordination Commission/Board decided, *inter alia*, on the establishment of a sub-working group to determine the content and timing of training and awareness-raising activities on THB, the creation of a co-operation mechanism for the identification of and assistance to victims of THB, the setting-up of specialised lawyer groups within the Bar Associations to represent victims of THB (see paragraph 171), the designation of the Human Rights and Equality Institution of Türkiye (HREIT) as the National Rapporteur on human trafficking, and the appointment of anti-trafficking liaison officers by each Board member institution (see paragraph 111).

20. Article 9 of the Anti-Trafficking Regulation stipulates that provincial co-ordination commissions on combating THB should be established, as deemed appropriate by the PMM. The provincial commission shall consist of the relevant provincial authorities⁷ and the Bar Association in the province. The provincial directorate of migration management (PDMM) serves as the secretariat of the commission and the expenses are paid from the budget of the Governor's office. The commission shall meet at least once a year under the chairpersonship of the Governor or the Deputy Governor of the province and representatives from professional organisations and NGOs can be invited to the meeting. GRETA was informed that provincial commissions met in 2019 in 6 provinces, in 2020 in 36 provinces and as of 2021 in all 81 provinces.

21. As mentioned in paragraph 19, on 10 December 2020, the role of National Rapporteur on human trafficking was assigned to the HREIT. In accordance with this mandate, on 6 September 2021, the HREIT set up a working group on anti-trafficking consisting of five persons and published its first report evaluating anti-trafficking action of the State in March 2023.⁸ In their comments on GRETA's draft report, the Turkish authorities noted that, starting in 2024, the duties of the National Rapporteur, previously managed by the HREIT's working group, will be undertaken by the Human Rights Protection and Development Unit of the HREIT.

4. National Action Plan

22. Türkiye's last National Action Plan on Combating THB was adopted in 2009 and a decision to draft a new plan was taken in 2017.⁹ In its first report, GRETA urged the Turkish authorities to develop a new National Action Plan against THB without further delay. GRETA was informed of the preparation of a new Action Plan through the EU-funded project on Technical Assistance for Combating THB in Türkiye, implemented by IOM, which started in December 2022. Under this project, a series of workshops and meetings for the preparation of the draft third National Action Plan were conducted with expert groups of relevant institutions and representatives of Bar Associations, international organisations and NGOs. The authorities also referred to a research report prepared by ICMPD experts concerning the functioning of National Referral Mechanisms of eight European countries (Netherlands, UK, Italy, France, Germany, Romania, Greece, Sweden) submitted to the PMM with a view to supporting the third Action Plan preparations. **GRETA would like to be kept informed of the adoption of the National Action Plan.**

⁷ These authorities are the mayor, the chief public prosecutor, the provincial director of Family and Social Policies, the provincial director of the Social Security Institution, the provincial director of National Education, the provincial director of Culture and Tourism, the provincial director of Labour and Employment Agency, the provincial director of Health, the provincial police chief, the provincial gendarmerie commander, the provincial director of Migration Management, or their representatives along with the representatives from the Coast Guard Command, and the Customs Enforcement Organisation.

⁸ HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish).

⁹ See GRETA's 1st report on Türkiye, paragraph 22.

23. The Turkish authorities have referred to the Human Rights Action Plan issued by the Ministry of Justice in March 2021,¹⁰ which includes several actions to combat THB, such as developing leaflets on the rights of victims and translating them into a range of languages, reviewing the criminal provisions and penalties related to human trafficking in accordance with GRETA's recommendations, offering training to judges, prosecutors and law enforcement officers dealing with THB and related offences, and increasing the effectiveness of inspections into unregistered employment in order to prevent THB.

24. **GRETA once again urges the Turkish authorities to take further steps to ensure that national action to combat human trafficking is comprehensive, through the adoption, as a matter of priority, of a National Action Plan against Human Trafficking, in which objectives, concrete activities and stakeholders responsible for their implementation are clearly defined and budgetary resources allocated. The action plan should be accompanied by a mechanism for monitoring its implementation and should aim to:**

- **address all victims of trafficking, including Turkish nationals, for all forms of exploitation, including forced begging, forced criminality, forced marriages and the removal of organs, while taking into account the gender-dimension of trafficking and the particular vulnerability of children;**
- **prioritise the identification of victims of human trafficking amongst refugees, asylum seekers and internally displaced persons, particularly in the South-Eastern region;**
- **strengthen action to combat trafficking for the purpose of labour exploitation by reviewing the legislative framework, improving the identification of, and assistance to, victims of trafficking for the purpose of labour exploitation in different sectors of the economy (in particular high-risk sectors such as agriculture, construction, restaurants, entertainment and domestic work), and involving civil society, trade unions, labour inspectorates and the private sector.**

5. Training of relevant professionals

25. In the first evaluation report, noting that training on THB has been to a large extent project-based, GRETA urged the Turkish authorities to take further steps to provide periodic training on THB and the rights of victims to all relevant professionals. GRETA urged that the training should be mainstreamed into the regular training curricula of relevant professionals, at all levels, including those at senior decision-making levels, and implemented systematically across the country.

26. In 2022, in co-operation with UNHCR, two training-of-trainers activities were conducted for the staff of the PMM and its provincial directorates (PDMM) on the identification and protection of victims of THB. 37 migration experts and assistant migration experts from 34 PDMMs and 7 representatives of different units of the PMM attended the training. The aim was to create a pool of trainers within the PMM, and to ensure sustainability of the technical capacity. In addition, in September 2021 two training sessions on victim interviewing techniques were organised by IOM and PMM: one for migration experts or assistant experts of PDMMs and another one for psychologists, sociologists and social workers.

27. The authorities noted that PMM staff provided training to 269 persons in 2019, 1 566 in 2020, 1 921 in 2021 and 2 127 in 2022. Additionally, PDMMs provided training to 7 522 persons in 2021. The training covered deputy governors, judges, prosecutors, labour inspectors, social security supervisors, interpreters, sociologists, social workers, and NGO staff. It was mostly financed by the PMM and/or through projects. In January 2021, two training sessions on combating THB were provided by the PMM, in co-operation with IOM, to 70 staff of the HREIT. The HREIT in turn provided online training on THB to 100 provincial human rights board members on 24 July 2023.

¹⁰ <https://insanhaklarieylemplani.adalet.gov.tr/resimler/eylemplani.pdf>

28. Within the scope of the project "Increasing the Capacity of Professional Staff Working in the Field of Women in Combating Trafficking in Human Beings", implemented by ICMPD between April 2019 and September 2020, 248 persons (197 in 2019 and 48 in 2020) working at Violence Prevention and Monitoring Centres (VPMC) and shelters for women received training on the identification and protection of victims of THB, including interview techniques. Further, a total of 166 staff from the PMM, VPMCs, shelters for women, and child protection services attended basic training on combating THB, organised between September 2021 and March 2022 within the Project "Research on Child Trafficking and Labour Trafficking in Türkiye to Support Evidence-Based Policy Formulation and PMM Decisions on THB", implemented by ICMPD in nine provinces and funded by the United Kingdom. The training included topics such as approach to the victim, psycho-social support, and victim interview.

29. As regards labour inspectors, the Turkish authorities stated that the training programme for new assistant labour inspectors includes THB for the purpose of labour exploitation and the role of labour inspectors in addressing this issue. They also referred to an in-service training course on THB that took place on 11-17 February 2024, with the participation of all labour inspectors. Further, within the "Project for Strengthening the Human Rights Protection of Migrants and Victims of Human Trafficking in Türkiye", implemented by the Council of Europe, as part of the EU and the Council of Europe joint programme "Horizontal Facility for the Western Balkans and Türkiye", training on THB was provided to 140 labour inspectors in the period 2020-2022. Under the project, an online training module for labour inspectors with an explanation of indicators of THB for the purpose of labour exploitation and the procedure to be followed when a labour inspector detects a possible victim of THB was developed. Under the same project, 195 staff working in childcare institutions received training on identification, referral and protection of child victims of THB in the provinces of Ankara, Antalya, Bursa, and Gaziantep between June and August 2022. Further, four training events on identification and protection of the victims of THB were delivered to the representatives of law enforcement agencies and the PMM.

30. Further, within the project "Public-Private Partnerships: Facilitating Legal Pathways for the International Labour Force in Türkiye", implemented by IOM, two-day workshops on the role of social security supervisors in combating THB were held in January 2022 (in Istanbul) and August 2023 (in İzmir); each workshop was attended by approximately 50 persons.

31. In 2019, the Department of Public Security provided a five-day course on human trafficking investigation techniques to 100 investigators of the morality bureau offices of the police departments, which are responsible for investigating prostitution related offences. Further, the Counter-Smuggling of Migrants and Border Gates Department of the National Police held training on combating THB for 531 police officers assigned to police units dealing with THB and related offences (247 in 2020 and 284 in 2021). Under the project on "Strengthening the Institutional Capacity of Gendarmerie General Command in Combating THB", implemented by IOM, a handbook on combating THB for law enforcement agencies was prepared in 2020 and was distributed to all provincial gendarmerie commands in Türkiye. As for training provided to Gendarmerie staff, see paragraph 95 under the section on border measures.

32. A total of 1 776 candidate judges and public prosecutors followed a six-hour training course on THB and migrant smuggling at the Justice Academy of Türkiye between 23 May 2019 and 11 January 2024. Further, in co-operation with the PMM, training on THB and migrant smuggling was organised for 150 judges and prosecutors from several cities on 9-11 October 2019 and 14 December 2021. An online course on THB and migrant smuggling was followed by 335 judges and prosecutors between December 2021 and October 2023. Further, a training video on THB was uploaded to the Distance Education Platform of the Justice Academy on 10 September 2021 and has been viewed 235 times by 176 judges and prosecutors.

33. In 2021, the Union of Bar Associations, in collaboration with ILO, trained 33 lawyers on THB. On 8-9 June 2022, a two-day training course was held in Ankara under the above-mentioned Council of Europe project. Further, in 2023 the Ankara Bar Association added a one-hour training course on THB to its training programme for ex officio lawyers.

34. The authorities also referred to a three-and-a-half-day online training about migration and THB followed by 400 Turkish consulars and attachés in November 2021, which was jointly organised by the Ministry for Foreign Affairs, the Ministry of Labour and IOM.

35. GRETA welcomes the efforts made to train relevant professionals in Türkiye. Nevertheless, echoing the HREIT's observations,¹¹ GRETA notes that the sustainability of the training remains a major challenge since training continues to be mainly project-based. This is problematic especially in the context of a high turnover among relevant public officials.¹² Some categories of professionals, such as officers of the Municipal Police who have a significant potential to detect human trafficking as part of their duties, have not received training on THB.¹³ Some of GRETA's interlocutors referred to examples of situations where victims had been in contact with law enforcement agencies on the ground, but had not been identified as potential victims, especially in cases involving children forced to commit crimes or engage in forced begging. The principle of non-punishment of victims is still insufficiently known by judges and prosecutors and the notion of THB is often mixed up with migrant smuggling or related offences (see paragraph 210). The low rate of convictions for THB offences (see paragraph 212) is an additional indicator suggesting that training should be strengthened for law enforcement agencies, prosecutors and judges. In their comments on GRETA's draft report, the Turkish authorities pointed out that while most of the training activities are project-based, many public institutions and organisations, including the PMM, the Ministry of Justice, the Turkish Justice Academy, the HREIT, the Gendarmerie General Command and the General Directorate of Security, carry out regular training on THB.

36. GRETA considers that the Turkish authorities should take further steps to provide systematic training on THB and the rights of victims to all relevant professionals (including national and municipal police, Gendarmerie officers, coast guard services, prosecutors, judges, social workers and other staff delivering social services, child protection authorities, health-care professionals, labour inspectors, staff working in centres for asylum seekers, staff working in removal centres, and consular officials). The training should be mainstreamed into the regular training curricula of relevant professionals and implemented systematically across the country.

6. Data collection and research

37. As noted in GRETA's first report, statistical data on victims of THB identified by the PMM are collected by its Department of Protection of Victims of Human Trafficking and published in an annual report on THB.¹⁴ The figures are disaggregated by sex, age, nationality, form of exploitation, and the province where the victim was identified. The authorities noted that the statistics will also be disaggregated by country of exploitation as of 2024. The number of victims who were granted a recovery and reflection period or a residence permit, who were repatriated to another country and who received assistance is disaggregated by sex, age, nationality, and form of exploitation. The PMM also collects statistics on the number of identification interviews conducted with potential victims across the country.

38. Further, the Directorate General of Criminal Records and Statistics of the Ministry of Justice maintains the National Judiciary Informatics System (UYAP), which brings together data from all courts in Türkiye and collects information from Bar Associations. In practice, there are still various problems in terms of generating statistics due to the manual entry to UYAP. In order to overcome these problems, the Department of Compilation and Evaluation of Judicial Statistics was established within the Directorate General with a ministerial decree of 1 December 2022.¹⁵

¹¹ HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraph 63.

¹² [Child trafficking and child protection](#), December 2022, page 75.

¹³ [Trends in trafficking in human beings in Türkiye: analysis and action proposals](#), December 2022, page 70.

¹⁴ The Department has so far published four annual reports on combating THB covering 2017, 2018, 2019 and 2020, which are available in Turkish at [Türkiye'nin İnsan Ticaretiyle Mücadele Yıllık Raporları \(goc.gov.tr\)](#).

¹⁵ The Department is responsible for collecting and classifying criminal justice statistics, developing statistical production methods and the related technical infrastructure, establishing working groups and commissions to evaluate justice statistics, and

39. GRETA notes that data collection on the phenomenon of THB remains limited to officially identified victims by the PMM. Furthermore, no data is available on victims in criminal proceedings (e.g. number of victims, forms of exploitation, nationality) or compensations awarded to them as part of criminal or civil proceedings, and the figures on suspects and defendants in THB cases are not disaggregated by sex, age, nationality, type of exploitation, and country of exploitation. GRETA was informed that a working group was set up to collect and process statistics on victims in criminal proceedings through UYAP. **GRETA would like to be kept updated of developments in this area.**

40. **For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA considers that the Turkish authorities should finalise the development of a comprehensive and coherent data collection and statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims, as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors, including NGOs, and allow disaggregation concerning sex, age, type of exploitation, country of origin and exploitation. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.**

41. In the period 2020-2022, ICMPD-commissioned experts conducted research on child and labour trafficking in nine provinces in Türkiye (namely Istanbul, Hatay, Gaziantep, Şanlıurfa, Kilis, Adana, İzmir, Konya and Bursa), within the project mentioned in paragraph 28, and the findings together with action-oriented recommendations were submitted to the PMM. The main target groups of the project were Syrians under temporary protection and Turkish nationals. The labour trafficking dimension of the research focused on agriculture and industry.¹⁶

42. Further, in 2022, three reports, covering respectively child trafficking, gaps in the investigation and prosecution of THB cases, and human trafficking trends in Türkiye,¹⁷ were prepared as part of the Council of Europe project mentioned in paragraph 29.

43. In 2021, IOM, in co-operation with the PMM, conducted research focusing on the dynamics of trafficking in human beings among the migrant population in Istanbul.

44. Reference should also be made to a thematic paper on child, early and forced marriage and its links to THB, prepared in 2020 within the framework of the UN Joint Programme on Prevention of Child, Early and Forced Marriage in Türkiye (see paragraph 72).

45. The Journal of Migration Studies, an academic journal published twice a year by the PMM's Migration Research Centre, dedicated its numbers 11 and 12, issued in 2020,¹⁸ to human trafficking. In 2020 and 2021, the Gendarmerie General Command also dedicated two numbers of its journal to migrant smuggling and human trafficking.

46. In 2023, a book was published on the application of the CC provisions related to migrant smuggling and THB offences, on the basis of case-law of the Court of Cassation.¹⁹ The book analysed the elements of Article 80 of the CC, its compliance with international law and relationship with other related offences,

organising training programmes and activities on justice statistics, including national and international congresses, symposiums, and panels.

¹⁶ [Research on Child Trafficking and Labour Trafficking in Türkiye to Support Evidence-Based Policy Formulation and DGMM Decisions on Türkiye's Anti-Trafficking Response - ICMPD](#)

¹⁷ All the three reports are available in English and Turkish at [Publications about combating discrimination - Horizontal Facility \(coe.int\)](#).

¹⁸ [Göç Araştırmaları Dergisi » Arşiv \(dergipark.org.tr\)](#)

¹⁹ Dogan, Y.F. and Sagut, R. (2023), [Migrant Smuggling and Human Trafficking Offences in Theory and in Practice](#), (in Turkish).

investigation and prosecution of THB cases, seizure of assets, special investigation techniques, victim interview, and victims' rights in criminal proceedings.

47. GRETA notes that state-funded research on THB in Türkiye is rare and civil society and academics continue to face difficulties in undertaking independent research and analysis in the field of anti-trafficking.²⁰

48. **While welcoming the above-mentioned studies, GRETA considers that the Turkish authorities should conduct, support and fund research on THB-related issues as a basis for future policy measures. Areas where such research is needed in order to shed more light on the extent and nature of the problem of human trafficking in Türkiye include trafficking of persons with physical and/or mental disabilities, the use of information and communication technology in the recruitment and exploitation of victims of human trafficking, and trafficking taking place within Türkiye for different purposes of exploitation, such as forced begging, forced criminality, and domestic servitude. The State should provide financial support and create an enabling framework for independent research.**

III. Article-by-article findings

1. Prevention of trafficking in human beings

49. In its first evaluation report, GRETA urged the Turkish authorities to launch nation-wide awareness-raising campaigns on THB for different forms of exploitation. Further, GRETA recommended that the authorities adopt and strengthen legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of trafficked persons in partnership with civil society, trade unions and the media.

a. Measures to raise awareness of THB (Article 5)

50. Since GRETA's first evaluation, the Turkish authorities have organised several activities in order to raise awareness of the risks of THB and ways of prevention among the general public. On 28 July 2022, on the occasion of the World Day Against Trafficking in Persons, the PMM, HREIT and UNHCR held a national summit on combating THB in Ankara. The summit brought together 130 experts who shared experiences and exchanged views on the gaps in criminal justice response to human trafficking, protection of victims' rights and co-operation and how to address them. Interventions made during the summit were compiled in a book published by the HREIT.²¹ Two more national summits on combating THB were held by the PMM and IOM in Ankara on 29-30 July 2021 and 2 August 2023.

51. In 2019, within the EU-funded "Technical Assistance Project for Co-operation with Civil Society in the Field of Migration and International Protection", the PMM carried out an online campaign (#sesimsenol) in order to draw attention to THB, which reportedly reached over 1 million people.²² Videos on exploitation of children and women were broadcast on national channels.²³ Since July 2023, the HREIT conducts a human rights and equality law certificate programme for university students, which includes a training module on THB. So far 28 students have followed this module. In 2023, the HREIT issued a leaflet to raise awareness of human trafficking and available support measures for its victims. In 2022, a photography contest was organised in collaboration with the IOM, the Istanbul PDMM, and the Turkish Photography Foundation to raise awareness on THB.

²⁰ According to the [Academic Freedom Index](#) (AFI), which assesses de facto protection of academic freedom as of December 2022 in 179 countries and territories, Türkiye is in the bottom 10 percent with a score of 0.08 out of 1, putting it just ahead of countries with strict restrictions such as North Korea, Myanmar, China and Iran. The country ranks behind Tajikistan, Afghanistan and Russia.

²¹ [TİHEK - TÜRKİYE İNSAN HAKLARI VE EŞİTLİK KURUMU \(tihek.gov.tr\)](https://www.tih.gov.tr/)

²² <https://www.youtube.com/watch?v=O-F1sKAbi3U>

²³ <https://www.youtube.com/watch?v=cwEc9a0E6L0>; <https://www.youtube.com/watch?v=7bWodAyu7Ek>.

52. In their reply to GRETA's questionnaire, the Turkish authorities referred to the broadcast of two public spots on national channels about trafficking of women and children, prepared by the PMM in 2019 and the distribution of 30 544 printed visual materials on THB between 2019 and 2022. On 23 February 2023, a programme on child victims of THB was broadcast on Police Radio by the staff of the Department of Countering Smuggling and Human Trafficking of the General Command of Gendarmerie. The "Information Booklet on Combating Trafficking in Human Beings and Protection of Victims" prepared by the PMM was updated and 7 500 copies were sent to PDMMs in 81 provinces. The authorities also informed GRETA that in 2019, 2 million brochures prepared by the General Directorate of Security in Turkish, English, Russian and Arabic to increase public awareness about THB and inform the victims were distributed through the provincial police directorates in 81 provinces. Furthermore, the authorities indicated that in 2022-2023, a total of 51 000 brochures and guides prepared in several languages (Arabic, Farsi, Russian, Ukrainian, English, French, Chinese and Turkish) were sent to provincial gendarmerie commands in order to raise awareness about THB.

53. In addition, awareness-raising activities were carried out by PDMMs at local level on the occasion of the World Day against Trafficking in Persons. By way of example, during a campaign carried out in Trabzon by the PDMM in co-operation with ECPAT, UNHCR and local authorities, information materials in Turkish, Arabic, Persian and English were distributed to 27 000 people and 4 000 leaflets were distributed by UNHCR to risk groups by placing them in hygiene kits and food packages.

54. Civil society is involved in awareness raising to a certain extent. For example, GRETA was informed that since the beginning of 2023, the International Migration Association (UGDER) organises seminars at regular intervals, at its premises or online, on the issue of human trafficking which are attended by various groups, especially university students. As of March 2023, the NGO ESDER signed protocols with five institutions from different sectors (public, private, civil society) with a view to raising awareness of their staff through training activities on different forms of THB.

55. It appears that no impact analysis of the awareness-raising activities carried out by relevant authorities in the field of anti-trafficking was conducted.²⁴ However, the Turkish authorities emphasised that as a result of the training and awareness-raising activities, there has been a considerable increase in the number of referrals from the public institutions and NGOs to the PDMMs during the reporting period, which is reflected in the number of potential victims interviewed by the PDMM for their formal identification (3 738 in 2019, 4 919 in 2020, 8 077 in 2021, and 21 236 in 2022).

56. GRETA was not informed of any awareness-raising activities targeting the private sector. GRETA underlines the importance of proactively engaging with the private sector with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking in their supply chains.

57. GRETA welcomes the efforts of the Turkish authorities, international organisations and NGOs to raise awareness of THB among the general public and relevant professionals. **GRETA considers that the Turkish authorities should continue conducting awareness-raising campaigns on different forms of human trafficking, including within Türkiye, actively involving civil society and the private sector and using the findings of research and impact assessments of previous measures. The awareness-raising campaigns should be designed to address various underlying causes of child trafficking in Türkiye, such as the social acceptance of child marriage and child labour (see paragraph 142).**

²⁴ HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraph 69.

b. Measures to prevent THB for the purpose of labour exploitation (Article 5)

58. Türkiye has a large informal labour market.²⁵ According to data of the Turkish Statistical Institute (TURKSTAT), in 2019 the rate of those working informally is 34.52% for working Turkish citizens.²⁶ This means that more than 10 million Turkish citizens among the labour force over the age of 15, comprising 32.3 million workers in total, are working informally in Türkiye.²⁷ Moreover, although they have the right to obtain a work permit, more than 95% of the Syrians working in Türkiye, i.e. 1.2 million persons, work informally,²⁸ alongside migrants from other countries such as Iraq, Afghanistan and Uzbekistan. This high rate of informal employment creates an enabling environment for labour trafficking and other abuses.²⁹ The number of identified victims of THB for the purpose of labour exploitation has been steadily increasing over the years, reaching 31% of all victims identified in 2022.

59. The informal employment rate is very high in the agricultural sector, which employs 6.5 million people. Around 86% of them are unregistered workers, according to the 2019 TURKSTAT statistics. Approximately half of agricultural workers are seasonal migrant workers, some 80% of whom come from south-eastern Türkiye.³⁰ Migrant workers are usually recruited through labour intermediaries who lend them money at the time of recruitment and pay for their transportation and other expenses, which are deducted from the workers' earnings at the end of the season. This creates a dependency which may result in debt bondage.³¹ Other high-risk sectors are construction, hospitality, leisure and entertainment, and textile. These are sectors with high informal employment rates³² and a high number of foreign workers, who usually work longer hours and receive lower wages.³³ Subcontracting, which is a widespread practice in the construction sector, and the involvement of intermediaries in job facilitation in the entertainment industry aggravate the risks of THB and exploitation.

60. The Turkish authorities, in particular the Social Security Institution,³⁴ with the support of international organisations, have implemented programmes for labour market integration of refugees and the reduction of informal employment. By way of example, since December 2018, the ILO Türkiye Office has been carrying out a project, in co-ordination with the Ministry of Labour and Social Security, on "Promoting Decent Work for Syrians under Temporary Protection and Turkish Citizens", financed by Germany. The project runs until December 2025 and aims to facilitate the access of Syrian and Turkish

²⁵ Türkiye features one of the highest informal economy rates among the OECD countries. S. Yalçın, [Syrian child workers in Turkey](#), Turkish Policy Quarterly, 2016, page 92.

²⁶ For the sake of comparison, labour informality is estimated at 16.8% of total employment within the European Union. <https://www.oecd.org/employment/leed/OECD-SSE-Informality-Flyer.pdf>

²⁷ [Trends in trafficking in human beings in Türkiye: analysis and action proposals](#), December 2022, page 24.

²⁸ In 2016, Türkiye adopted the Regulation on Work Permits for Foreigners under Temporary Protection, based on which Syrian refugees who have an ID card and have been in Türkiye for at least six months are entitled to obtain a work permit. However, only employers can apply for a work permit (except in the case of self-employment), the work should be in certain sectors and occupations specified by the Ministry of Labour and Social Security, and within the boundaries of the province in which the refugee has a residence permit. The number of persons under temporary protection on a given workplace should not exceed 10% of the total number of employees. These restrictive rules, in combination with lengthy bureaucratic procedures, have resulted in a low number of work permits being issued. As of March 2019, only 1.5% of working-age Syrians in Türkiye had received official work permits. The rest worked informally, often on low-paid positions and poor working conditions. See S. Tumen, [the case of Syrian refugees in Türkiye: Successes, challenges, and lessons learned](#), April 2023 and A. Demircuc-Kunt, M. Lokshin, and M. Ravallion, [A New Policy to Better Integrate Refugees Into Host-Country Labor Markets](#), November 2019.

²⁹ [Trends in trafficking in human beings in Türkiye: analysis and action proposals](#), December 2022, page 24.

³⁰ Ibidem, pages 26 and 27.

³¹ Ibidem, page 27.

³² Informal employment rate in these sectors varies between 33% and 40%, according to 2019 TURKSTAT statistics.

³³ In 2020, the Leather, Textiles, and Footwear Workers Association released a report documenting the abuse of refugees' rights who work in the İzmir leather, textile, and footwear industries. Out of 100 surveyed employees the most predominant problem was underpayment due to informal employment practices. 60% of the participants stated that they were paid below the minimum wage and Turkish workers get paid TL 200-250 more per month. 65% of the refugees stated that they worked 11-12 hours a day without getting paid overtime. Leather, Textiles and Footwear Workers Association, [Report on Violations of Rights of Refugee Workers in the Leather, Textile and Shoe Industries](#), March 2020 (in Turkish).

³⁴ The Social Security Institution conducts several projects to promote formal employment through raising awareness of the public about disadvantages and risks of informal employment and supporting the formalisation of employees. [Sosyal Güvenlik Kurumu \(sgk.gov.tr\)](#)

citizens to the formal labour market through a work-based learning programme. Under this project, ILO has opened nine information centres, called BILMERs, to support the formalisation of micro enterprises.³⁵ Despite these efforts, the policy framework for the labour market integration of refugees is rather weak and does not offer a systematic solution to the problems faced by them. The Covid-19 related restrictions and the February-2023 earthquakes further hampered refugees' labour market integration.³⁶

61. There are also a number of gaps in the labour legislation which increase vulnerabilities to exploitation. Article 10 of Law No. 6735 on International Labour links the work permit of a foreign worker to the employer who submitted the application for it.³⁷ GRETA notes that the condition that the employee can solely work for the specific employer submitting the application for a work permit makes the employee dependent on the employer, which serves as a deterrent to reporting any abuses and exploitation. Furthermore, except for issues related to the payment of wages and work permits of foreigners,³⁸ the Labour Law does not apply to workplaces with 50 or less workers in the agriculture and forestry sectors, which is the case for the vast majority of farms in Türkiye (Article 4). This aggravates the risks of labour trafficking, especially for seasonal migrant workers who work primarily in small or medium-sized companies. Similarly, domestic and care work,³⁹ which is another at-risk sector, marine and air transportation works, handcrafts, athletes, apprentices, family enterprises, and small enterprises employing not more than three workers are excluded from the Labour Law and hence not subject to labour inspections. In their comments on the GRETA's draft report, the Turkish authorities pointed out that although marine transportation workers and apprentices are excluded from the Labour Law, they are subject to inspections by labour inspectors in accordance with other laws, namely the Maritime Labour Law No. 854 and the Vocational Education Law No. 3308. Additionally, marine transportation work as well as workplaces with 50 or less workers in the agriculture and forestry sectors are subject to inspections in accordance with Law No. 6331 on Occupational Health and Safety. Furthermore, private employment agencies recruiting workers for domestic services can be inspected by labour inspectors in accordance with Law No. 4904, which regulates job placements through private employment agencies.

62. As explained in GRETA's first report, labour inspections are carried out by labour inspectors who are employed by the Directorate of Guidance and Inspection of the Ministry of Labour and Social Security. Inspections are also conducted by supervisors of the Social Security Institution, who focus on preventing

³⁵ https://www.ilo.org/ankara/projects/WCMS_710959/lang--en/index.htm. ILO Türkiye Office is currently conducting another project aimed at facilitating the access of Syrians under temporary protection and Turkish citizens to the formal labour market with decent working conditions: the Project on "[Supporting Resilience and Social Cohesion with Decent Livelihood Opportunities](#)". In addition, ILO Türkiye Office started a new project ("[Workplace Compliance through Labour Inspection Guidance and Social Dialogue](#)") in March 2023 to improve compliance with labour legislation through the strengthening of the capacity of labour inspectors and raising awareness on decent work.

³⁶ A magnitude-7.8 earthquake struck near the border separating Southern Türkiye from northern Syria on 6 February 2023. The earthquake was centred south of the Turkish city Kahramanmaraş. This was followed less than 12 hours later by a magnitude-7.7 aftershock, which was centred north of the city. More than 50 700 people were killed, and 107 000 people were injured by these destructive seismic events, which also heavily damaged several other cities in southern Türkiye (including Adıyaman, Gaziantep, Antakya, and Adana) and in Syria's Aleppo province. The affected Turkish provinces are the main areas that have been hosting refugees in Türkiye.

³⁷ Pursuant to Article 10, "(...) the foreigner shall be granted a work permit valid for a maximum of one year (...) to work in a specific workplace belonging to a real or legal person or a public institution or organisation or in a specific job in their other workplaces in the same sector." This permit can be extended for up to two years in the first extension application and up to three years in the subsequent extension applications if the applicant continues to work for the same employer. If the applicant wishes to work for a different employer, the new employer must apply for a one-year work permit. After an eight-year working period, the employee can apply for a long-term work permit.

³⁸ Article 113 of Labour Law No. 4857 stipulates that Articles 32, 35, 37 and 38, which regulate the matters of "payment of wages and salaries, latent parts of wages, pay slips, and wage deduction", shall apply for the workers working at workplaces or enterprises where agricultural and forestry works are carried out and which are excluded from the scope of the Labour Law. Additionally, labour inspectors can also check whether employers comply with the provisions of Law No. 6331 on Occupational Health and Safety and whether foreigners working at these workplaces have a work permit in accordance with Law No. 6735 on International Labour.

³⁹ Although domestic services are excluded from Labour Law No. 4857 (Article 4) and Law No. 6331 on Occupational Health and Safety (Article 2), labour inspectors are still authorised to verify whether foreigners have a work permit and work in compliance with Law No. 6735 on International Labour. The Turkish authorities noted that there was no obstacle for the application of Article 39 of the Labour Law regarding the implementation and monitoring of the minimum wage legislation for domestic workers.

unregistered employment and social insurance abuses. There are 910 labour inspectors working under the Directorate of Guidance and Inspection (546 focus on occupational health and safety and 364 on working conditions). GRETA was informed that 25 assistant labour inspectors were in the process of being recruited. The number of labour inspectors appears to be insufficient for the size of Türkiye's workforce, which includes more than 31 million workers. Moreover, the figures given by the authorities indicate a decrease compared to the time of the first evaluation where there were some 950 labour inspectors, plus some 100 newly recruited staff. The Social Security Institution has 2 628 supervisors and assistant supervisors.

63. Private employment agencies have the obligation to keep a record of their activities, such as temporary employment relationships established, and to send quarterly reports containing this data to the Turkish Employment Agency. Examination, supervision and inspection of activities of private employment agencies are carried out by labour inspectors in accordance with the provisions of the Labour Law. Between 2019 and 2021, 267 private employment agencies were inspected by labour inspectors and 26 of them were fined of a total amount of TL 5.13 million (around EUR 670 000). In 2022, 184 companies suspected of unauthorised intermediation for recruitment were inspected, and 104 of them were fined of a total amount of approximately TL 45 million (around EUR 2.5 million). There are also online inspections to find and sanction unauthorised recruitment intermediaries.

64. In April 2024, Türkiye was recognised as a pathfinder country for the Alliance 8.7, which was established within the scope of UN Sustainable Development Goal 8.7, which concerns the eradication of forced labour, modern slavery, human trafficking and the worst forms of child labour.⁴⁰ The process to achieving pathfinder country status, initiated in August 2022, involved a national strategic workshop organised by the Ministry of Labour and Social Security and the ILO Türkiye Office on 25 October 2023.⁴¹ The outcomes of this workshop formed the basis for a strategic roadmap outlining Türkiye's commitments to combating child labour, modern slavery, and forced labour, including due diligence in supply chains. The roadmap is structured around three priority areas: child labour, human trafficking and forced labour. It includes several sub-objectives, such as preparing a comprehensive policy document on eliminating child labour, improving the child labour monitoring, identification, and referral system, reviewing the effectiveness of administrative sanctions for child labour, increasing awareness and knowledge among relevant stakeholders about human trafficking and child labour, finalising the National Action Plan on Combating THB, and enhancing the effectiveness of support services for victims of THB.

65. As a preventive measure, the Turkish authorities have referred to Article 15(6) of the Implementing Regulation of the International Labour Law, which provides that no work permit applications or extension applications on behalf of foreigners who work or will work in sectors of risk in terms of human trafficking, such as the entertainment sector, shall be made in Türkiye. Work permit applications on behalf of these foreigners shall be made through the Turkish mission in the country of citizenship or residence of the applicant. Another preventive measure indicated by the authorities is the helpline ALO 170 run by the Ministry of Labour and Social Security 24 hours a day, 7 days a week to provide information on social rights, labour legislation and legal procedures.

66. **GRETA urges the Turkish authorities to intensify their efforts to prevent human trafficking for the purpose of labour exploitation, in particular by:**

- **training labour inspectors throughout the country, as well as other inspecting agencies, law enforcement officers, prosecutors and judges, on combating trafficking for the purpose of labour exploitation and the rights of victims;**
- **expanding the mandate of labour inspectors so that they can be actively engaged in the prevention of human trafficking, including in private households and in small businesses in the agricultural sector;**

⁴⁰ [Çalışma Genel Müdürlüğü | Türkiye, İttifak 8.7'ye Rehber Ülke oldu \(csgb.gov.tr\)](https://www.csgb.gov.tr)

⁴¹ [Ministry of Labour and Social Security of Türkiye determinedly advancing towards Türkiye becoming a Pathfinder Country within Alliance 8.7 with the support of the ILO](#)

- **monitoring the frequency and effectiveness of labour inspections, especially in sectors considered at risk of human trafficking, and ensuring that the number of labour inspectors and their financial resources are sufficient to fulfil their mandate, including in remote locations at risk of human trafficking in the agricultural sector;**
- **strengthening co-operation between law enforcement officers, labour inspectors, social security supervisors, tax authorities, trade unions and civil society organisations with a view to collecting the evidence necessary for successfully prosecuting cases of human trafficking for the purpose of labour exploitation;**
- **reviewing Law No. 6735 on International Labour with a view to facilitating the process for foreign workers to change employers;**
- **strengthening the monitoring of private employment agencies and reviewing the legislative framework for any gaps that may limit protection or preventive measures;**
- **raising awareness amongst the general public as well as, in a targeted manner, amongst migrant workers, about the risks of human trafficking for the purpose of labour exploitation;**
- **establishing effective mechanisms to enable irregularly present migrant workers to lodge complaints and obtain effective remedies without the risk of sharing of their personal data or other information with the immigration authorities for the purposes of immigration control and enforcement.**

c. Measures to prevent trafficking in children (Article 5)

67. Child labour is a widespread phenomenon in the country, in particular in the seasonal agriculture, clothing industry, automobile repair and among street vendors. According to 2019 statistics from the Turkish Statistical Institute, 720 000 children between the ages of five and 17 were working.⁴² However, the actual number is far greater because Syrian children working in Türkiye are excluded from these statistics. More than half of the Syrian refugees in Türkiye are under the age of 18 and many of them are in the informal labour market.⁴³ They often work long hours, receive low wages and are particularly exposed to labour trafficking and other types of abuses. **GRETA invites the Turkish authorities to collect data about the involvement of Syrian refugee children in economic activities.**

68. In 2017-2023, the Government implemented a National Action Plan to Fight against Child Labour.⁴⁴ The Action Plan envisages, among others, amendments in the labour legislation, capacity-building and awareness raising activities, the strengthening of interinstitutional co-operation, measures against poverty and extension of social assistance programmes for children. Under the Action Plan, child labour combating units were set up within the Employment and Labour Provincial Directorates in all 81 provinces. Their role is to prevent child labour, especially the worst forms of child labour (e.g. heavy and hazardous work in the industry sector, work on the street and in seasonal agricultural work), through identification and monitoring of child labour, ensuring the access to the public services of children who work or are at risk of working and their families, raising awareness on the subject, and ensuring the co-ordination and co-operation of all the relevant institutions and organisations in this field. The Board on Monitoring and Evaluation of Actions Against Child Labour was established and meets twice a year to evaluate the implementation of the Action Plan. The ILO Türkiye Office runs a Programme on the Elimination of Child Labour in Türkiye (2021-2025). Under this programme, ILO is implementing three projects, in co-operation with the Ministry of Family and Social Services, focusing on combating child labour in seasonal

⁴² <https://data.tuik.gov.tr/Bulten/Index?p=Child-Labour-Force-Survey-2019-33807>

⁴³ Erdogan, E., and Uyan Semerci, P. (2018). [Illegality in the informal labour market: findings from pilot research on child labour](#), Istanbul Res. Policy Turkey 3, pages 138-154.

⁴⁴ [Çalışma Genel Müdürlüğü | Çocuk İşçiliği İle Mücadele Ulusal Programı Eylem Planı \(csqb.gov.tr\)](#).

agriculture.⁴⁵ In their comments on the draft GRETA report, the authorities indicated that, as part of a project conducted by the Union of Municipalities of Türkiye and UNICEF, training sessions on child labour were organised for the Municipal Police in several provinces. Additionally, several handbooks ("Child Participation Training and Implementation Guide for Municipalities," "Child Strategy and Budget Development Guide for Municipalities," "Child Rights-Based Programming Guide for Municipalities," and "Guide to Combating Child Labour for Municipalities") were prepared to facilitate and encourage municipalities to contribute more effectively to combating child labour. The HREIT also prepared a "Guide on Combating Child Labour",⁴⁶ which was published on its website, shared it with the relevant authorities and distributed at events organised by the HREIT.

69. Although the Turkish legal framework provides some guarantees against child labour, such as compulsory education, minimum age for work, and working conditions and hours requirements, the relevant provisions are not properly implemented in practice, which is shown by the low number of administrative fines for the violation of labour legislation. Only 270 employers have been fined since 2019 for unlawfully employing children (384 children in total). GRETA was informed that the fines envisaged for child labour are insufficient to deter violations.⁴⁷ Another major gap in preventing child labour is the exclusion of some areas with high degrees of child labour, such as employment in small and medium sized workplaces in agriculture, from the Labour Law, which is the main legislative instrument regarding employment (see paragraph 61).

70. There are several projects and programmes aimed at increasing refugee children's access to school, such as the PIKTES project.⁴⁸ However, despite the commendable efforts and progress made by the authorities, 433 000 refugee children, especially in the 15-18 age group, were out of school, according to the statistics of the Ministry of National Education for 2020–2021 academic year,⁴⁹ and for those enrolled, absenteeism and discontinuation are frequent.⁵⁰ School drop-outs are often due to early marriages of girls and boys,⁵¹ but refugee children also face other obstacles in accessing education in Türkiye, such as education-related costs, conservative family structures, registration problems, absence of nationwide provision of preparatory or catch-up classes for refugee children, and peer bullying in school.⁵²

71. Türkiye ranks second highest in child poverty among OECD countries.⁵³ Poverty is the root cause of child labour and school dropouts and one of the factors for early child marriage among refugees. There are social policy tools, such as cash transfers, utilised by the authorities to support disadvantaged individuals. These tools are available for both Turkish and Syrian poor families. Türkiye has implemented two major conditional cash assistance programmes to support refugees: the Emergency Social Safety Net (ESSN) and the Conditional Cash Transfer for Education (CCTE). They are managed by the Turkish Red Crescent and largely funded by the EU. The ESSN programme provides 17 euros monthly per family member but excludes formally employed persons. The CCTE supports both Turkish and refugee children

⁴⁵ These projects are: [Project: Elimination of Worst Forms of Child Labour in Seasonal Agriculture in Hazelnut Harvesting in Türkiye \(ilo.org\)](#), [Project: Elimination of the Child Labour in Seasonal Agriculture \(ilo.org\)](#), [An Integrated Model for the Elimination of the Worst Forms of Child Labour in Seasonal Agriculture in Hazelnut Harvesting in Türkiye \(ilo.org\)](#)

⁴⁶ <https://www.tihk.gov.tr/kategori/pages/cocuk-isciligi-ile-mucadele-rehberi>

⁴⁷ Ozgun, A., and Gungordu, A. (2021). [Child Labor in Turkey and the Need for Human Rights Due Diligence for Corporations](#); Association of Business World and Human Rights (Minerva), [iş dünyası ve insan hakları perspektifinden çocuk](#), November 2022; [Findings on the Worst Forms of Child Labor - Turkey | U.S. Department of Labor \(dol.gov\)](#).

⁴⁸ The PIKTES project was funded by a direct EU grant within the scope of the "Facility for Refugees in Turkey (FRIT)" agreement and covered the period 2016-2022. Its main purpose was to promote the access of children under temporary protection to education in Türkiye and to support their social cohesion. See the dedicated [website](#).

⁴⁹ According to the same statistics, approximately 1.37 million school-age refugees (aged 5-17) were in Türkiye as of the end of 2020-2021 academic year; among them, 940 000 were enrolled in school. According to statistics provided by the PMM, as of 1 May 2024, out of 1.31 million school-aged foreign nationals (ages 5-17), around 1 million (76.44%) were included in education.

⁵⁰ The Ministry's statistics report enrolment rates only at the beginning of each academic year. There are no statistics for drop-out rates but reportedly a non-negligible fraction of refugee students either drop out during the semester and/or do not attend at all. See Semih Tumen, [the case of Syrian refugees in Türkiye: Successes, challenges, and lessons learned](#), April 2023.

⁵¹ Ibidem.

⁵² See Asylum Information Database, [Türkiye country report](#), 2021 update, pp. 98, 188 and 189.

⁵³ [Child poverty in OECD countries | Statista](#)

with bi-monthly cash if they attend school regularly. The CTE also has a child protection component, implemented in 15 provinces with the highest number of refugees, consisting of family visits and risk assessment carried out by the Turkish Red Crescent outreach case workers to mitigate child protection risks.⁵⁴ GRETA notes that the existing social assistance programmes are not sufficiently developed to address serious financial difficulties faced by many families in Türkiye, especially in the current context of high inflation. During the reporting period, the economic situation has been significantly aggravated due to Covid-19 related sanitary restrictions and the February-2023 earthquakes. The current situation fosters a fertile ground for child trafficking.

72. Another widespread practice related to child trafficking is child marriage involving the payment of a bride price, where the families agree to the marriage of their daughter in exchange for financial gains. Although the legal age of marriage is 17 years for both boys and girls, exceptions are permitted, with Article 124 of the Civil Code stating that a boy or a girl can marry at the age of 16 with a court decision. A survey conducted in 2018 revealed that 2% of Turkish women aged 20-24 were married by the age of 15, and 14.7% were married by the age of 18.⁵⁵ The challenging living conditions of the Syrian population in Türkiye contribute to higher numbers of child marriages.⁵⁶ Several projects have been conducted by international organisations and NGOs to raise awareness about the health risks and other consequences of child marriages and strengthen institutional capacity to detect and report child, early and forced marriages (CEFM). By way of example, under the United Nations Joint Programme on Prevention of Child, Early and Forced Marriage in Türkiye, jointly implemented by UNICEF, UN Women, IOM, UNFPA and UNHCR in the period 2018-2021,⁵⁷ IOM developed training materials for PMM anti-trafficking experts and conducted training for public officials and NGO members to increase their capacity to identify and refer potential victims of THB and CEFM. Under the same project, IOM set up mobile teams to raise migrant communities' awareness of the risks related to CEFM. Furthermore, a research study on the perception of men and boys on CEFM in Türkiye was conducted, a database of materials on CEFM produced or used in Türkiye was developed and a guide on relevant legal provisions and procedures was produced.⁵⁸ GRETA was also informed by the authorities that Provincial Action Plans on Combating Early and Forced Marriages were adopted in 28 provinces and training events to support the implementation of these action plans were provided to professionals from relevant public authorities in these provinces in September 2021, May and June 2022 and September 2023. However, despite the efforts, child marriage remains widely accepted in Turkish society, especially in deprived rural areas, and the marriage of children over the age of 15 is often overlooked by the relevant authorities.⁵⁹ In this regard, GRETA refers to the 2022 concluding observations of the UN CEDAW Committee expressing concern at the significant number of child marriages and the insufficient efforts made by the Turkish authorities to prevent them and adequately punish perpetrators.⁶⁰

73. In many provinces, the police unit for children runs mobile teams to combat child begging and child labour in the street. There are at least three such teams in each of 39 districts of Istanbul. The Gendarmerie has also similar teams across Türkiye (66 in Istanbul only). In 2019, these teams detected

⁵⁴ For more information on cash assistance and other social welfare programmes available in Türkiye, see Semih Tumen, [the case of Syrian refugees in Türkiye: Successes, challenges, and lessons learned](#), April 2023 and Asylum Information Database, [Türkiye country report](#), 2021 update, pages 192 and 193.

⁵⁵ https://turkiye.unfpa.org/sites/default/files/pub-pdf/turkce_web_son_pdf.pdf, page 27. This data aligns with UNICEF's estimates, which revealed that 1% of Turkish women aged 20-24 were married by the age of 15, and 15% were married by the age of 18. See [Trends in trafficking in human beings in Türkiye: analysis and action proposals](#), December 2022, page 21.

⁵⁶ Research was conducted on the prevalence of child marriages among Türkiye's Syrian population, with 9.2% of the interviewed Syrian women between the ages of 20-24 responding that they had been married by 15, and 13.4% of Syrian women aged between 25-29 being married by the age of 18. See *ibidem*, page 21.

⁵⁷ [UNFPA Türkiye | United Nations Joint Program is Working to Eliminate Child, Early, and Forced Marriage](#)

⁵⁸ More information is available in English and Turkish at [Çocuk Yaşta Erken ve Zorla Evlilikler | Türkiye'de Birleşmiş Milletler \(un.org\)](#)

⁵⁹ See the [report](#) submitted by the NGO Mor Cati to the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families on 19 September 2022 and Asylum Information Database, [Türkiye country report](#), 2021 update, page 204.

⁶⁰ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the eighth periodic report on Türkiye](#), 12 July 2022.

3 521 children, including 976 foreign children, who were begging in the street. 450 children who were caught begging despite actions taken against their families were handed over to the Provincial Directorate of Family and Social Services for their placement in childcare institutions.⁶¹ According to the procedure followed by the mobile teams, if children work in the street because their families do not have any other choice to make ends meet, parents are not fined but referred to relevant institutions for seeking social assistance.⁶² The other families receive an administrative fine in accordance with Article 33 of the Law on Misdemeanours, and if their children continue to beg, they can be placed in a childcare institution. However, in the absence of adequate care structures to which children in street situation can be referred, such actions of law enforcement agencies have limited effects in terms of prevention of child trafficking.⁶³ Furthermore, in 2019, the Ministry of Family and Social Services set up mobile child service teams across Türkiye in order to identify children who are absent from school or who are in danger of neglect or abuse, and to provide them with the necessary social services.⁶⁴ In their comments on the draft GRETA report, the authorities indicated that on 16 March 2023, the Ministry of Family and Social Services approved the "Directive on the Working Procedures and Principles of Children are Safe Teams", replacing the former mobile child service teams. The "Children are Safe" teams are set up within the Provincial Directorates of the Ministry and include law enforcement representatives and social workers. The primary role of these teams is to identify children at risk through field work, household visits and visits to educational institutions, and to refer these children and their families to the appropriate social services. An information system has been set up within the Ministry to monitor the activities of the teams. Additionally, a protocol was signed with the Ministry of Labour and Social Security to facilitate data sharing regarding children at risk. However, according to a statement by the Minister of Family and Social Services in January 2024, since 2021, the Ministry has reached 31 000 children living in rural areas through its teams and provided them with the support they needed. Additionally, 14 000 families were provided with guidance services.⁶⁵

74. The Ministry of Family and Social Services is the responsible authority for determining the best interests and protection needs of children, including unaccompanied children,⁶⁶ and for providing the necessary services for their protection, such as accommodation, health care services, psycho-social assistance, and rehabilitation.⁶⁷ Juvenile judges are also in a position to determine the needs of children through an assessment conducted by social workers in the judicial system before deciding to take any protective or supportive measures.⁶⁸ Under the Turkish Civil Code, if the physical or psychological development of the child is in danger, or the child is neglected by his/her family, a judge may place the child with a foster family or in a childcare institution (Article 347) run by the Ministry of Family and Social Services. These institutions are structured in the form of children's homes and specialised homes for children.⁶⁹ Usually, a representative of the institution where the child is placed is appointed as guardian

⁶¹ [İstanbul'da sokaklarda dilendirilen 3 bin 521 çocuk kurtarıldı - Son Dakika Gündem Haberleri \(dha.com.tr\)](#). See also [İstanbul governor seeks to increase anti-begging measures | Daily Sabah](#)

⁶² Despite the financial support, if the parents continue to beg with their children, the child may be placed in a childcare institution. GRETA was told by the authorities that TL 3 500 (around EUR 100) are given monthly by the child protection services. The amount is increased if the parents have more than one child.

⁶³ See [Child trafficking and child protection](#), December 2022, page 77.

⁶⁴ ["Mobil Çocuk Hizmet Birimleri" Binlerce Çocuğa Destek Elini Uzattı | T.C. Aile ve Sosyal Hizmetler Bakanlığı | "Mobil Çocuk Hizmet Birimleri" Binlerce Çocuğa Destek Elini Uzattı](#)

⁶⁵ [Çocuklar Güvende Ekipleri ile 31 bin çocuğa ulaşıldı \(aa.com.tr\)](#)

⁶⁶ The 2015 Ministry of Family and Social Services Directive on Unaccompanied Children designates the PDMM as the state institution responsible for the identification, registration and documentation of unaccompanied children. PDMMs are also entrusted with the responsibility of providing shelter to unaccompanied children until the completion of the age assessment, health checks and registration/documentation procedures upon which the child is referred to the Ministry of Family and Social Services.

⁶⁷ Presidential Decree No.1 and Article 21 of the Social Services Law.

⁶⁸ Article 7 of the Child Protection Law.

⁶⁹ Children's homes are home-type institutions where 5-12 children are cared for in apartments or detached flats in a manner closest to a family environment. Specialised homes for children are specialised institutions that are structured separately according to the age, gender and needs of children who are in need of psycho-social support due to being victims of crime, being forced into crime, being unaccompanied or living on the street. Children aged 0-12 are taken under care in children's homes, and children aged 13-18 are taken under care in specialised homes for children. The Minister of Family and Social Services stated in January 2023 that there are 113 children's homes complexes, 1 187 children's homes and 65 specialised homes for children under the Ministry. [Koruma altındaki çocuklar için 6 kuruluş hizmete giriyor | Burdur Aile ve Sosyal Hizmetler İl Müdürlüğü | Koruma altındaki çocuklar için 6 kuruluş hizmete giriyor](#). For more information see also [General Directorate of Child Services | INSTITUTIONAL CARE SERVICES \(aile.gov.tr\)](#)

by the Peace Court of Civil Jurisdiction (*Sulh Hukuk Mahkemesi*). The procedure in practice is reportedly very challenging when it comes to unaccompanied children, for whom guardians are seldom appointed.⁷⁰ Each guardian can be responsible for a maximum of 10 children. Guardians receive training on child support and development. As noted in paragraph 73, if the parents do not pose a risk for the child but cannot fulfil their parental obligations for reasons that are out of their control, such as poverty, support services are provided to the family and the child is reunified with the family. An evaluation of the family, including a risk assessment, is conducted by social workers prior to the reunification.

75. The procedure and services described above are the same for unaccompanied children under international or temporary protection, who can be placed either in the above-mentioned childcare institutions of the Ministry of Family and Social Services or in child support centres for unaccompanied foreign children, opened in 10 provinces (Ağrı, Ankara, Diyarbakır, Erzincan, Erzurum, Istanbul, Konya, Tekirdağ, Van, and Yozgat). However, there are allegations that unaccompanied foreign children are sometimes placed in removal centres for accommodation purposes,⁷¹ despite the 2019 amendments to Article 59 of the Law on Foreigners and International Protection (LFIP) which removed unaccompanied children from the categories of foreign nationals who may be detained in removal centres.

76. The authorities met by the GRETA delegation in Gaziantep noted that the February-2023 earthquakes had little or no impact on the number of victims of THB identified. There have been some reports of human trafficking cases in the region affected by the earthquakes, but none have been confirmed. However, several civil society actors raised concerns about the increased risks of human trafficking for unaccompanied or separated children in the earthquake affected areas. There are suspicions that some of these children may have fallen victim to human trafficking for the purpose of sexual exploitation or organ removal. NGOs conducted activities targeting persons moved to other provinces as a result of the earthquakes in order to raise their awareness about the risks of exploitation.⁷² Further, an anti-trafficking liaison officer of the provincial directorate of migration management was temporarily assigned to the earthquake zone, who conducted interviews to detect possible THB cases. GRETA was informed that child labour and school dropouts increased after the earthquake.

77. While acknowledging the measures taken to prevent trafficking in children, GRETA urges the Turkish authorities to:

- **strengthen the role and capacity of the child protection services to protect children in street situations, prevent trafficking in children and alert other relevant stakeholders to possible cases of trafficking;**
- **take all necessary actions, including amending legislation, to ensure the effective implementation of legal safeguards against child labour;**
- **sensitise and train teachers, educational staff and child welfare professionals across the country about human trafficking and its different forms, and ensure that sensitisation programmes on the matter of human trafficking are put in place in schools;**

⁷⁰ See [Report](#) of the fact-finding mission to Turkey by the Special Representative of the Secretary General on Migration and Refugees 15-26 March 2021, published on 29 November 2021, paragraph 39.

⁷¹ See UN Committee on the Rights of the Child, [Concluding observations on the combined fourth and fifth periodic reports of Türkiye](#), 21 June 2023, paragraphs 44 and 45, and Asylum Information Database, [Türkiye country report](#), 2021 update, page 71.

⁷² For example, since February 2023, the NGO International Migration Association (UGDER) has been carrying out psycho-social support activities with migrant women and children in Altındağ district of Ankara, where Syrian migrants intensively live. Most of the families who were supported are those who had to migrate from the earthquake zones. The support includes raising awareness of families about the risks of human trafficking and other child abuse and exploitation.

- **strengthen their efforts to prevent trafficking in children for different types of exploitation by raising public awareness, especially amongst refugee and unaccompanied children, about the risks and different manifestations of child trafficking, including early, child and forced marriages, exploitation of begging, forced criminality, and child labour exploitation.**

78. **Further, GRETA considers that the Turkish authorities should extend the coverage of financial support and provision of social services, in particular for children of parents working in the agriculture sector, children in the east and south-east regions, rural and remote areas, earthquake-affected areas and refugee households.**

d. Measures to prevent trafficking for the purpose of organ removal (Article 5)

79. GRETA notes that while trafficking in human beings for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs⁷³ are distinct crimes, they share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.⁷⁴ Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation in each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the “donor” and ensuring that “donors” are treated as victims of human trafficking.

80. Article 80 of the Turkish CC, which criminalises human trafficking, includes the removal of organs among the forms of exploitation constituting the offence. In addition, Article 91 of the CC punishes any person who removes an organ or tissue from another person without their lawful consent or from a deceased person; who purchases, or sells, an organ or tissue, or acts as an intermediary in such activities; who conceals, transports or engages in the transplantation of an unlawfully obtained organ or tissue; or who broadcasts, makes an announcement, or engages in commercial advertising in order to secure organs or tissues in order to obtain any gain.

81. The procedure for organ transplantation is laid down in Law No. 2238 on Organ and Tissue Procurement, Storage, Vaccination and Transplantation and several regulations. Some organs and tissues, such as kidney, liver and bone marrow, can be donated by living donors if a suitable organ cannot be found from a deceased person and there is no other treatment option. Article 2 of Law No. 2238 provides that organ transplantation from a living person can be made from the recipient’s spouse with whom the donor has been married for at least two years, and blood and in-law relatives up to the fourth degree. In cases where the disease requiring organ transplantation is diagnosed after the marriage, the spouses are not required to have been married for at least two years. Organ transplantation from another person requires the approval of the Organ Transplantation Evaluation Commission established in the province where the organ transplantation application is made. However, organ transplantation from or to persons residing in Türkiye in accordance with the Law on Foreigners and International Protection have to be approved by the Provincial Organ Transplantation Evaluation Commission, even if the donor and the recipient are relatives.⁷⁵ These commissions are composed of the deputy police chief or the head of the branch of the Counter-Smuggling of Migrants and Border Gates Department in the province concerned, two doctors, a lawyer appointed by the Bar Association, and a social service expert.⁷⁶ The National Organ

⁷³ Opened for signature in Santiago de Compostela on 25 March 2015.

⁷⁴ See Council of Europe/United Nations, [Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs](#), 2009, in particular pages 55-56; OSCE, [Trafficking in human beings for the purpose of organ removal in the OSCE region](#), OSCE Occasional Paper No. 6, 2013.

⁷⁵ Article 13 of the Regulation on Organ Transplantation Services, adopted on 09 December 2022.

⁷⁶ Ibidem.

Transplantation Board is established to evaluate objections against the decisions of the Organ Transplantation Evaluation Commissions.

82. Organ transplantations are carried out by transplantation centres which are licensed and inspected by the Ministry of Health. The Regulation on the quality and safety of human tissue and cells and related centres sets out the conditions for granting a license to transplantation centres, which relate to the qualification of personnel involved in transplantations, the quality of materials and facilities used for this purpose as well as the relevant operating procedures. According to the Regulation, transplantation centres should be inspected at least once a year by the provincial directorate of health. Transplantation centres have an obligation to keep records of all organ and tissue transplantation for at least 30 years and submit them to the Ministry of Health whenever requested for the purpose of monitoring of their operations. The licensed transplantation centres register patients who require organ transplantation and record them in the national organ waiting list.

83. During the reporting period, the authorities identified three victims of THB for the purpose of organ or tissue removal (one in 2020 and two in 2022). Two of the victims were women (aged, respectively, 30 and 36). One victim was contacted by the trafficker through social media and the other was the trafficker's wife. The third victim was a 10-year-old boy who was kidnapped while waiting for his brother in a park. The victims were from Ukraine, Jordan and Afghanistan. One of these victims was granted a recovery and reflection period in 2022, two were included in the victim support programme (one in 2020 and the other one in 2022), and one was returned to his/her country of origin in 2020 through the voluntary return programme. GRETA was not informed whether these three cases were prosecuted.

84. According to GRETA's third evaluation report on Bulgaria, in 2019 and 2020, the Bulgarian police detected criminal groups involved in recruiting persons for the purpose of organ removal, who were trafficked to Türkiye where the transplantations took place.⁷⁷ In 2022, the Turkish police dismantled a suspected organ trafficking ring involving Indonesian victims exploited in Türkiye.⁷⁸ Several other police operations took place since 2019 against criminal organisations of organ trafficking.⁷⁹ According to Turkish media reports, desperate Syrian refugees in Türkiye as well as Turkish nationals resort to selling their organs, usually one of their kidneys or a part of their liver, as a way to cope with the financial difficulties they face.⁸⁰ They put up advertisements on social media to sell their organs, are contacted by the criminal groups which offer them money and fake documents to establish fake family relationships between recipients and donors and facilitate transplantation in private clinics. The reply to the questionnaire notes that many online advertisements related to trading of organs or tissues were detected by the Counter-Smuggling of Migrants and Border Gates Department of the National Police as a result of internet and social media analyses.

85. The Turkish authorities have provided detailed statistics on investigations, prosecutions and convictions related to organ trafficking (Article 91 of the CC) in the period 2019-2023, according to which there have been annually between 130 and 200 defendants in cases of organ trafficking. Some of these persons were charged with removing organs without valid consent, a crime punishable under Article 91, paragraph 1, of the CC. GRETA notes that the constituent elements of this crime are very similar to those of the offence of human trafficking for the purpose of organ removal. Although GRETA was not in a position to examine the convictions in such cases, there is concern that some cases of human trafficking for the purpose of organ removal may have been classified as organ trafficking.

⁷⁷ GRETA's 3rd report on Bulgaria (2020), paragraph 124.

⁷⁸ [121 arrests in operation against migrant smuggling and human trafficking – INTERPOL](#)

⁷⁹ [Illegal organ transplant network busted in Istanbul | Arab News](#) ; [Gözlerden kaçan detay: Organ mafyası, Türkiye'yi mesken tuttu... Odatv tek tek derledi \(odatv4.com\)](#)

⁸⁰ [Desperate Syrian refugees are resorting to selling their organs on the black market just to pay rent - CBS News](#)

86. The Ministry of Health's General Directorate of Health Services carries out training activities for health professionals as well as activities to encourage the public to make organ donation. However, GRETA was not made aware of any specific activities to raise awareness of health professionals, in particular those involved in the transplantation of organs, of the risks of THB for the purpose of organ removal.

87. Türkiye signed the Council of Europe Convention against trafficking in human organs in 2015 but has not yet ratified it. **GRETA encourages Türkiye to ratify the Council of Europe Convention against trafficking in human organs as this would contribute to preventing trafficking for the purpose of organ removal.**

88. **GRETA considers that the Turkish authorities should ensure that health professionals involved in the transplantation of organs and other relevant professionals are made aware of the indicators of trafficking for the purpose of organ removal and are given instructions on how to deal with suspected cases and report them to law enforcement agencies. The authorities should also collect and monitor data on non-resident donors and recipients.** Reference is made to the UNODC Toolkit on the Investigation and prosecution of Trafficking in Persons for Organ Removal.⁸¹

e. Measures to discourage demand (Article 6)

89. Article 11 of the Anti-Trafficking Regulation provides that the PMM shall, in co-operation with the relevant ministries and other national and local authorities, implement informational and awareness-raising activities with the aim of reducing demand for services leading to THB, especially trafficking of women and children. As regards measures to discourage demand, the Turkish authorities' reply to GRETA's questionnaire refers to a number of training and awareness raising activities described under the section on training of relevant professionals and the section on measures to raise awareness of THB.

90. Prostitution is not criminalised in Türkiye. Only Turkish nationals can be registered as sex workers. The opening of brothels is subjected to a licence, granted under conditions set down by the By-law on the Provisions Concerning Prostitutes and Brothels and the Fight against Venereal Diseases Transmitted through Prostitution. Article 20 of the By-law stipulates that when a woman engaged in prostitution who is not registered as a sex worker is detected, the Provincial Commission for Combating Venereal Diseases and Prostitution shall investigate the reasons that led the woman to prostitute herself and take measures to help her exit prostitution. GRETA was informed that this provision had rarely been implemented in practice.⁸² In this regard, GRETA refers to the Concluding Observations of the UN Committee on the Elimination of Discrimination against Women (CEDAW), which recommended that Türkiye should address and reduce the demand for commercial sex and provide exit programmes for women wishing to leave prostitution, including alternative income-generating opportunities.⁸³

91. As regards measures to address demand resulting in labour exploitation, reference was made to the National Guideline on Working Life,⁸⁴ issued by the Ministry of Labour and Social Security in November 2022. This guideline was prepared with the contributions of the Ministry of Justice, HREIT and trade unions. It is based on the UN Guiding Principles on Business and Human Rights and emphasises the importance of combating forced labour and child labour.

92. Further, GRETA was informed that in the framework of the implementation of the National Action Plan to Fight against Child Labour (2017-2023) meetings were held on 1-2 March 2022 in Mersin and on 4-5 August 2022 in İzmir with supply chain actors in seasonal agriculture (garden owners, seasonal agricultural workers, agricultural intermediaries, and producer associations) to raise their awareness of

⁸¹ UNODC [Toolkit on the Investigation and Prosecution of Trafficking in Persons for Organ Removal](#).

⁸² [Türkiye'deki seks işçiliği mevzuatı ve uygulamadaki seks işçiliği anlayışına saha deneyimlerinden örnekler \(kaosgl.org\)](#)

⁸³ UN CEDAW, [Concluding observations on the eighth periodic report on Türkiye](#), 12 July 2022, paragraph 36 d.

⁸⁴ General Directorate of Labour of the Ministry of Labour and Social Security, [National Guideline on Working Life](#), 2022.

child labour.⁸⁵ GRETA was not informed of any other activities targeting private sector. In its report on evaluating anti-trafficking actions, HREIT notes that activities to discourage demand resulting in labour exploitation were mostly project-based, and that public institutions should take more initiative in this area.⁸⁶ GRETA underlines the importance of proactively engaging with the private sector with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking in their supply chains.

93. GRETA considers that the Turkish authorities should adopt and strengthen legislative, administrative, educational, social, cultural and other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:

- **adopting legislation integrating the prevention of human trafficking and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent human trafficking and labour exploitation;**
- **raising awareness of the important role of the media and advertising in tackling demand which leads to human trafficking;**
- **strengthening awareness-raising campaigns of the risks of trafficking and other forms of sexual and gender-based violence linked to prostitution, including in registered brothels.**

f. Border measures (Article 7)

94. With over 2 600 km of land borders and a coastline that spans 7 200 km, Türkiye has a network of approximately 203 land, sea and air border crossing points, managed by law enforcement agencies under the Ministry of the Interior. In case of illegal border crossings occurring at borders, persons apprehended by the land forces command or coast guard units are handed over to the Police or Gendarmerie. After being interviewed by them, the person is handed over to the PDMM for the initiation of the international protection procedure. If indicators of THB are detected by the international protection unit or law enforcement agencies, the information is referred to the public prosecutor for further investigation and the presumed victim is referred to the anti-trafficking expert of the PDMM for formal identification. Expert staff working in the international protection unit are provided with training on the indicators of THB, in co-operation with UNHCR.

95. During the reporting period, a number of activities were conducted to strengthen the capacity of the Gendarmerie to detect and investigate THB cases. Migrant smuggling and THB are included in the curriculum of the Gendarmerie and Coast Guard Academy in Ankara. On 14 and 28 September 2022, 68 Gendarmerie staff received training on combating migrant smuggling and THB and procedures regarding foreigners at this Academy. Further, on 23-25 February 2022, 61 Gendarmerie personnel participated in a joint training course on THB for law enforcement, prosecutors and judges held in Erzurum. On 21-25 March 2022, a total of 100 Gendarmerie staff received online training on THB via the Gendarmerie Distance Education Gateway (JUZEK). On 15 April 2022, 847 Gendarmerie staff received training on THB in Ankara. Within the "Project on Strengthening the Institutional Capacity of Gendarmerie General Command in the Field of International Protection and Mixed Migration", implemented in co-operation with UNHCR, on 23-25 May 2022 training on combating THB was provided to 32 Gendarmerie staff in Antalya. As part of the same project, an online training session was conducted for 80 Gendarmerie personnel on 4 October 2022. On 23 September 2022, training on THB was provided online to a total of 601 Gendarmerie staff.

⁸⁵ January-June 2022 [Report on Monitoring and Evaluation of the National Action Plan to Fight Against Child Labour](#), page

32.

⁸⁶ HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraph 80.

96. In 2021, the General Command of Gendarmerie issued a Training Manual on Combating Migrant Smuggling and Human Trafficking,⁸⁷ which was distributed to all the provincial gendarmerie commands. The Manual explains the provisions of the CC on human trafficking, the relevant caselaw of the Court of Cassation, the modus operandi of traffickers, the difference between THB and related offences, protection measures for victims, and how to investigate THB offences, collect evidence, seize and freeze assets of perpetrators, interview victims, and use special investigation techniques.

97. Since 2019, a total of 1 283 Coast Guard Command personnel (250 in 2019, 372 in 2020, 338 in 2021, and 323 in 2022) have attended lectures on combating THB given at the Coast Guard Command School in Antalya. In addition, a total of 110 Coast Guard Command personnel and 85 Gendarmerie personnel participated in THB training provided by the Council of Europe in 2022 within the Project "Strengthening the human rights protection of migrants and victims of human trafficking in Türkiye".

98. In March 2021, the EU-funded project "Enhancing Capacities of Turkish National Police and Other Law Enforcement Agencies in Detection of Forgery in Travel Documents and Risk Analysis" was launched.⁸⁸ The project aims to increase the capacity of the Police and related institutions in detecting forged documents, profiling passengers and conducting risk assessments related to irregular migration. Trainings have been organised under this project for staff of border crossing.⁸⁹

99. Since November 2016, there is a joint contact centre at the Kapitan Andreevo border crossing in Bulgaria in order to strengthen co-operation and improve information exchange between the police and customs units of Türkiye, Bulgaria and Greece in the field of combating irregular migration, drug crimes, organised crime, and THB.⁹⁰ Representatives of the Directorate General of Provincial Administration, Turkish National Police, Gendarmerie General Command and Edirne local authorities take part in this centre on behalf of Türkiye.

100. The authorities indicated that in 2019, 30 drivers and 30 airport ground handling staff received training related to THB and that there are plans to organise more training for this category of professionals. GRETA stresses that it is important that persons working for transport companies or in aviation are familiar with the indicators for detecting signs of potential THB situations.

101. With amendments made to Article 54 of the Law on Foreigners and International Protection on 6 December 2019, forced removal possibilities were extended to persons who attempt to breach the provisions on legal entry into or exit from Türkiye. This provision gives the authorities a wide margin of discretion to decide to remove illegal migrants. GRETA is deeply concerned by credible allegations of violent pushbacks and forced removals of migrants and asylum-seekers at the Turkish-Iranian border, reported by media,⁹¹ NGOs⁹² and international organisations.⁹³ The pushbacks/forced removals have increased dramatically since the Taliban took control of Afghanistan in August 2021, which caused substantial inflows of Afghani refugees cross Iran into Türkiye. The pushbacks on the Iranian-Turkish border have been acknowledged by several high-ranked public officials. For example, in December 2021, the Governor of Van province stated that in 2021 nearly 120 000 migrants had been blocked from entering Türkiye via the Van border.⁹⁴ Ağrı Governor reported that 75 percent of the irregular migrants caught in Ağrı on the Iranian border in recent years were from Afghanistan, 10 percent from Pakistan, 10 percent from Iran, and 5 percent from other countries. According to the Governor, in 2021, the number of people

⁸⁷ <https://www.jandarma.gov.tr/asayis/gocmen-kacakligi-ve-insan-ticareti-ile-mucadele-egitim-el-kitabi>

⁸⁸ [AB'nin desteklediği yeni proje sınır geçişlerinde belgede... | IOM Türkiye](#)

⁸⁹ [Avrupa Birliği Göç ve Sınır Yönetiminde Belge Sahteciliğiyle Mücadele Projesi Kapsamında... \(egm.gov.tr\)](#)

⁹⁰ [Ortak Temas Merkezi 3. Toplantısı \(icisleri.gov.tr\), Türkiye, Bulgaristan ve Yunanistan'dan heyetler, Ortak Temas Merkezi'nde bulundu - 03.12.2021, Sputnik Türkiye \(sputniknews.com.tr\)](#)

⁹¹ The Guardian, [Afghan refugees accuse Turkey of violent illegal pushbacks](#), 14 October 2021.

⁹² <https://www.opendemocracy.net/en/north-africa-west-asia/afghans-fleeing-taliban-face-death-deportation-and-push-backs-turkey/>

⁹³ Human Rights Watch, ["No One Asked Me Why I Left Afghanistan": Pushbacks and Deportations of Afghans from Turkey](#), 18 November 2022.

⁹⁴ Milliyet, ['Bilmez: Nearly 120,000 immigrants were blocked at the Van border in 2021'](#), 31 December 2021 (in Turkish).

prevented from illegally passing through the Ağrı border was 28 509.⁹⁵ According to the statistics provided by the PMM in August 2023, since 2016, 398 087 persons have been deported and 2 660 903 irregular migrants' entrance to Türkiye has been prevented.⁹⁶ Most of them were Afghans. GRETA was informed that migrants who managed to cross the border with Iran go into hiding and were hesitant to apply for international protection or report abuses they had been subjected to for fear of being sent back to Iran or Afghanistan.⁹⁷

102. There have also been many reports of pushbacks/forced removals from Greece to Türkiye.⁹⁸ In its second evaluation report on Greece, GRETA raised concern that the persons subjected to pushbacks/forced removals by the Greek authorities may have included potential victims of THB.⁹⁹ The HREIT monitored the pushbacks from Greece to Türkiye and published its findings (including site visits to Aydın, İzmir and Edirne) in a report issued in June 2022.¹⁰⁰

103. GRETA stresses that pushbacks impede the detection of victims of THB amongst irregular migrants and asylum seekers and raise grave concerns as regards Türkiye's compliance with certain obligations of the Convention, including the positive obligations to identify victims of trafficking and to refer them to assistance, and to conduct a pre-removal risk assessment to ensure compliance with the obligation of non-refoulement.

104. **GRETA urges the Turkish authorities to strengthen their efforts to detect and prevent human trafficking through border control measures, in particular in the context of increased migration. This should include:**

- **steps to build the capacity of all competent authorities to detect indicators of human trafficking among persons arriving in Türkiye;**
- **the provision of information to foreign nationals arriving irregularly or seeking asylum, in a language that they can understand, about the risks of human trafficking, their rights and where to turn for advice and assistance;**
- **the carrying out of individualised risk assessment prior to any forced removals and ensuring that it covers the risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*. In this context, full consideration should be given to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked persons¹⁰¹ and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection.¹⁰²**

⁹⁵ Anadolu Agency, '[The security wall at border prevented illegal crossings from the border](#)', 31 December 2021 (in Turkish).

⁹⁶ The number of irregular migrants prevented to enter Türkiye was 452 096 in 2021, 192 449 in 2022 (until August 2022) and 93 148 in 2023 (until 20 May). See also Cumhuriyet, '[Presidency of Migration Management: 69,692 illegal immigrants deported since the beginning of the year](#)', 16 August 2022 (in Turkish); Cumhuriyet, '[Presidency of Migration Management: 72,578 illegal migrants deported in 2022](#)', 23 August 2022 (in Turkish); NTV, '[Presidency of Migration Management: 93 thousand 148 irregular migrants were prevented from crossing in 2023](#)', 20 May 2023 (in Turkish).

⁹⁷ Asylum Information Database, '[Türkiye country report](#)', 2021 update, page 28; Jurat, AY 2022, '[The tragedy of irregular migration: the case of Afghans in Turkey](#)', Central Asian Survey, pages 14- 15.

⁹⁸ See UN High Commissioner for Refugees Filippo Grandi's '[statement](#)' of 21 February 2022, CPT '[report](#)' on its visit to Greece in March 2020, published 19 November 2020, CoE Commissioner for Human Rights' '[letter](#)' of 3 May 2021 to the Greek authorities and Amnesty International's '[report](#)', "Greece: Violence, Lies and Pushbacks", June 2021.

⁹⁹ GRETA's second report on Greece (2023), paragraph 137.

¹⁰⁰ HREIT, '[The Report on Evaluation of Pushback Actions Against Asylum Seekers and Irregular Migrants from a Human Rights Perspective](#)', June 2022.

¹⁰¹ UNHCR, '[Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked](#)', HCR/GIP/06/07,.

¹⁰² Available at <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>.

2. Measures to protect and promote the rights of victims, guaranteeing gender equality

a. Identification of victims of THB (Article 10)

105. The procedure for the identification of victims of THB remains as described in GRETA's first report.¹⁰³ It is detailed in Articles 16, 17 and 18 of the Anti-Trafficking Regulation. The formal identification of victims falls within the competence of the PMM. Pursuant to Article 16, anybody who is aware of a possible THB situation should notify the hotline YIMER 157 (Communication Centre for Foreigners, run by the PMM), law enforcement agencies or the chief public prosecutor's office. Pursuant to Article 17, persons for whom there are strong indicators that they might be victims of THB shall be referred to the PMM and a migration expert shall be assigned by the PDMM where the victim is located to conduct an interview in an appropriate location.¹⁰⁴ Presumed victims are usually interviewed either at the removal centres or at the premises of the PDMM. Pursuant to Article 18, the identification of a victim of THB is to be undertaken without awaiting the results of the investigation or prosecution and regardless of the existence of a complaint by the victim.¹⁰⁵ Representatives of the Istanbul PDMM noted that if the presumed victim has a lawyer, he/she can attend the identification interview, but this rarely happens. Based on the identification interview, and the examination of the additional information provided by the law enforcement agency, the migration expert drafts a report containing a conclusion as to whether the person concerned should be officially identified as a victim of THB. The victim identification document based on this report has to be approved by the relevant PDMM. The identification decision is an administrative act, which may be appealed against in an administrative court. However, the authorities have not registered any such appeals.

106. The appendix of the Anti-Trafficking Regulation provides standard questions for the identification interview, but GRETA was informed by PMM representatives that these questions are not suitable and are not used in practice. Istanbul PDMM conducts interviews following the interviewing model described in the "Guidelines on Interview Techniques in the Context of Trafficking in Human Beings". These Guidelines were updated by the PMM and UNHCR in October 2022 and 2 000 copies were distributed to 81 PDMMs.

107. In each PDMM, two anti-trafficking experts (one principal and one substitute) have been designated among migration experts for interviewing possible victims of THB. In co-operation with UNHCR, training on THB, which included interview techniques, was provided to 561 migration experts in 2021 (including 81 anti-trafficking experts) and 445 migration experts in 2022. GRETA was told that due to staff turnover, there is a constant need for training migration experts. However, the budget allocated to the training of staff is limited,¹⁰⁶ and the PMM has to rely on projects to train its staff.

108. According to civil society actors, the lack of experience of anti-trafficking experts and the absence of standardised criteria and procedures for the identification of victims of THB resulted in failure to identify victims and differences between provinces. Civil society actors noted that compared to sexual exploitation, it is much harder for victims of labour exploitation to be identified as victims of THB by anti-trafficking experts. GRETA notes that even though the number of formally identified victims of THB almost doubled compared to the previous reporting period, it is disproportionate to the increase in the number of presumed victims interviewed by PDMMs, which increased from 3 738 in 2019 to 21 236 in 2022 (see paragraphs 12 and 55).

¹⁰³ See paragraphs 136-138 of GRETA's first report.

¹⁰⁴ In Istanbul the interviews are usually conducted by two persons, except for removal centres where it is always conducted by one person. This is considered as a good practice by the PMM, but it remains specific to Istanbul.

¹⁰⁵ Article 20(6) states that victims who do not co-operate with the authorities during or at the end of the reflection period but who have been or strongly suspected to be victim shall be also identified as victims.

¹⁰⁶ The total budget allocated for in-service training of PMM staff since 2019 is TL 167 000 (around EUR 5 500).

109. The involvement of NGOs in the identification procedure varies greatly from one province to another. GRETA observed good co-operation between the PDMMs in Istanbul and Gaziantep and the NGO SGDD-ASAM,¹⁰⁷ whose staff were allowed to be present during the interviews of presumed victims that they had detected. Some interviews were conducted in the SGDD-ASAM premises in Gaziantep.

110. GRETA was informed that in 2022, the UNHCR and PMM started working on the development of standard operating procedures (SOP) in order to uniformise the procedures for the identification and protection of victims of THB, but this process was not finalised as it was decided to prepare a Directive instead. The Directive under preparation will set standardised criteria and detail the procedures concerning identification and referral of victims of THB.

111. NGO representatives met by the GRETA delegation stressed the need to strengthen interagency co-operation, especially between the two main law enforcement agencies, which are gendarmerie and police. In that context, GRETA refers to the decision taken on 14 December 2021 by the Co-ordination Board for Combating Human Trafficking to ask its member institutions to designate one permanent and one substitute anti-trafficking liaison officer in the headquarters and all provinces where they are organised and notify the contact information of the designated persons to the PMM. The authorities informed GRETA that anti-trafficking liaison officers had been appointed by 25 member institutions across all provinces.

112. Although there are several hotlines/helplines¹⁰⁸ which can potentially receive human trafficking notifications, they receive very few calls concerning THB.¹⁰⁹ GRETA was informed that these services are not effective because they are not specific to human trafficking, the staff answering calls do not speak foreign languages (except for YIMER 157 hotline), and there is no co-ordination among them.¹¹⁰ In their comments on the draft GRETA report, the Turkish authorities noted that the low number of calls is not due to the effectiveness of the hotlines/helplines but other factors, such as limited awareness of these hotlines/helplines.

113. Neither labour inspectors nor social security supervisors have a mandate to identify THB victims, but they have to refer any possible cases to law enforcement agencies and the PDMM to perform victim identification.¹¹¹ There are programmed inspections, carried out in workplaces and sectors with high risk of labour law breaches and inspections based on complaints and tips. As noted in paragraph 61, the remit of labour inspectors is limited and does not cover workplaces with 50 or less workers in the agriculture and forestry sectors, marine and air transportation works, handcrafts, athletes, apprentices, family enterprises, and small enterprises employing not more than three workers. Domestic work is also outside the scope of labour inspectors' mandates and inspections do not take place in private households. GRETA was informed that the written instructions given to labour inspectors on issues to be checked during inspections include human trafficking. In 2019-2022, labour inspectors carried out around 65,000 inspections (7 298 in 2019, 9 170 in 2020, 24 099 in 2021 and 26 434 in 2022) and detected

¹⁰⁷ GRETA was informed that in 2022, the NGO SGDD-ASAM referred to PDMMs across Türkiye over 305 possible victims of THB. In Gaziantep, from 2021 until September 2023, SGDD-ASAM referred 186 possible victims to PDMM, including 160 Syrians and 8 Afghans. They were mainly female victims of sexual exploitation and child victims of forced criminality (drug selling) or forced marriage. Most of them had been exploited in their country of origin but there were also some persons trafficked in Türkiye.

¹⁰⁸ There are YIMER 157 run by the PMM (in Turkish, English, Arabic, Russian, German, Persian, and Pashto), the Police emergency hotline 155 (which was restructured under 112 Emergency Call Centre as of November 2021 – in Turkish only), the Gendarmerie hotline 156 (in Turkish only) and the Coast Guard hotline 158 (in Turkish only). There are also two helplines/supports lines: ALO 183 run by the Ministry of Family and Social Services for women, children, disabled and elderly who are in need (in Turkish only) and ALO 170 run by the Ministry of Labour and Social Security and the Turkish Employment Agency (in Turkish, English and Arabic).

¹⁰⁹ According to the data provided by the authorities, YIMER 157 received 144 calls related to human trafficking in 2019, 87 in 2020, 153 in 2021, 114 in 2022 and 108 in 2023. Following these calls, operations were conducted by law enforcement agencies, which resulted in the detection of 9 possible victims of THB in 2019, 9 in 2020, 6 in 2021, 5 in 2022 and 15 in 2023. The Coast Guard hotline has not received any calls concerning human trafficking. For other hotlines/helplines, there is no data on the number of calls regarding human trafficking.

¹¹⁰ [Trends in trafficking in human beings in Türkiye: analysis and action proposals](#), December 2022, page 56.

¹¹¹ Article 279 of the CC and Article 16 of the Anti-Trafficking Regulation.

undocumented foreign workers who were given an administrative fine as well as imposing fines on the companies employing them.¹¹² Undocumented foreign workers are reported to law enforcement agencies and can be deported in accordance with Article 23 of Law No. 6735 on International Labour and Article 54 of Law No. 6458 on Foreigners and International Protection. No victims of human trafficking have been detected during these inspections, although some inspections were triggered by complaints received from embassies about the alleged trafficking of their citizens. Since 2019 until April 2024 social security supervisors conducted 562 777 inspections and detected 156 086 unregistered employees. According to the figures provided by the authorities, social security supervisors and law enforcement officials conducted 415 joint inspections in 2021 and 865 joint inspections in 2022 and detected a total of 1 281 unregistered employees. There is no data on possible victims of THB detected and referred to PDMMs as a result of these inspections. In their comments on the draft report, the Turkish authorities informed GRETA that on 7 February 2024, labour inspectors were reminded of their role in combating human trafficking, and specific procedures for them to handle potential cases of THB for the purpose of labour exploitation were established.

114. Of the 1 243 victims of THB identified between 2019 and 2022, 400 were detected during special needs assessment interviews of applicants for international or temporary protection. Such interviews are conducted by the protection desks established within the PDMM in 50 provinces and being subjected to THB is one of the 59 criteria to be checked during these interviews. In case of suspicion that the interviewee may be a victim of THB, an additional interview is conducted by an anti-trafficking expert. However, according to the 2021 fact-finding mission report of the Special Representative of the Secretary General on Migration and Refugees, screening and formal identification of asylum applicants as “persons with special needs” by PDMMs appears random and inconsistent.¹¹³

115. Although prostitution is not criminalised in Türkiye, only Turkish nationals can be registered as sex workers and foreigners engaging in prostitution risk deportation.¹¹⁴ GRETA was informed that there are many persons brought to removal centres with a deportation order because they were engaged in prostitution. Migrants in irregular situation are also afraid of reporting exploitation for fear of deportation (see paragraph 101). In this regard, the authorities referred to Article 18, paragraph 11, of the Anti-Trafficking Regulation which provides that foreigners subject to deportation due to illegally earning their living or working without a work permit shall be interviewed as possible victims of THB. Similarly, rejected applicants for international protection and persons detained for violations of the legislation on the entry and stay of foreigners in Türkiye are also questioned and if there are signs of THB, they are referred for interviewing by anti-trafficking experts. In each removal centre there is an anti-trafficking expert of the PDMM to conduct such interviews. However, civil society actors stated that given the number of people to be screened, the screening in removal centres is not carried out properly.

116. The identification of victims amongst foreign nationals is hampered by delays in the provision of interpreters and poor quality of the interpretation. There is a need to develop standards for interpretation services (certification), and to guarantee that interpreters are assigned in strict compliance with these standards, as well as to sensitise interpreters working for PDMMs about the issue of THB and the rights and needs of victims of trafficking.¹¹⁵

¹¹² In the course of inspections carried out in 2019 and 2020, 118 foreign employees were detected as working without a permit, and both the employers and the workers were fined. See PMM, [2019 annual report on combating human trafficking](#), August 2020 (in Turkish), page 29 and PMM, [2020 annual report on combating human trafficking](#), June 2021 (in Turkish), page 41.

¹¹³ [Report](#) of the fact-finding mission to Türkiye by the Special Representative of the Council of Europe Secretary General on Migration and Refugees 15-26 March 2021, published on 29 November 2021, paragraphs 31 and 32.

¹¹⁴ According to Article 21 of the by-law on “the Provisions Concerning Prostitutes and Brothels and the Fight against Venereal Diseases Transmitted through Prostitution”, only Turkish citizens can be registered as sex workers. Further, pursuant to subparagraphs (ç) and (ğ) of the first paragraph of Article 54 of Law No. 6458 on Foreigners and International Protection, foreigners who illegally earn their living during their stay in Türkiye and those who are identified to work without a work permit shall be deported.

¹¹⁵ See [Gap analysis of the investigation and prosecution of human trafficking cases in Türkiye](#), December 2022, page 35.

117. GRETA visited the removal centre for irregular migrants in Gaziantep. With a capacity of 760, the centre was holding around 700 persons at the time of the visit, including 27 children accompanied by their parents. The majority were Syrians who were to be deported because they had been involved in criminal activities. GRETA was told that every week between 300 and 500 persons arrive in the centre. Each arrival is interviewed by a person from the psycho-social support unit of the centre, consisting of social workers and psychologists trained on recognising THB indicators. Those showing signs of THB are referred to the anti-trafficking expert of the PDMM for the identification interview. 155 such interviews were conducted in 2022 and a low number in 2023 (seven) due to the renovation work in the centre following the February-2023 earthquakes.

118. GRETA notes that despite the increase in the number of victims identified amongst Turkish nationals (88 persons), this number remains low, considering the risk factors (see paragraphs 58, 59, 71 and 72). This is due to insufficient awareness of the fact that human trafficking is not limited to foreign nationals, as well as lack of efforts to proactively detect internal trafficking cases.

119. While noting the increased number of identified victims as well as the significant increase in the number of identification interviews conducted by anti-trafficking experts of PDMMs, GRETA stresses the important role played by NGOs in detecting THB victims. NGOs often operate on the frontline, have first-hand contacts with marginalised groups vulnerable to being trafficking, and can enable victims to access the assistance and support they are entitled to. Further, they can provide a safe and neutral environment in which trafficked persons can recover and can facilitate and enable referral of victims to public services.¹¹⁶

120. **GRETA urges the Turkish authorities to take further steps to improve the identification of victims of human trafficking, and in particular to:**

- **promote a multi-agency approach in the identification of victims of trafficking by involving the expertise of all relevant organisations and entities, such as specialised NGOs, social workers, labour inspectors, child protection specialists and healthcare staff;**
- **ensure an enabling environment for NGOs and sufficient resources to support their involvement in the identification of possible victims of trafficking, including in removal centres;**
- **ensure that the authorities have sufficient staff to be able to manage the identification procedure, and to take measures to proactively identify victims of transnational and internal trafficking (i.e. taking place within Türkiye) for different purposes of exploitation;**
- **strengthen the mandate and capacity of labour inspectors to enable them to proactively identify victims of trafficking for the purpose of labour exploitation (see also paragraph 66);**
- **continue paying particular attention to the proactive detection of victims of trafficking among asylum seekers and persons placed in removal centres, and provide, in co-operation with civil society and lawyers, continuous training to all staff who come into contact with such persons;**
- **ensure that qualified interpreters are available whenever presumed victims of trafficking are interviewed in the context of the victim identification procedure.**

¹¹⁶ See 8th General Report on GRETA's activities.

b. **Assistance measures (Article 12)**

121. The legal basis for the provision of assistance to victims of THB remains as described in the first GRETA report.¹¹⁷ Articles 27 and 28 of the Anti-Trafficking Regulation set out the conditions for the accommodation of foreign victims of THB and their inclusion in the victim support programme. The programme includes accommodation in shelters or another safe place, social and health services, psycho-social assistance, legal aid, consultancy services, and interpretation. It also includes guidance on access to educational services, support in receiving vocational training and employment, guidance on financial support, as well as support for delivery of travel documents.

122. Assistance is provided by the PMM during the recovery and reflection period as well as before, during and after the criminal proceedings. The Anti-Trafficking Regulation provides that the victim support programme may be terminated based on an assessment report drafted by a PDMM expert on several grounds, including if the victim “does not co-operate with the authorities” (Article 29(1-d)). The Turkish authorities emphasised that this provision does not require the victim’s co-operation with the authorities in the criminal proceedings but their co-operation with the authorities providing victim support services. By way of example, the authorities referred to conduct that disrupts the safety, health or tranquillity of other victims in the shelter which may fall under this provision. Other grounds for terminating the victim’s participation in the programme include victims leaving the shelter without informing the authorities, voluntarily contacting the offenders of the crime, or failing to comply with measures taken under the support programme (see paragraph 124).

123. In the period 2019-2022, 830 victims benefited from the victim support programme and/or the voluntary and safe return programme. They were mostly female (681 victims), but also included 297 children.¹¹⁸ The main countries of origin of the victims were Syria (304 victims), Uzbekistan (159 victims), Kyrgyzstan (65 victims), Afghanistan (52 victims), Morocco (39 victims), Türkiye (33 victims), Indonesia (21 victims), Azerbaijan (18 victims), Iraq (15 victims), Ukraine (12 victims) and Turkmenistan (12 victims).

124. There are two specialised shelters for foreign female victims of THB and their accompanying children, in Ankara and Kırıkkale. GRETA visited both shelters.¹¹⁹ The shelter in Ankara has a capacity of 30 persons. At the time of GRETA’s visit, the shelter was accommodating two female victims, originating from Germany and Afghanistan, and five children of the victims. On average, 20 persons are accommodated in the shelter at any given time.¹²⁰ Victims can stay in the shelter up to three years. For instance, a woman with her son stayed two and half years in the shelter. Every six months the victim’s stay is re-evaluated by the PDMM. Children can go to the schools near the shelter and victims are offered some vocational courses to facilitate their access to labour market. Victims receive financial support, but the amount is not enough for living outside the shelter without working.¹²¹ GRETA was informed that several victims recently moved from the shelter to apartments that they rented and furnished with the support of IOM. The shelter staff remain in contact with the victims after they leave the shelter and assist them during administrative and other procedures. The shelter’s staff consisted of 10 persons, including the Director, a social worker, four security guards and two cleaners. Access to psychological assistance is possible at the community centre of the Turkish Red Crescent or hospitals. Victims can leave the shelter without being accompanied by staff but there are strict security rules. GRETA was informed that in 2020, the victim support programme was interrupted in respect of a victim who disclosed the shelter’s address

¹¹⁷ See paragraph 157 of GRETA’s first report.

¹¹⁸ 429 were victims of sexual exploitation, 255 of labour exploitation, 77 of forced begging, 60 of forced marriage, 4 of exploitation as child soldiers, 3 of child sale, and 2 of organ or tissue removal.

¹¹⁹ GRETA had already visited these shelters during the first evaluation visit to Türkiye.

¹²⁰ 12 victims and seven children of the victims were admitted to the shelter in 2019, 29 victims and 10 children in 2020, 40 victims and 16 children in 2021, 35 victims and 30 children in 2022 and 8 victims and 18 children in 2023 (until September). Of these victims and their accompanying children, 7 voluntarily returned to their countries in 2019, 12 in 2020, 8 in 2021, 10 in 2022 and none in 2023.

¹²¹ See HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraph 145. Victims of THB and their children have the possibility to receive cash support in accordance with Law No. 3294 on Social Assistance and Solidarity Promotion. GRETA was informed that 22 victims and their accompanying persons staying in shelters for victims of THB received this cash support in 2020.

to her trafficker, her residence permit was revoked, and she was sent to a removal centre for deportation. In their comments on the draft GRETA report the authorities noted that the victim had contacted the trafficker because she wished to leave the shelter and no longer wanted to participate in the support programme. GRETA was informed that the victim support programme was terminated also for another victim in 2020, two victims in 2022 and two victims in 2023 due to non-compliance with measures taken under the support programme.

125. The shelter in Kırıkkale had the capacity to accommodate 12 women and their children. There are plans to increase its capacity to 20 persons. At the time of the visit, no victims were accommodated in the shelter. A total of 51 victims, and 35 children of the victims had been accommodated in the shelter since 2019. Eight victims returned to their countries (four in 2019, three in 2020, and one in 2022) and 17 moved to other types of accommodation, such as a private apartment. The shelter's staff consisted of the Director, five security staff and a cleaning staff. Unlike the shelter in Ankara, victims were allowed to leave the shelter only if accompanied by a security officer. GRETA notes the high number of security personnel compared with the number of professionals providing social and health care support at the shelters in Ankara and Kırıkkale. In their comments on the draft report, the authorities explained that ongoing threats from traffickers necessitate the presence of security officers in the shelters, who sometimes need to accompany victims outside the shelter. The psycho-social support and health services for victims are provided in co-operation with hospitals and NGOs.

126. GRETA notes with satisfaction that the material conditions for victims and their children have been improved in both shelters following the first visit by GRETA. For instance, a playground for children in the garden and a library were created in the shelter in Ankara, both shelters were made accessible for persons with physical disabilities and in both shelters rooms for doing homework were created for children who attend school.¹²²

127. GRETA was informed that on 18 September 2020 the PMM had sent to all PDMMs a detailed instruction on the procedures and principles to be applied in the shelters for victims of human trafficking.¹²³ According to this instruction, children under 16 who accompany victims of human trafficking are entitled to stay in the PMM shelters designated for such victims. The admittance of older children requires PMM approval and is contingent on space availability in the shelter. As for shelters for women victims of violence, pursuant to Article 13 of the Regulation on Women Shelters, girls up to the age of 18 and boys up to the age of 12 are allowed to stay in these shelters with their mothers. Boys older than 12 are in principle referred to child support centres or specialised homes for children (see paragraph 147). However, the Turkish authorities noted the existence of a shelter for women victims of violence that also accepts boys over 12. Furthermore, Article 13 c of the Regulation on Women Shelters provides that, in the absence of security concerns for women and/or children, accommodation can be offered in houses where women can stay with their children, regardless of their age.

128. During the visit, the authorities referred to plans to open another shelter for 30 victims of THB and their family members in Kütahya.

129. The authorities indicated that the shelter in Kırıkkale was initially intended to accommodate male victims, but due to the insufficient number of male victims included in the victim support programme, it started being used for female victims. GRETA was informed that out of 79 men identified as victims of THB in the period 2019-2022, only five requested to be included in the victim support programme.¹²⁴ Support was provided to these five victims in co-operation with NGOs and international organisations.

¹²² HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraph 113.

¹²³ There is also a [guide for the management of the shelters and assistance centres for victims of human trafficking](#), issued in December 2017 by the ICMPD.

¹²⁴ 12 victims identified in 2019 were adult males and none requested to benefit from the victim support programme, 3 victims identified in 2020 were adult males and none requested to benefit from the support programme, 30 victims identified in 2021 were adult males and 2 victims requested to benefit from the support programme, while 34 of victims identified in 2022 were adult males and 3 victims requested to benefit from the support programme.

130. GRETA notes the low number of victims accommodated in the shelters for THB victims compared to the number of identified victims. The authorities explained this by the fact that many identified victims prefer to return to their countries (see paragraphs 124 and 181) or do not want to stay in shelters for various reasons, mostly because they would have to move to another province, and/or they would be separated from their older children who cannot stay in the same shelter with them. If the victim wishes to benefit from the victim support programme in their own residence or at an address other than a shelter, pursuant to Article 21(10) of the Anti-Trafficking Regulation, an investigation shall be carried out by the law enforcement agency regarding the address indicated by the victims and the persons residing at that address, if any, in order to guarantee the victim's safety. If the address is found to be safe, support services are provided at that address. GRETA was informed by the authorities that in 2019-2023, 142 persons benefited from this possibility.

131. According to the first report issued by the HREIT in its function as National Anti-trafficking Rapporteur in 2023, access to the labour market for victims of THB is challenging.¹²⁵ Only two victims of THB obtained work permits in the period 2020-2023. Pursuant to Article 16(f) of Law No. 6735 on International Labour, work permits can be granted to victims of THB who benefit from the victim support programme, without any fees and without application of criteria on employment, capital, and wages, which are applied to other applicants. However, victims face obstacles in accessing vocational training while staying at a shelter, especially if they have small children because no creche service is offered. Difficulties also arise from the fact that the work permit request can only be submitted by the employers.

132. Another challenge relates to victims' access to health care services.¹²⁶ Foreign victims of THB who are not international protection applicants or international/temporary protection status holders are not covered under Türkiye's general health insurance scheme. Pursuant to Article 32 of the Anti-Trafficking Regulation, healthcare services for victims of THB who do not have the means to meet their healthcare expenses are provided free of charge. However, in addition to language barriers, victims encounter practical problems which delay their access to services. In some cases, the director of the shelter where they are accommodated needed to intervene for healthcare facilities not to charge victims for medical treatment. As for the expenses related to medication prescribed by doctors, they can be covered by the Social Solidarity and Assistance Foundation in accordance with Article 32 of the Anti-Trafficking Regulation, however, the procedure is lengthy and cumbersome.

133. Pursuant to Article 23 of the Anti-Trafficking Regulation, the procedures following the identification of children, Turkish nationals and their accompanying children are carried out in accordance with Law No. 6284 on Family Protection and Prevention of Violence against Women. However, although the Regulation foresees the conclusion of a protocol between the PMM and the Ministry of Family and Social Services in order to set the details of the support services to be provided for child victims and Turkish victims, no such protocol has been concluded.

134. Female victims of THB who are Turkish citizens are accommodated in shelters for women victims of violence. There are 145 such shelters spread across 81 provinces in Türkiye, with a total capacity to accommodate 3 540 persons.¹²⁷ 112 of them are run by the Ministry of Family and Social Services and 33 are operated by local administrations.¹²⁸ The authorities stated that 5 Turkish and 48 foreign victims of THB were admitted to shelters run by the Ministry of Family and Social Services from 2019 to August 2023.

¹²⁵ HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraphs 123, 142 and 143.

¹²⁶ Ibidem, paragraphs 121, 138 and 144.

¹²⁷ According to Article 14(a) of Law No. 5393 on Municipalities requiring every municipality in Türkiye with a population of over 100 000 to establish a shelter for children and women, 201 shelters should exist.

¹²⁸ According to the Social Services Law No 2828 (Article 3), it is the responsibility of the Ministry of Family and Social Services to establish and operate institutions that will provide care and residential services for children and adults in need of protection. According to the Municipalities Law (Article 14.a), residential institutions can also be established and run by the municipalities. The establishment of shelters for non-Turkish citizens, on the other hand, is under the responsibility of the PMM. PMM can either establish and run these centres directly, or have other public institutions, Turkish Red Crescent or specialised NGOs run them.

After being assessed as possible victims of THB, these persons were referred to PDMMs which identified them as victims of THB.

135. According to NGO representatives met by GRETA, the shelters for women victims of violence are inadequate for accommodating victims of THB as they do not meet their needs and their staff have no or very limited knowledge about THB. The National Rapporteur has recommended the opening of a specific shelter for THB victims by the Ministry of Family and Social Services.¹²⁹ However, GRETA was informed that the draft new National Action Plan on Combating THB includes a provision for accommodating adult victims of THB who are Turkish citizens in the shelters operated by the PMM. Furthermore, the draft plan includes actions to increase the quality of services offered to victims of THB in co-operation with NGOs and improve the capacity of the staff of the existing shelters. Although the main scope of Law No. 6284 is the protection of women, male victims of THB can also benefit from measures foreseen under that Law. However, they are directed to guest houses or different accommodation conditions paid by the State instead of a shelter.¹³⁰

136. GRETA visited the Violence Prevention and Monitoring Centre (VPMC) in Ankara. VPMCs are social service organisations, located in all provinces, that operate on the basis of 24/7 service principle. They provide empowering and supportive counselling, guidance, and referral services to victims of violence, essentially women, and monitor the effective implementation of protective and preventive measures decided by courts within the scope of Law No. 6284. Both Turkish and foreign victims of THB can benefit from these services. However, the VPMCs do not have a specific service model for THB victims.

137. GRETA urges the Turkish authorities to enhance their efforts to provide assistance to victims of trafficking by:

- **providing appropriate and secure accommodation to all victims of trafficking (women, men and children), including accommodation where victims can stay with their children (girls and boys), regardless of their age;**
- **facilitating the social inclusion of victims of trafficking and preventing re-trafficking by providing them with long-term assistance, including vocational training and access to the labour market;**
- **strengthening partnerships with specialised NGOs for the purpose of assisting victims of trafficking, including by delegating to NGOs the function of service providers, and providing adequate financing of the services delivered by NGOs;**
- **providing regular training to all professionals responsible for implementing assistance measures for victims of trafficking, including the staff of the shelters for victims of violence.**

138. Further, GRETA considers that the Turkish authorities should:

- **take all necessary steps to facilitate access to health care for victims of trafficking;**
- **ensure that the protocol envisaged by the Regulation on Combating Human Trafficking and the Protection of Victims between the Presidency of Migration Management and the Ministry of Family and Social Services, which should clarify the institutional responsibilities in respect of child and Turkish victims of trafficking, is adopted without further delay.**

¹²⁹ HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraph 115.

¹³⁰ [Trends in trafficking in human beings in Türkiye: analysis and action proposals](#), December 2022, page 63.

c. Identification of, and assistance to, child victims of trafficking (Articles 10 and 12)

139. Pursuant to the Child Protection Law (Article 6) and the Social Services Law (Article 21), anyone who suspects that a child may need protection has to notify this to a provincial directorate of the Ministry of Family and Social Services or the ALO 183 hotline established by the Ministry. The reporting of a crime committed against a child should be made to law enforcement authorities or public prosecutor's offices,¹³¹ who have the responsibility to inform the PDMM when they detect a child who is possibly a victim of THB.¹³² They also have to inform the relevant units of the Ministry of Family and Social Services to take the necessary protection measures, such as placement of the child into institutional care.

140. The victim identification procedure, described in paragraph 105, applies also to children, except that children are interviewed by the anti-trafficking expert of the PDMM in the presence of a psychologist or social worker.¹³³ The identification interview is conducted either at the office of the PDMM or in a private room of the institution where the child is accommodated. The "Guidelines on Interview Techniques in the Context of Trafficking in Human Beings", used for the interview with possible victims of THB, include principles and techniques for interviewing children (paragraph 106).

141. The number of child victims of THB identified in Türkiye in the period 2019-2023 was 422 (30 in 2019, 162 in 2020, 118 in 2021, 72 in 2022, and 40 in 2023), which represents a considerable increase compared to the period covered by GRETA's first report (155 child victims).¹³⁴ 63% of the victims (266 persons) were girls, and 15% (63 victims) were under 10 years of age. The predominant forms of exploitation were sexual exploitation (155 victims, i.e. 37%) and labour exploitation (150 victims, i.e. 35%), followed by forced begging (85 victims, i.e. 20%). The authorities also identified 21 children trafficked for forced marriage, 5 children trafficked as child soldiers, 5 victims of child sale, and one child trafficked for organ removal. The primary countries of origin for the victims were Syria (328 victims), Türkiye (30 victims), and Afghanistan (24 victims).

142. GRETA welcomes the increased efforts made by the authorities to detect child victims of THB. However, the number of identified victims does not reflect the extent of child trafficking in Türkiye, which remains hidden due to social acceptance norms, especially in cases of child labour and child marriage.¹³⁵ The insufficient knowledge of labour inspectors about THB and their limited mandate and resources (see paragraphs 61 and 62) remain a major challenge in detecting labour trafficking cases. Civil society actors pointed out that child labour is generally not seen through the prism of THB, except for the most severe cases. Given the high prevalence of child marriages in the statistics of TURKSTAT and UNICEF (see paragraph 72) and considering that child marriages are often hidden behind cultural and religious norms, the number of identified child victims of THB reflects only a small part of the reality of THB for the purpose of child marriages in Türkiye.¹³⁶ Furthermore, the identification of child victims of THB for the purpose of forced begging poses an important challenge. GRETA refers to the 2022 Concluding Observations of the UN CEDAW Committee which expressed concern at the high prevalence of exploitation of girls in prostitution and domestic servitude.¹³⁷

¹³¹ Article 227 of the CC criminalises the failure to immediately report an offence when it is still possible to limit its consequences. An aggravated sentence is imposed in cases involving victims under the age of 15 (Article 278). Articles 279 and 280 of the CC also criminalise the failure of public officers and health personnel to report an offence under separate articles.

¹³² Article 17(1) of the Anti-Trafficking Regulation.

¹³³ Article 24 of the Anti-Trafficking Regulation.

¹³⁴ The number of child victims of THB identified was 2 in 2014, 26 in 2015, 29 in 2016, and 98 in 2017.

¹³⁵ [Trends in trafficking in human beings in Türkiye: analysis and action proposals](#), December 2022, page 73.

¹³⁶ Ibidem, page 22.

¹³⁷ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the eighth periodic report on Türkiye](#), 12 July 2022, paragraph 35 d.

143. The authorities stated that all unaccompanied children with international protection and temporary protection status go through the special needs assessment interview conducted by the protection desks of the PDMM, and if it is suspected that the child may be a victim of trafficking, the child is referred for an interview by an anti-trafficking expert of the PDMM. However, there are reports that the needs assessment interviews are not always conducted properly (see paragraph 114) and unaccompanied children are subjected to forced returns or pushbacks,¹³⁸ which hampers the identification of possible THB victims among them.

144. Article 123 of the Regulation on the Application of the Law on Foreigners and International Protection states that where an international protection applicant or an irregular migrant claims to be a child but does not possess any identity documents indicating their age, and there is a doubt about the person's age, the local authorities shall conduct a comprehensive age determination consisting of a physical and psychological assessment. The person concerned shall be informed of the reason of this referral and the age assessment proceedings to be undertaken. If the age assessment fails to establish conclusively whether the applicant is a child, the applicant's declared age shall be accepted. Pursuant to Article 24 of the Anti-Trafficking Regulation, a victim of THB subject to age determination shall be considered a child until the completion of the age assessment. While the Regulation on the Application of the Law on Foreigners and International Protection does not contain provisions regarding the methods of age assessment, the guidelines of the State Agency for Forensic Medicine list physical examination and radiography data as primary sources of age assessment examinations. No reference is made to psycho-social assessment of the person. In practice, bone tests are applied to assess the age of unaccompanied children.¹³⁹ GRETA notes that this age assessment method does not take into account psychological, cognitive or behavioural factors. GRETA was informed that age assessment decisions can be appealed against but most of the time, the persons concerned do not have the decisions in writing to be able to challenge them.¹⁴⁰ The accuracy of tests on the jawbone can range between +2/-2 years. If a test result indicates a child is aged 16 years +2/-2 years, the authorities reportedly tend to interpret the assessment at the upper range.¹⁴¹ There are also reports that African children are often recorded as being adults as they look more mature and are put in administrative detention.¹⁴² According to Article 397(4) of the Law on Foreigners and International Protection, a foreigner who claims to be a child but refuses to undergo a medical examination can be treated as an adult.

145. Pursuant to Article 24 of the Anti-Trafficking Regulation, the procedures concerning child victims of THB (both Turkish nationals and foreigners) fall under the institutional mandate of the Ministry of Family and Social Services. Therefore, after being identified by the PDMM as a victim of THB, the child should be referred to the relevant units of the Ministry of Family and Social Services, if this had not yet been done. Pursuant to the Article 45 of the Child Protection Law, the Ministry of Education, the Ministry of Health, and municipalities are also responsible for implementing protective and supportive measures for children, such as counselling, education, health care and accommodation measures. Ensuring co-ordination among these and other relevant authorities for protecting and supporting child victims of THB is the responsibility of PDMMs. GRETA was informed that as of 2019 the General Directorate of Child Services of the Ministry of Family and Social Services had designated anti-trafficking liaison officers in 36 provinces.

146. Child monitoring centres (CMC) established in public hospitals affiliated with the Ministry of Health provide physical and mental health assessments for child victims of sexual abuse. CMCs work in co-ordination with relevant institutions in order to prevent re-traumatisation of the child victim of sexual

¹³⁸ UN Committee on the Rights of the Child, [Concluding observations on the combined fourth and fifth periodic reports of Türkiye](#), 21 June 2023, paragraph 23.

¹³⁹ [Report](#) of the fact-finding mission to Türkiye by the Special Representative of the Secretary General on Migration and Refugees 15-26 March 2021, published on 29 November 2021, paragraphs 35.

¹⁴⁰ Ibidem.

¹⁴¹ See Asylum Information Database, [Türkiye country report](#), 2021 update, page 69.

¹⁴² See ibidem.

abuse, and have physical equipment that enables all forensic, social and medical procedures to be carried out in a single centre. As of January 2024, there were 70 CMCs in 67 provinces.¹⁴³

147. Turkish and unaccompanied foreign children who are victims of THB are first placed in a temporary accommodation centre of the child protection first response and evaluation units. After a short stay usually lasting no longer than eight days, the children are placed in one of the institutions operating under the Ministry of Family and Social Services, based on their age and needs. Children up to the age of 12 are accommodated in children's homes and children aged 13-18 are in specialised homes for children (described in paragraph 74). For unaccompanied children aged 12 and over and identified as victims of THB, protection and care services are mainly provided through specialised child support centres as a temporary service model.¹⁴⁴

148. The GRETA delegation visited the Specialised Homes for Children in Pursaklar, a district of Ankara. It is composed of 27 houses, each accommodating a maximum of 10 children followed by three staff. Girls and boys are separated. Since 2019, 17 child victims of THB have stayed in this institution: 14 were victims of forced labour (including three foreign children), and three were victims of sexual exploitation (including two foreign children). At the time of the visit, the facility was accommodating 262 children, including 17 foreign children from Afghanistan, Russia, Syria and Ukraine, but there were no THB victims. An individual programme is prepared for each child. Children are supported by a psychologist whenever needed, go to schools in the district, and some are enrolled in preparation courses for university entry exams. There were also several workshops organised within the facility that children can attend according to their interests (art, drawing, hand craft, ceramic, football, and other sports).

149. While welcoming the efforts made by the authorities to identify, protect and support child victims of THB, GRETA is concerned that many child victims of trafficking go undetected due to insufficient awareness-raising and training activities, limited residential structures and staff shortage of child protection services. Furthermore, there is a need for detailed standard operating procedures clarifying the methodology and steps to be followed by all the professionals in respect of the identification and protection of child victims of THB.

150. **GRETA urges the Turkish authorities to improve the identification and assistance of child victims of trafficking, in particular by:**

- **introducing standard operating procedures defining the role to be played and the procedure to be followed by all the authorities and professionals who may come into direct contact with child victims of trafficking, including NGOs;**
- **ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking, by paying particular attention to unaccompanied and separated migrant and refugee children, children working in the agricultural sector, children in street situations as well as child marriage;**

¹⁴³ The updated list of CMCs are available at [ÇOCUK İZLEM MERKEZİ \(ÇİM\) LİSTESİ \(saglik.gov.tr\)](https://www.saglik.gov.tr/cocuk-izlem-merkezi-cim-listesi). There are also Child Protection Centres established in university hospitals.

¹⁴⁴ There are five types of child support centres: centres for children who are victims of crime, centres for children dragged into crime, centres for unaccompanied foreign children, centres for substance addicted children, and centres for children in street situations. Across Türkiye, there are 11 child support centres for unaccompanied foreign children.

- **providing further training and resources to all the stakeholders who may come into contact with child victims of trafficking (including police, gendarme, labour inspectors, NGOs, child protection authorities, social workers, teachers and health-care professionals) as well as guidance on the identification of child victims of THB.**

151. **Further, GRETA invites the Turkish authorities to review the age assessment procedures, ensuring that the best interests of the child are effectively protected, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child¹⁴⁵ and Council of Europe Committee of Ministers Recommendation CM/Rec(2022)22 on human rights principles and guidelines on age assessment in the context of migration.¹⁴⁶ The authorities should take measures to ensure that in practice the benefit of the doubt is given in cases of doubt, in accordance with Article 10, paragraph 3, of the Convention.**

d. Protection of private life (Article 11)

152. The obligations of natural and legal persons who process personal data and the procedures and principles to be followed are regulated by Law No. 6698 on the Protection of Personal Data. Article 5 of the Law prohibits the processing of personal data without the explicit consent of the data subject, except if this is clearly provided for in the law, or if data processing is necessary for the data controller to fulfil its legal obligation, for the establishment, exercise or protection of a right, or for the legitimate interests of the data controller. According to Article 136 of the CC, the illegal dissemination of personal data is punishable by up to four years' imprisonment.

153. Article 14 of the Anti-Trafficking Regulation regulates the creation of a database on THB, confidentiality of personal data of victims of THB and the conditions for sharing them with others. Its paragraph 5 stipulates that the authorities and officers within the scope of the fight against THB and the protection of victims of THB shall not disclose any type of confidential information or documents to anyone other than the competent authorities and shall not use such information for their or third parties' self-interest. Paragraph 6 prohibits the disclosure of the identity of the victim of THB except for the purpose of identification and tracking of family members of the victim.

154. In accordance with Article 10 of Law No. 6698, a form is given to presumed victims of THB prior to the identification interview, informing them of the procedure and purpose of processing their personal data, as well as their rights in this respect. The form explains that relevant data concerning victims of THB may be transferred to international organisations, third countries outside the country of origin, and NGOs for the purposes of the protection of the victim.

155. **GRETA invites the Turkish authorities to continue ensuring the protection of the private life and identity of victims of trafficking by including in the standard operation procedures rules on the confidentiality of personal data of victims of trafficking, to be respected at all stages of processing of such data by relevant actors.**

¹⁴⁵ [General Comment No. 6 Treatment of unaccompanied and separated children outside their country of origin](#), Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.

¹⁴⁶ [Recommendation CM/Rec\(2022\)22](#) of the Committee of Ministers to member States on human rights principles and guidelines on age assessment in the context of migration, adopted by the Committee of Ministers on 14 December 2022 at the 1452nd meeting of the Ministers' Deputies.

e. **Recovery and reflection period (Article 13)**

156. As outlined in GRETA's first evaluation report,¹⁴⁷ Article 48 of the Law on Foreigners and International Protection and Article 20 of the Anti-Trafficking Regulation provide that a 30-day residence permit shall be granted by the Governor's Office to identified foreign victims of THB, or where there is strong evidence that a person may be a victim, with a view to allowing them to recover and reflect on whether to co-operate with the competent authorities. During this period, victims are entitled to stay in a shelter and benefit from the victim support programme.

157. The Turkish authorities stated that a recovery and reflection period is given to every victim of THB who wishes to benefit from the victim support programme. In the period 2019-2022, 450 victims were granted recovery and reflection period, of whom 334 were female and 283 were children.¹⁴⁸ The main countries of origin of the victims were Syria (285 victims), Afghanistan (40 victims), Türkiye (32 victims), Uzbekistan (21 victims), Kyrgyzstan (10 victims), and Iraq (14 victims).

158. GRETA invites the Turkish authorities to continue ensuring that all presumed foreign victims of trafficking are offered an effective recovery and reflection period, as well as all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period.

f. **Residence permits (Article 14)**

159. In its first report, GRETA considered that the Turkish authorities should ensure that all victims of THB can fully benefit from the right to obtain a renewable residence permit, without prejudice to the right to seek and enjoy asylum.

160. As noted in GRETA's first report, Article 30 of Law No. 6458 on Foreigners and International Protection establishes a residence permit for victims of human trafficking among the types of permits envisaged under the Law. The conditions for the issuance, extension, denial or cancellation of this type of residence permit are set under Articles 48 and 49 of Law No. 6458 and Articles 20 and 21 of the Anti-Trafficking Regulation. According to these provisions, the initially granted 30-day residence permit for the purpose of the recovery and reflection period may be renewed for periods of six months on the basis of an assessment report by a PDMM expert for reasons of safety, health or special circumstances of the victim. The overall duration of the residence permit shall not exceed three years. Victims of THB are exempted from paying residence permit fees. The existence of any fines for earlier violations of the visa or residence regime does not constitute an obstacle to the issuance of a residence permit to a victim of THB. Victims also have the right to apply for another type of residence permit (e.g. family residence permit, student residence permit, humanitarian residence permit, long-term residence permit) if they meet the conditions required under Law No. 6458.

161. In the period 2019-2022, 247 victims of THB were granted residence permit (82 in 2019, 41 in 2020, 67 in 2021 and 57 in 2022), of whom 224 were female and 25 were children. The main countries of origin of the victims were Uzbekistan (71 victims), Kyrgyzstan (24 victims), Afghanistan (23 victims), Morocco (21 victims), Azerbaijan (20 victims), Indonesia (16 victims), and Syria (11 victims).

162. GRETA was informed by the authorities that out of 1 156 foreigners identified as victims of THB in the period 2019-2022, 492 had already another status (336 were temporary protection beneficiaries, 62 had another type of residence permit, 61 were international protection applicants, and 33 were international protection status holders). As outlined in GRETA's first report, if a foreigner is an international protection applicant or status holder, a temporary protection beneficiary, or has already another type of residence permit, a victim-of-human-trafficking residence permit is not issued. However, the foreigner

¹⁴⁷ See GRETA's first evaluation report, paragraph 173.

¹⁴⁸ As regards the forms of exploitation, 178 were victims of sexual exploitation, 151 of labour exploitation, 77 of forced begging, 36 of forced marriage, 4 of exploitation as child soldiers, 3 child sale, and 1 of organ or tissue removal.

may benefit from the victim support programme. If the foreigner receives an international or temporary protection status while he/she has a residence permit as a victim of THB, he/she can keep his/her residence permit and continue enjoying victim support services.

163. GRETA notes that the above-mentioned figures on the number of victims of THB who were granted residence permits indicate a decrease compared to the period covered by GRETA's first report,¹⁴⁹ despite the fact that the number of the identified foreign victims of THB has almost doubled compared to the previous evaluation period. In their comments on the draft report, the Turkish authorities attributed this decrease to an increase in the number of identified victims who do not require a residence permit, such as children, Syrian nationals under temporary protection and Turkish nationals.

164. Pursuant to Article 21 of the Anti-Trafficking Regulation, a residence permit granted to a victim of THB may be cancelled if it is established that the victim has re-connected with the perpetrators on his/her own initiative,¹⁵⁰ the victim support programme has been terminated (see paragraph 124), the person was found to be a threat to public order and public security or was found not to be a victim, or following the completion of the safe and voluntary return procedure.

165. GRETA invites the Turkish authorities to continue ensuring that victims of trafficking can fully benefit from the right to obtain a residence permit, including owing to their personal situation.

g. Compensation and legal remedies (Article 15)

166. In its first report, GRETA urged the Turkish authorities to ensure that victims of THB have access to information on relevant judicial and administrative proceedings and the right to seek compensation in a language they can understand and to enable victims of trafficking to exercise their right to compensation, including by ensuring their effective access to State-funded legal aid. GRETA also urged the authorities to establish a state compensation scheme accessible to victims of THB.

167. The legislation regarding compensation in Türkiye remains as described in GRETA's first evaluation report.¹⁵¹ Article 49 of the Code of Obligations stipulates that any person who by faulty and unlawful behaviour causes damage to another is obliged to provide compensation. According to Article 50 of this Code, the injured party is required to prove the damage and the fault of the person who caused it. Where the value of the damage cannot be proven in an exact manner, the judge shall estimate the value according to equitable considerations. Further, Article 51 stipulates that the judge determines the extent and the form of compensation with due regard to the circumstances and the degree of culpability. Pursuant to Article 55 of the CC,¹⁵² the seized or frozen assets of perpetrators can be used for compensating victims of THB.

168. No information is available on the number of victims of THB who claimed and were awarded compensation from the offenders. However, GRETA understands that victims' compensation claims are almost never examined by criminal courts and are referred to civil courts.¹⁵³ There is still no provision for state compensation for victims of THB.

¹⁴⁹ A total of 448 victims were granted residence permits in 2014-2018 (27 victims in 2014, 71 in 2015, 123 in 2016, 145 in 2017, and 82 in 2018).

¹⁵⁰ Article 21(6) of the Anti-Trafficking Regulation provides that it shall be investigated whether the victim reconnected with the offenders because of the use of force, coercion, threat and fear or due to psychological reasons, in which cases the residence permit shall not be cancelled.

¹⁵¹ See paragraphs 187-189 of GRETA's first report on Türkiye.

¹⁵² Article 55 of the CC provides that "pecuniary benefits obtained through commission of offence, or constituting the subject of the offence, or secured for the commission of the offence and the economic gains recorded as a result of assessment or conversion of these benefits can be confiscated provided that reimbursement of pecuniary benefits to the aggrieved part, is not possible" (unofficial translation).

¹⁵³ See [Gap analysis of the investigation and prosecution of human trafficking cases in Türkiye](#), December 2022, page 43 and [Child trafficking and child protection](#), December 2022, page 66.

169. Pursuant to Article 28(2-d) of the Anti-Trafficking Regulation, the victim support programme covers the provision of counselling and information on access to legal aid and the rights of victims. The authorities also referred to the website of the Ministry of Justice for victims of crime¹⁵⁴ which provides information in three languages (Turkish, English and Arabic) about the judicial process, the rights of victims of crime according to the type of victimisation (including human trafficking), and the available support services.

170. According to Articles 234 and 239 of the Criminal Procedure Code (CPC), in cases of sexual assault and crimes that carry at least five years' imprisonment (which include THB offence) the victim is entitled to request to be appointed a lawyer at the investigation or prosecution phase. A lawyer is appointed by the Bar Association only if there is a request from a law enforcement agency, prosecutor or court. The PMM or its provincial directorates cannot make such a request. The lawyer is assigned from a roster of *ex officio* lawyers who have followed training on legal representation in criminal proceedings. There is a limited number of lawyers who are knowledgeable about THB. In practice, victims of THB are rarely informed of this possibility by law enforcement authorities. Representatives of Ankara and Istanbul Bar Associations met by GRETA pointed out that they had not received any requests for appointment of a lawyer to a victim of THB. They also stressed that legal aid requests for the trial costs are accepted by civil courts in rare cases only because the means test is applied very strictly.

171. In order to improve victims' access to legal aid, on 19 November 2019, the Co-ordination Commission for Combating Human Trafficking took the decision that specific lawyer groups within the Bar Associations should be formed to represent victims of THB. The decision was communicated to all the Bar Associations on 24 February 2020. However, the decision is not binding, and GRETA was informed that no changes in practice have been observed.¹⁵⁵ According to the Istanbul Bar Association, a provision that lawyers for victims of THB should be appointed from a list of lawyers trained on human trafficking should be added to the legislation.¹⁵⁶ In its 2023 report, the National Rapporteur recommended that the PMM should be given the competence to request the assignment of a lawyer to a victim of THB and the assignment procedure for victims of THB should be separated from the general procedure so that lawyers with knowledge on THB represent victims of THB.¹⁵⁷

172. The legislation does not allow NGOs to participate in judicial proceedings to support victims of crime or to represent them in their absence. Article 161 of a 2018 Presidential Decree¹⁵⁸ grants the Legal Counsellor Office of the PMM the possibility to "intervene in lawsuits and ex-parte proceedings concerning victims of human trafficking". However, no such interventions have been made.

173. Pursuant to Articles 178 and 179 of the Legal Profession Law, victims of THB can apply to Bar Associations to be appointed a lawyer if they are unable to pay a lawyer for claiming compensation or bringing any other types of actions before a civil court. As for the trial costs in civil proceedings, pursuant to Article 334 of the Law on Civil Procedure (LCP), Turkish nationals who cannot pay the necessary trial costs without making their or their family's livelihood substantially difficult can receive legal aid provided that their claims are not manifestly ill-founded. Legal aid is requested from the court where the case will be decided. Foreigners may also benefit from legal aid, but this is subject to the condition of reciprocity (Article 334 of the LCP).

174. With the aim of assisting victims of crime in judicial procedures, Directorates of Judicial Support and Victim Services (DJSVS) have been established at 167 courthouses. Judicial support officers working in these directorates inform victims of crime about the judicial process and their rights and obligations, and assist victims in collecting and submitting required documents for access to legal aid. Victims who

¹⁵⁴ [T.C. Adalet Bakanlığı Mağdur Bilgilendirme - magdur.gov.tr](https://www.magdur.gov.tr)

¹⁵⁵ [Gap analysis of the investigation and prosecution of human trafficking cases in Türkiye](#), December 2022, page 33.

¹⁵⁶ HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraphs 206 and 207.

¹⁵⁷ Ibidem, page 65.

¹⁵⁸ Presidential Decree No. 4 published on 15 July 2018 on the Official Gazette.

are very much affected by the offence and who need extra support are referred to the Vulnerable Group Support Office.¹⁵⁹

175. GRETA urges the Turkish authorities to increase their efforts to facilitate access to compensation for victims of trafficking, and in particular to:

- **provide information to all victims of trafficking on their right to compensation and the ways to access it, in a language they can understand, and ensure that victims have effective access to free legal aid to claim compensation;**
- **include victim compensation in training programmes for law enforcement officials, prosecutors, judges and lawyers;**
- **ensure that claims for compensation by victims of THB are examined within the criminal proceedings while preserving the victims' right to seek compensation before a civil court;**
- **establish a state compensation scheme accessible to victims of trafficking, regardless of their citizenship and residence status;**
- **put in place a system to certify lawyers who are qualified to provide legal assistance to victims of trafficking, and ensure that trafficking victims are systematically appointed a lawyer from among the certified lawyers.**

176. GRETA also invites the Turkish authorities to collect statistical information concerning compensation awarded by courts to victims of trafficking, in response to their compensation claims made in criminal or civil proceedings.

h. Repatriation and return of victims (Article 16)

177. In its first report, GRETA urged the Turkish authorities to take additional steps to ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity, and the principle of *non-refoulement*.

178. Article 30 of the Anti-Trafficking Regulation provides for a voluntary and safe return programme for victims of THB, which is operated by the PMM. The return of victims of THB is carried out with the assistance of staff of the shelter where the victim was accommodated, or by an officer of the Governor's Office or another institution with which the PMM has concluded an agreement. The expenses relating to transportation are covered either by the PMM or another institution, on the basis of a protocol with the PMM. The competent bodies in the country of the victim's return shall be informed, subject to the victim's consent, of the return date and of the exploitation that he/she had been subjected to. The victim must be brought directly to the boarding gate of the aircraft or another transport without passing through passport check points. In case of an imminent threat against the life or physical integrity of a victim, he/she can be accompanied by law enforcement officials.

179. The PMM has continued to implement a voluntary return programme in co-operation with IOM. The programme covers the transportation expenses and financial and/or in-kind assistance to enable victims to re-integrate in the country of return. In the period 2019-2022, a total of 176 victims of THB benefited from this programme.¹⁶⁰

¹⁵⁹ Ministry of Justice, Department of Judicial Support and Victim Services, <https://magdur.adalet.gov.tr/Home/SayfaDetay/adm-nedir>.

¹⁶⁰ By way of comparison, the number of victims of THB who benefited from the programme was 172 in 2017 and 96 in 2018.

180. In addition, the National Voluntary Return and Reintegration System of Türkiye (NAVRR) was established by a protocol signed in September 2020 by the PMM, the Turkish Co-operation and Co-ordination Agency, the Ministry for Foreign Affairs, and the Turkish Red Crescent. This programme has been operational since April 2022. It functions through a voluntary return co-ordination centre, recently opened by the PMM in Istanbul. Four more centres are planned to be opened. In March 2022, the ICMPD launched a project to support the effective implementation and further development of the NAVRR system through capacity-building of stakeholders and financial and in-kind assistance for the operational aspects of voluntary returns and the reintegration of returnees.¹⁶¹ In 2022, 14 victims of THB, all women (12 were from Uzbekistan, 1 from Azerbaijan and 1 from Morocco) were returned to their countries of origin or a safe third country through the NAVRR. Seven were victims of sexual exploitation, four of labour exploitation, and three of forced marriage.

181. According to information provided by the Turkish authorities, in the period 2019-2022, in total 380 victims of THB¹⁶² were returned to other countries (162 in 2019, 55 in 2020, 92 in 2021 and 71 in 2022). 347 of them were female, 21 were children of the victims and the remainder were men.¹⁶³ The main countries of origin of the victims were Uzbekistan (138 victims), Kyrgyzstan (55 victims), Morocco (34 victims), Indonesia (19 victims) and Syria (19 victims).

182. According to some civil society actors met by GRETA, during the identification interviews victims of THB are encouraged to sign a voluntary return document. This allegation was refuted by the representatives of the PMM who stressed that in accordance with Article 55 of Law No. 6458, no victims of THB benefiting from the victim support programme can be returned against their will. Representatives of the Office of the National Rapporteur met by GRETA also pointed out that they had not found any indications that victims of THB may have been forced to return.

183. GRETA considers that the Turkish authorities should step up their efforts to ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity, is preferably voluntary and complies with the obligation of *non-refoulement*. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child. Furthermore, the authorities should develop international co-operation and involvement of NGOs in order to ensure comprehensive risk assessment and safe return, as well as safe and effective reintegration of victims of trafficking.

3. Substantive criminal law

a. Criminalisation of THB (Article 18)

184. The offence of trafficking in human beings, criminalised under Article 80 of the CC, has not changed since GRETA's first evaluation report. It reads as follows:

“(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) abuse of influence, or (4) obtaining 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 subject them to slavery, shall be sentenced to imprisonment for a term of 8 to 12 years and 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 an act

¹⁶¹ [Launching Project on Supporting Turkey's National Assisted Voluntary Return & Reintegration System - ICMPD.](#)

¹⁶² As regards the forms of exploitation, 251 were victims of sexual exploitation, 104 of labour exploitation, 24 of forced marriage and 1 of organ or tissue removal.

¹⁶³ By way of comparison, 50 victims of THB were returned to other countries in 2014, 97 in 2015, 141 in 2016 and 193 in 2017.

constitutes an offence, the consent of the victim shall be presumed to be invalid.

(3) Where a person under 18 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 the penalty described in paragraph one, notwithstanding the fact that no means instrumental to the offence has been resorted to.

(4) Security measures shall be imposed upon legal entities in respect of the aforementioned offences."¹⁶⁴

185. As noted in GRETA's first report,¹⁶⁵ the case-law of the Court of Cassation has interpreted the term "abuse of desperation" in Article 80 of the CC as encompassing the term "abuse of a position of vulnerability," given that it covers, inter alia, situations of difficult economic circumstances of the victims in their home countries.¹⁶⁶ In a recent judgment, the Criminal General Assembly of the Court of Cassation opined that "the situation of 'exploitation of desperation' is to force the victim to consent to prostitution by taking advantage of a materially or morally unfavourable situation which the victim is in and cannot overcome. (...) The reason for this desperation may be physical conditions such as weakness, being deaf-mute, mental illness or personal conditions such as unemployment, poverty, substance or alcohol addiction, hunger, etc."

186. GRETA reiterates that there are some discrepancies between the Turkish definition of THB and the definition in Article 4 of the Convention. First of all, the act of "bringing in or taking out of the country a person" is not included in paragraph 3 of Article 80 of the CC on trafficking in children. Furthermore, the list of purposes of exploitation in Article 80 of the CC is close-ended and excludes "servitude", "practices similar to slavery" and "other forms of sexual exploitation".

187. Article 80 of the CC does not refer specifically to the exploitation of criminal activities, forced begging, forced marriage or illegal adoption as one of the forms of exploitation. Nevertheless, the Turkish authorities provided several examples of the Court of Cassation recognising forced begging¹⁶⁷ and forced criminality¹⁶⁸ as forms of trafficking, which GRETA welcomes. The authorities also provided judgments of the Court of Cassation considering the act of child forced marriage as a child molestation offence punished by Article 103 of the CC¹⁶⁹ and noted that forced marriage can also be considered as slavery under Article 80 of the CC. As for illegal adoption, this act constitutes the offence of "altering the lineage of a child", criminalised by Article 231 of the CC.

188. As noted in GRETA's first report, Article 80 of the CC does not provide in itself for the aggravating circumstances envisaged in Article 24 of the Convention. Although there are some general provisions on aggravation in the CC, they do not cover all the circumstances envisaged in Article 24 of the Convention. For instance, Article 266 of the CC foresees an aggravated circumstance for the commission of an offence by a public servant, utilising the equipment and instruments available in the performance of his/her duty.¹⁷⁰ However, there is no provision covering situations where an offence is committed by a public servant without utilising the equipment and instruments belonging to the State. Further, the general rules on aggravating circumstances concerning an offence being committed against a child apply only to

¹⁶⁴ Unofficial translation.

¹⁶⁵ See GRETA's first report on Türkiye, paragraph 52.

¹⁶⁶ Court of Cassation, 18th Criminal Chamber, 6 December 2016, E. 2016/15853 and K. 2016/18706; Court of Cassation, 18th Criminal Chamber, 14 April 2015, no. 67/175; Court of Cassation, 8th Criminal Chamber, 21 June 2012, no. 10424/21505; Court of Cassation, 8th Criminal Chamber, 16 March 2011, no. 15805/2091.

¹⁶⁷ Court of Cassation, 8th Criminal Chamber, 16 February 2012, E. 2010/13508 and K. 2012/4595.

¹⁶⁸ Court of Cassation, 4th Criminal Chamber, 11 January 2023, E. 2023/1565 and K. 2023/18918 (concerning persons forced to commit fraud by telephone); Court of Cassation, 8th Criminal Chamber, 25 June 2008, E. 2008/4555 and K. 2008/7998 (concerning children forced to commit theft).

¹⁶⁹ Court of Cassation, 14th Criminal Chamber, 9 March 2017, no. 7401/1238; Court of Cassation, 14th Criminal Chamber, 23 January 2014, no. 9515/803; Court of Cassation, 14th Criminal Chamber, 14 June 2012, no. 14142/6775.

¹⁷⁰ Article 266 of the CC states: "(1) Provided that being a public servant is not taken into account essentially in the definition of the relevant offence, where a public officer utilises the tools and equipment which he/she holds as a result of his/her duty, during the commission of an offence, the penalty to be imposed shall be increased by one-third." (unofficial translation).

children who are younger than 12. Lastly, the aggravating circumstance of “deliberately or by gross negligence endangering the life of the victim” is not reflected in Turkish law.

189. The Human Rights Action Plan foresees the reviewing of offences and penalties related to human trafficking taking into account the Convention and GRETA recommendations. GRETA was informed during the visit that Article 80 of the CC was being evaluated by a commission set up on 9 July 2020 within the Ministry of Justice. Noting that more than three years have passed since the setting up of this commission, **GRETA would like to be kept informed of the outcome of this process.**

190. Recalling that it is of fundamental importance to use a definition of trafficking in human beings on which there is international consensus, **GRETA urges the Turkish authorities to:**

- **include “servitude”, “practices similar to slavery” and “other forms of sexual exploitation” in the list of forms of exploitation;**
- **consider trafficking in all children, i.e. all persons under the age of 18, as an aggravating circumstance, in accordance with Article 24 of the Convention;**
- **ensure that all the aggravating circumstances included in the Convention, including the offence committed by a civil servant in the performance of her/his duties and the offence deliberately or by gross negligence endangering the life of the victim, are appropriately taken into account.**

191. **Further, GRETA considers that “bringing in or taking out of the country a person” should be added to the acts enumerated in the third paragraph of Article 80, in order to ensure consistency with its first paragraph. The authorities should also consider expanding the list of purposes of exploitation in Article 80 of the Criminal Code and/or making the list non-exhaustive.**

b. Criminalisation of the use of services of a victim (Article 19)

192. In its first report, GRETA considered that the Turkish authorities should examine the possibility of establishing as a criminal offence the use of services which are the object of exploitation, with the knowledge that the person is a victim of THB. There have been no legal changes in this respect and GRETA was not informed of any discussions in Türkiye about the possible introduction of such a provision.

193. **GRETA considers that the Turkish authorities should adopt legislative measures to criminalise the use of services with the knowledge that the person is a victim of trafficking, regardless of the form of exploitation, as stipulated by Article 19 of the Convention.**

c. Corporate liability (Article 22)

194. There have been no changes in the provisions related to the liability of legal persons for THB offences since GRETA’s first report. As described in that report, Articles 20 and 60 of the CC envisage security measures to be imposed on legal entities (e.g. cancellation of a license, seizure of property and confiscation of income), where there has been a conviction in relation to an intentional offence committed for the benefit of a legal entity by misusing the permission conferred by its license and through the participation of the organs or representatives of the legal entity. Legal entities may also be subject to administrative sanctions in cases where natural persons, acting as part of an organ or as representatives of legal entities, commit a criminal offence for the benefit of the legal entity. Such sanctions would include an administrative fine, confiscation, cancellation of license, termination or closure. Furthermore, pursuant to Article 133 of the CPC, if there are strong grounds for suspicion that an offence is committed within the framework of activities of a company and if it is necessary for revealing the material truth, a trustee

may be appointed by the court for the conduct of the company's affairs during the investigation and prosecution process.

195. GRETA was not informed of any cases where sanctions were imposed on legal persons in connection with human trafficking.

196. **GRETA considers that the Turkish authorities should review the effectiveness of the legal provisions on corporate liability in relation to human trafficking offences, examine the reasons why no legal entities have been held liable for trafficking-related acts and, in the light of the findings, take measures to ensure that the liability of legal entities can be acted upon in practice.**

d. Non-punishment of victims of THB (Article 26)

197. As noted in GRETA's first report, Turkish law contains no provision enshrining the principle that THB victims should not be punished for their involvement in unlawful activities, to the extent that they have been compelled to do so. The Turkish authorities have once again stated that to implement the non-punishment principle, they rely on the general provisions of the CC, which include exculpating or mitigating criminal liability (Articles 24 to 36 of the CC), force, violence, menace and threat (Article 28),¹⁷¹ and theft committed as a result of an urgent and serious need (Article 147).¹⁷² Pursuant to Article 12 of the Law on Misdemeanours, these provisions of the CC also apply to misdemeanours, including the administrative sanctions that often arise out of THB cases, such as expired visas, unauthorised employment or engaging in prostitution without being registered.

198. The Turkish authorities have referred to two relevant decisions of the Court of Cassation. The first one concerns a group of 33 persons who were brought from Taiwan to Antalya in Türkiye with the promise of work and forced to commit fraud through telephone and information systems.¹⁷³ These persons were identified as victims of THB by the PDMM and no criminal investigations or prosecutions were conducted against them. Upon their request they were returned to Taiwan by the PMM. The second decision concerns a case in which Article 28 of the CC was applied to a woman on the ground that her involvement in a homicide was the result of a serious threat that she could not resist.¹⁷⁴

199. Further, the authorities informed GRETA of a decision taken in December 2020 by the Co-ordination Commission on Combating Human Trafficking, which requires that the files of children who are suspected to have been forced to join a terrorist organisation should be transferred to the competent PDMM for evaluating whether they were victims of THB. This evaluation is to be made on the basis of the file if the child is 15 years of age or younger. Older children should be interviewed by the PDMM. 14 children were identified as possible victims in this way in 2021 (see also paragraph 207).¹⁷⁵

200. The Turkish authorities noted that the non-punishment principle is part of the training on THB provided to prosecutors and judges. The Training Manual on Combating Migrant Smuggling and Human Trafficking for law enforcement officials states that victims of THB are not criminally responsible for crimes they have been compelled to commit, such as the forgery of the passports and other official documents used during their transfer to Türkiye. However, civil society actors and lawyers met by GRETA were of the opinion that the non-punishment principle is still little known by law enforcement officials, prosecutors and

¹⁷¹ "No penalty shall be imposed upon a person who commits a criminal offence as a result of intolerable or inevitable violence, or serious menace or gross threat. In such cases, the person involved in the use of force, violence, menace or threat shall be deemed to be the offender" (unofficial translation).

¹⁷² "If theft is committed to meet a serious and urgent need, the penalty to be imposed may either be reduced or waived altogether, taking into account the circumstances of the situation" (unofficial translation).

¹⁷³ Court of Cassation, 4th Criminal Chamber, 24 May 2023, E. 2023/1565 and K. 2023/18918.

¹⁷⁴ Court of Cassation, 1st. Criminal Chamber, 5 October 2007, E. 2006/3924 and K. 2007/7271.

¹⁷⁵ See HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraph 95.

judges and rarely applied.¹⁷⁶ In its 2022 Concluding Observations, the UN CEDAW Committee noted with concern reports that victims of trafficking, including women in prostitution, have been arrested, detained and deported for administrative offences, such as violations of immigration law.¹⁷⁷ GRETA was informed of a case where criminal prosecutions were brought by a prosecutor, who had received training on THB, against two girls who had reportedly been subject to sexual exploitation in a massage parlour. The girls were finally acquitted by the Ankara Child Assise Court in 2021. Concerns regarding the prosecution of victims of sexual exploitation have also been raised by the National Rapporteur¹⁷⁸ and NGOs.¹⁷⁹

201. While noting positively that in some cases the non-punishment principle was applied to victims of human trafficking, GRETA once again urges the Turkish authorities to ensure compliance with Article 26 of the Convention through the adoption of a specific provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, and/or by developing training and relevant guidance for law enforcement officials and prosecutors on the scope of the non-punishment provision. Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.¹⁸⁰

4. Investigation, prosecution and procedural law

a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)

202. In its first evaluation report, GRETA urged the Turkish authorities to prioritise the identification of gaps in the investigation procedure and the prosecution of THB cases in court with a view to ensuring effective, proportionate and dissuasive convictions. GRETA further urged the Turkish authorities to provide law enforcement agencies with the necessary guidance and tools to detect and investigate THB cases, to develop the specialisation of law enforcement officials, prosecutors and judges to deal with THB cases and to carry out financial investigations into THB cases. Finally, GRETA stressed that the authorities should improve the possibilities for victims to participate in court proceedings.

203. As explained in GRETA's first report on Türkiye, THB comes under the remit of two law enforcement agencies under the Ministry of the Interior. The Turkish National Police functions in urban areas and has a Department for Combating Migrant Smuggling and Human Trafficking, which deals primarily with co-ordination of activities and international co-operation. On 5 September 2019, this Department and the Department of Border Gates of the Ministry of the Interior were merged under the name of "Counter-Smuggling of Migrants and Border Gates Department". In all 81 provinces of the country, there are police units dealing with sexual offences (which cover THB) and police units for combating migrant smuggling and THB, which deal with forms of exploitation other than sexual. Further, the General Command of Gendarmerie, which functions in rural areas, has a Department for Combating Migrant Smuggling and Human Trafficking. During the reporting period, 23 provincial gendarmerie commands established branch directorates on combating migrant smuggling and human trafficking, and 58 provincial gendarmerie commands established units on combating migrant smuggling and human trafficking within the gendarmerie branch directorates on combating migrant smuggling and organised crime. The Coast Guard Command, another law enforcement agency, has a "Branch Directorate for

¹⁷⁶ See also [Gap analysis of the investigation and prosecution of human trafficking cases in Türkiye](#), December 2022, page 38.

¹⁷⁷ UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the eighth periodic report on Türkiye](#), 12 July 2022, paragraph 35 e.

¹⁷⁸ HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraph 48.

¹⁷⁹ According to NGO Kaos GL, although prostitution per se is legal in Türkiye, persons engaged in prostitution are sometimes fined under different provisions of the Law on Misdemeanours, such as Article 32 which punishes non-compliance with a legal order given for the protection of public security, public order, or public health. [Türkiye'deki seks işçiliği mevzuatı ve uygulamadaki seks işçiliği anlayışına saha deneyimlerinden örnekler \(kaosgl.org\)](#), (20+) Video | Facebook

¹⁸⁰ <http://www.osce.org/secretariat/101002?download=true>

Combating Migrant Smuggling and Human Trafficking” under the Directorate of Intelligence and units on combating migrant smuggling and human trafficking under the coast guard regional commands.

204. In investigations into human trafficking offences, if evidence cannot be obtained by any other means, the following special investigation techniques envisaged by the CPC can be used upon permission of the court or the public prosecutor, in cases where delay is detrimental: location, listening and recording of correspondence (Article 135), commissioning of the undercover investigator (Article 139) and surveillance with technical means (Article 140). GRETA was informed that since 2019 law enforcement officials used special investigation techniques, especially phone wiretapping and communication interceptions, in 59 operations in THB investigations. These techniques are mostly used to detect criminal networks exploiting women in prostitution.

205. The seizure and freezing of proceeds of crime can be undertaken during the investigation phase in accordance with the procedure detailed in Articles 123-132 of the CPC. Financial investigation is carried out by law enforcement agencies with the support of the Financial Crimes Investigation Board. The legal basis for confiscation is provided in Articles 54 (confiscation of property) and 55 (confiscation of income) of the CC. No judgments with confiscation of assets were delivered for THB offences during the reporting period. However, Article 54 of the CC was invoked in four THB investigations initiated in 2021 (concerning 15 suspects) and in four THB investigations initiated in 2022 (concerning 17 suspects). The same provision was invoked in 2022 in eight THB cases for which criminal charges were brought against 21 suspects. In one of these files two accused were acquitted in 2022. Confiscation was not requested in any THB cases in 2019, 2020 and 2023 (until September).

206. According to the figures provided by the law enforcement authorities during the visit, in the period 2019-2023, the Gendarmerie carried out 183 operations related to THB (32 in 2019, 30 in 2020, 38 in 2021, 57 in 2022 and 26 in 2023), rescued 460 possible victims of THB (including 65 children), and arrested 682 persons. These operations related to forced prostitution/sexual exploitation (124) and forced labour/servitude (56), except for two operations carried out in 2020 which concerned the sale of children. In 2022 and 2023, the National Police conducted 105 operations related to THB, rescued 447 possible victims of THB, and arrested 279 persons, of whom 47 were subsequently placed in pre-trial detention. No possible THB cases were detected by the Coast Guard Command.

207. Law enforcement officials met by GRETA provided examples of ongoing investigations into THB, which mostly concerned sexual exploitation, in particular of women from Uganda and Nigeria. Further, as a result of a police operation carried out in Istanbul in 2020, 67 Syrian children who were illegally brought to Türkiye for the purpose of forced begging were rescued. These children were identified as victims of THB by the Istanbul PDMM and placed by the Istanbul Provincial Directorate of Family and Social Services in childcare facilities of several other provinces for security reasons. The suspects were indicted for THB. GRETA was also informed that 24 children who have allegedly been victims of forced criminality by the PKK (Workers’ Party of Kurdistan) and YPG, armed organisations banned in Türkiye, have been rescued in 23 operations carried out by the Gendarmerie since October 2021, and legal action has been taken against 148 suspects.

208. GRETA’s attention was drawn to the situation of some 3,000 Yazidis still missing after being captured by ISIS during its takeover of parts of Iraq and Syria in 2014. While most of the missing are presumed dead, hundreds are thought to be alive and held captive in Syria or Türkiye.¹⁸¹ According to media reports, former members of ISIS continue to sell Yazidi captives on the deep web and a number of such sales have taken place in Türkiye. For example, in February 2021, a seven-year-old Yazidi girl was rescued by police officers posing as buyers in a slave auction taking place on the deep web, and raiding a home in Ankara’s Keçiören district.¹⁸² In the previous two years, four Yazidi women kept in houses in Ankara’s Keçiören and Sincan districts were reportedly put up for sale on the deep web by former ISIS members. The families of the women participated in the auction, bought their relatives and took them

¹⁸¹ [3,000 Yazidis Are Still Missing. Their Families Know Where Some of Them Are. - The New York Times \(nytimes.com\)](https://www.nytimes.com/2024/03/03/world/middleeast/yazidi-children.html)
¹⁸² [Yazidi child rescued from ISIS in Ankara after spotted on deep web 'slave market' \(duvarenglish.com\)](https://www.duvarenglish.com/yazidi-child-rescued-from-isis-in-ankara-after-spotted-on-deep-web-slave-market/)

out of Türkiye. It is also reported that in 2017, the police rescued two siblings, one aged five and one aged seven, kidnapped by ISIS members in Kırşehir province.¹⁸³ While welcoming the police operations for rescuing Yazidi captives held in Türkiye, GRETA notes that there are also allegations that the Turkish authorities have failed to investigate alleged perpetrators of acts of enslavement and sale of Yazidi women and girls in Türkiye.¹⁸⁴ The authorities did not inform GRETA whether any rescued Yazidis had been identified as victims of THB, and whether any criminal proceedings had been initiated against the presumed offenders.

209. According to the statistics provided by the Turkish authorities, the number of investigations initiated for human trafficking was 310 in 2019 (including 33 for child trafficking), 294 in 2020 (including 32 for child trafficking), 432 in 2021 (including 51 for child trafficking), 476 in 2022 (including 36 for child trafficking), 310 in 2023 (including 28 for child trafficking), and 92 until May 2024 (including 12 for child trafficking). The number of investigations closed was 288 in 2019 (including 34 for child trafficking), 280 in 2020 (including 28 for child trafficking), 363 in 2021 (including 46 for child trafficking), 502 in 2022 (including 44 for child trafficking), 323 in 2023 (including 31 for child trafficking), and 112 until May 2024 (including 12 for child trafficking). Out of the 1 868 cases closed, only 442 resulted in an indictment, whereas the other investigation cases were either dropped (746 cases) or were closed for other reasons (680 cases), such as joining with another case, or sending to another prosecution office.

210. As noted in the first GRETA report,¹⁸⁵ there is a tendency to re-qualify cases of trafficking into other offences, such as pandering and incitement to prostitution (Article 227 of the CC),¹⁸⁶ migrant smuggling (Article 79 of the CC), violation of freedom of work and labour (Article 117 of the CC),¹⁸⁷ or

¹⁸³ [Yazidi woman rescued from captivity, trafficking in Turkish capital \(duvarenglish.com\)](#); [IS members continue to shelter in Turkey, some with Yazidi captives \(substack.com\)](#); [Ankara'da Ezidi bir kadın daha kurtarıldı \(kisadalga.net\)](#); [Bağdadi'nin akrabasının esir tuttuğu Ezidi kadın ve çocuğu fidyeye ödenerek kurtarıldı \(kisadalga.net\)](#); [Ankara'da Ezidi bir kadın kurtarıldı \(gazeteduvar.com.tr\)](#)

¹⁸⁴ See the [report](#) on "State Responsibility and the Genocide of the Yazidis", published in July 2022 by the Yazidi Justice Committee, an *ad hoc* body composed of the following organisations : Accountability Unit, Women for Justice, IBA Human Rights Institute, Bar Human Rights Committee of England and Wales, and Geoffrey Nice Foundation, page 247. See also <https://www.duvarenglish.com/turkish-court-frees-isis-militants-who-kidnapped-auctioned-yazidi-girl-news-58414>; and <https://www.al-monitor.com/originals/2021/08/islamic-state-suspects-use-turkeys-remorse-law-get-hook>

¹⁸⁵ See GRETA's first report on Türkiye, paragraph 224. See also HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraph 208; [Trends in trafficking in human beings in Türkiye: analysis and action proposals](#), December 2022, page 105; and [Gap analysis of the investigation and prosecution of human trafficking cases in Türkiye](#), December 2022, page 25.

¹⁸⁶ Article 227 of the CC: "(1) Any person who encourages a child to become a prostitute, or facilitates prostitution, or shelters a person for this purpose, or acts as go-between during prostitution of the child, is punished with imprisonment from four years to ten years, and also imposed judicial fine up to five thousand days. (...) (2) Any person who encourages another person to become a prostitute, or facilitates prostitution, or acts as go-between or provides place for such purpose is punished with imprisonment from two years up to four years, and also imposed judicial fine up to three thousand days. Any act aimed to benefit from the income of a person engaged in prostitution to earn one's living, totally or partially, is considered encouragement of prostitution. (3) Any person who gives, distributes or disseminates products containing images, writings and words prepared for the purpose of facilitating prostitution or acting as go-between for the prostitution shall be punished with imprisonment from one year to three years and a judicial fine from two hundred days to two thousand days. (4) The punishment to be imposed according to above subsections is doubled in case a person is encouraged to become a prostitute by use of threat or force, or malice, or taking advantage of one's helplessness. (5) The punishment to be imposed by one half in case of commission of offences listed in the above subsections by any one of the spouses, antecedents, descendants, brother/sister, adopter, guardian, trainer, educator, nurse or any other person responsible for protection and control of a person, or by abusing the influence provided by public office or service relationship. (6) The punishment to be imposed according to above subsections is increased by one half in case of commission of these offences within the frame of activities of an organised criminal group. (...)" (unofficial translation).

¹⁸⁷ Article 117 of the CC: "(1) Any person who violates the freedom to work or labour by using force, threats or by any other unlawful act shall be sentenced to a penalty of imprisonment for a term of six months to two years or a judicial fine, upon the complaint of the victim. (2) Any person who employs another person, or persons, without payment or on a very low salary, which is clearly disproportionate to the service provided, or subjects such person, or persons, to conditions of work and residence which are incompatible with human dignity by exploiting his helplessness, isolation, or dependence shall be sentenced to a penalty of imprisonment for a term of six months to three years, or a judicial fine which will not be less than a hundred days. (3) Where a person provides an individual, or sends or transports an individual from one place to another, with the aim of placing such person in the situation described in the above paragraph the same penalty shall be imposed. (4) A person who forces, or threatens, a worker or employer to increase or decrease earnings, or to accept an agreement with conditions that are different from those

exploitation of begging (Article 229 of the CC).¹⁸⁸ GRETA notes with concern that the qualification of THB as another offence hampers the identification of victims and therefore deprives victims of THB of access to certain rights, such as recovery and reflection period (paragraph 156), residence permit (paragraph 160), and legal aid (paragraph 170). Moreover, in the case of illegal prostitution, foreign persons who are not identified at the beginning of the investigation as victims of THB are subject to deportation, which is problematic in terms of evidence collection and the victim's participation in criminal proceedings against the offender.¹⁸⁹ GRETA also notes that the other offences carry lighter sentences¹⁹⁰ and may be subject to the postponement of the imprisonment sentence.¹⁹¹ It should also be noted that unlike the related offences the prosecution for THB may entail additional legal consequences for the perpetrator. For instance, pursuant to Article 72 of the Regulation on the Implementation of the Turkish Citizenship Law, those involved in human trafficking or migrant smuggling will not be granted Turkish citizenship, even if the pronouncement of their judgement is suspended, the sentence is pardoned, or the statute of limitations has expired.

211. The frequent qualification/requalification of THB cases as other offences shows the crucial importance of developing the capacities of judges, prosecutors and law enforcement officers on THB. GRETA was informed that there are prosecutors specialised on THB only in a few big provinces, such as Istanbul and Ankara, and there are no judges specialised to deal with THB cases at first instance criminal courts. There is a certain degree of specialisation among Court of Cassation judges because THB cases are dealt by the same criminal chamber of the Court. GRETA was also informed by the authorities that one of the focuses of the forthcoming national action plan on combating THB will be to increase the knowledge of relevant personnels about THB and related offences.

212. The number of completed criminal proceedings for THB was 95 in 2019 (including 7 child trafficking cases), 67 in 2020 (including 2 child trafficking cases), 104 in 2021 (including 13 child trafficking cases), 104 in 2022 (including 13 child trafficking cases), 80 in 2023 (including 9 child trafficking cases), and 43 in 2024 (until 20 May) (including 5 child trafficking cases).¹⁹² The number of persons convicted and sentenced to imprisonment¹⁹³ was as follows: 46 in 2019, 27 in 2020, 78 in 2021, 65 in 2022, 33 in 2023, and 11 (until 20 May), i.e. a total of 260 persons, of whom 32 were convicted of child trafficking. The number of persons acquitted was much higher: 279 in 2019, 194 in 2020, 269 in 2021, 273 in 2022, 154 in 2023, and 68 in 2024 (until 20 May), i.e., a total of 1 237 persons, of whom 99 were acquitted of child trafficking.¹⁹⁴ No indications of the type of exploitation were recorded, but GRETA was informed that most cases concern THB for the purpose of sexual exploitation.

previously agreed upon, in order to cause the cessation, suspension or continuation of a suspension of work shall be sentenced to a penalty of imprisonment for a term of six months to three years" (unofficial translation).

¹⁸⁸ Article 229 of the CC: "(1) Any person who uses a child or person with physical or mental impairments as a means for begging shall be sentenced to a penalty of imprisonment for a term of one to three years. (2) The penalty to be imposed shall be increased by one half where the offence is committed by blood relatives or in-laws including third degree or a spouse. (3) The penalty to be imposed shall be increased by one fold where the offence is committed within the framework of the activities of a criminal organisation" (unofficial translation).

¹⁸⁹ Pursuant to Articles 237-243 of the CPC, the involvement of the victim as a party to the criminal proceedings provides victims with the right to demand the collection of evidence, to call witnesses and to examine them, to make a final statement at trial, to be informed of the judgment, file an appeal, and request an increase in the sentence. In accordance with Article 234(3) of the CPC, these rights must be explained to the victim and be confirmed in writing.

¹⁹⁰ While Article 80 foresees a reclusion of 8 to 12 years for the crime of THB, the CC foresees a penalty of imprisonment of 4 to 10 years for pandering and incitement to prostitution, 3 to 8 years for migrant smuggling, six months to two years for violation of freedom of work and labour, and 1 to 3 years for exploitation of begging.

¹⁹¹ Pursuant to Article 51 of the CC, for an imprisonment sentence to be suspended it should be two years or less, except for persons who were under the age of eighteen or over the age of sixty-five at the time of committing the offence, for whom the upper limit of this period is three years.

¹⁹² By way of comparison, the number of completed criminal proceedings for THB was 91 in 2014, 115 in 2015, 72 in 2016, 42 in 2017, and 82 in 2018.

¹⁹³ GRETA was told by the authorities that all the persons convicted were sentenced to imprisonment.

¹⁹⁴ The number of persons with regard to whom other judgments (e.g. no grounds for decision, dropping the case due to the death of the accused during the proceedings, etc.) were handed down was 13 in 2019, 31 in 2020, 88 in 2021, 25 in 2022, 19 in 2023, and 15 in 2024 (until 20 May), i.e. a total of 191 persons, of whom 10 for child trafficking. By way of comparison, the number of persons convicted and sentenced to imprisonment was 38 in 2014, 56 in 2015, 42 in 2016, 45 in 2017 and 77 in 2018.

213. The figures provided by the authorities indicate that 83% of the persons prosecuted in THB cases in the period 2019-2024 were acquitted. According to research on the investigation and prosecution of THB cases, the primary reasons for the high rate of acquittals, which was already raised by GRETA as a point of concern during the first evaluation round, is the limited evidence collection and the swift deportation of possible victims or victims' voluntary return to their countries of origin due to security concerns, which renders it particularly difficult for them to testify as witnesses at trial.¹⁹⁵ GRETA stresses the importance of ensuring appropriate protection and support for victims of THB before and during the criminal proceedings for them to gain trust in law enforcement and judicial authorities and co-operate with them.

214. According to the statistical data provided by the authorities, 126 persons were convicted of THB by a final judgment in the period 2019-2023. In the case of 9 defendants, the sanctions ranged from three to five years' imprisonment, 69 defendants' sanctions ranged from five to seven years' imprisonment, and 48 defendants' sanctions ranged from seven to 10 years' imprisonment.

215. GRETA was provided with seven judgments of the Court of Cassation delivered in THB cases. Five cases concerned the exploitation of women in prostitution, for which the defendants received penalties ranging from six to eight years' imprisonment. One of these cases involved a police officer who was accused of helping a suspected trafficker to escape the police.¹⁹⁶ One of the cases concerned seven victims (five from Turkmenistan and two from Moldova) who were subject to labour exploitation in a factory. Each of the two defendants was sentenced to six years and eight months' imprisonment.¹⁹⁷ Another case concerned the exploitation of 33 individuals from Taiwan for the purpose of committing fraud through telephone and information systems (described in paragraph 198).¹⁹⁸ The defendant was sentenced to six years and eight months' imprisonment for each victim, i.e. a total of 220 years' imprisonment. The Turkish authorities informed GRETA that this was the highest sentence given in a THB case in Türkiye.

216. In THB cases prosecuted in 2019-2023, the average duration of prosecution by the public prosecutor was 349 days, while the average trial duration was 917 days. It is not clear whether the trial period indicated by the authorities also includes the time spent at the appeal stage. However, GRETA notes that in four of the abovementioned seven cases¹⁹⁹ the duration between the judgment of the first instance court and the judgment of the Court of Cassation was between six years and eight months and seven years and seven months.²⁰⁰

The number of persons acquitted was 295 in 2014, 317 in 2015, 266 in 2016, 96 in 2017, and 305 in 2018. The number of persons with regard to whom other judgments were handed down was 62 in 2014, 108 in 2015, 29 in 2016, 44 in 2017 and 40 in 2018.

¹⁹⁵ [Gap analysis of the investigation and prosecution of human trafficking cases in Türkiye](#), December 2022, pages 41 and 42.

¹⁹⁶ Court of Cassation, 4th Criminal Chamber, 21 September 2022, E. 2020/10335 and K. 2022/12536.

¹⁹⁷ Court of Cassation, 4th Criminal Chamber, 16 March 2023, E. 2020/31048 and K. 2023/16193.

¹⁹⁸ Court of Cassation, 4th Criminal Chamber, 24 May 2023, E. 2023/1565 and K. 2023/18918.

¹⁹⁹ Court of Cassation, 4th Criminal Chamber, 21 September 2022, E. 2020/10335 and K. 2022/12536; Court of Cassation, 4th Criminal Chamber, 19 June 2023, E. 2021/12091 and K. 2023/20065; Court of Cassation, 4th Criminal Chamber, 5 June 2023, E. 2021/11281 and K. 2023/19357; Court of Cassation, 4th Criminal Chamber, 21 September 2022, E. 2020/10335 and K. 2022/12536.

²⁰⁰ In one case the duration was one year and one month (Court of Cassation, 4th Criminal Chamber, 5 June 2023, E. 2023/4708 and K. 2023/19345) and in the remaining two cases (Court of Cassation, 4th Criminal Chamber, 24 May 2023, E. 2023/1565 and K. 2023/18918; Court of Cassation, 4th Criminal Chamber, 1 June 2023, E. 2023/853 and K. 2023/19331) the data of the first instance court judgment is not indicated.

217. Concerned by the high rate of acquittals, the absence of judgments resulting in confiscation of proceeds of crime and the excessive length of proceedings in THB cases, **GRETA once again urges the Turkish authorities to:**

- **prioritise the identification of gaps in the investigation procedure, the collection of evidence and the prosecution of human trafficking cases for different purposes of exploitation, with a view to ensuring effective, proportionate and dissuasive convictions;**
- **provide law enforcement units investigating THB offences with the necessary resources, guidance and tools to detect and investigate human trafficking cases for different purposes of exploitation, including on the use of information and communication technology to combat trafficking and the collection of digital evidence;**
- **strengthen efforts to rescue Yazidi captives held in Türkiye and prosecute the perpetrators;**
- **strengthen efforts to investigate and prosecute cases of human trafficking, focusing in particular on the forms of trafficking which are seldom investigated and/or prosecuted, such as trafficking for the purposes of forced criminality, forced begging, forced marriage, and organ removal.**

218. **Further, GRETA considers that the Turkish authorities should take additional steps to:**

- **develop the training and specialisation of law enforcement officials, prosecutors and judges to deal with human trafficking cases;**
- **systematically carry out financial investigations into human trafficking cases in order to effectively locate, seize and confiscate criminal assets related to this offence;**
- **ensure that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ).²⁰¹**

b. Protection of witnesses and victims (Articles 28 and 30)

219. In its first report, GRETA urged the Turkish authorities to make full use of the available measures to protect victims and witnesses of THB, including children, and to prevent their intimidation during the investigation and during and after the court proceedings.

220. Article 5 of the Law on Witness Protection envisages several protection measures for persons whose life, bodily integrity or property face the threat of grave and serious danger due to their participation as witness in criminal proceedings. These measures, already described in GRETA's first report,²⁰² do not apply to witnesses in THB cases unless the offence of human trafficking is committed within the framework of a criminal organisation.²⁰³ GRETA was informed that this Law has been applied in terrorism, homicide, and drugs trafficking cases but not in THB cases.

²⁰¹ <https://rm.coe.int/cepej-2018-26-en-rapport-calvez-regis-en-length-of-court-proceedings-e/16808ffc7b>

²⁰² See paragraph 233 of the first GRETA report on Türkiye.

²⁰³ Pursuant to Article 3 of the Law on Witness Protection, this Law applies to offences requiring a minimum prison sentence of ten years or more and offences committed within the framework of a criminal organisation.

221. The Criminal Procedure Code (CPC) also contains provisions pertaining to the protection of victims who act as witnesses during the investigation and court proceedings. Article 52(3) of the CPC foresees the video and audio recording of witnesses' statements during the investigation and prosecution stages. Audio and video recording of testimonies is obligatory when it comes to child victims and cases in which it will be impossible for the witnesses to be brought before the court and the testimony is essential to truth seeking. These recordings can be used as evidence at the later stage of the trial. Pursuant to Article 236 of the CPC, child victims and victims whose psychological condition is affected as a consequence of victimisation can be called to testify only once at the investigation and prosecution phase, without prejudice to the situations of absolute necessity. For such persons, an expert in the field of psychology, psychiatry, medicine, or education must be present during the testimony and legal representation must be assigned automatically (Articles 234 and 239 of the CPC). Article 58(3) of the CPC envisages audio and video transmission of witness testimony when there is a grave danger for the witness to appear in person, and no other means of mitigating the risk is available. Furthermore, pursuant to Article 182 of the CPC, courts can decide that some or all parts of a court session should be closed, in cases where public morality or public safety necessitates. Mandatory closed sessions are regulated by Article 185 of the CPC in cases where the defendants are under 18 years of age.

222. Presidential Decree No. 63 on the Support for Victims of Crime, published in the Official Gazette of 10 June 2020, defines victims of THB as one of the vulnerable groups for whom support services should be provided during the criminal proceedings on the basis of an individual needs assessment by a judicial support officer (Article 7). The support services include taking measures to prevent victims from experiencing recurrent victimisation, accompanying victims to ensure that they understand the court process and reduce their anxiety levels during court hearings, proposing to the public prosecutor or judge that the statement of the victim is carried out in the judicial interview room, referring victims in need of treatment or rehabilitation to relevant institutions, and implementing case management in the provision of services for victims who need further support during the judicial process. These services are provided by judicial support officers working at the Directorates of Judicial Support and Services for Victims of Crime. GRETA notes with satisfaction that these Directorates, established in 2019 in seven pilot courthouses, have been expanded to 167 courthouses.

223. As noted in GRETA's first report, since 2017 there are "judicial interview rooms" within the premises of courts where victims can give testimony with the assistance of trained specialist staff (social workers, psychologists and pedagogues) during the investigation and prosecution stages.²⁰⁴ These rooms consist of three separate areas: waiting room, observation room and interview room. The interview is conducted by an expert and questions of the prosecutor, judge and defence lawyer are put to the interviewee by the expert through a headset.²⁰⁵ All vulnerable victims who may be negatively affected by a confrontation with the offender can benefit from the use of judicial interview rooms, at the discretion of the judge and prosecutor.²⁰⁶ Child victims of sexual exploitation can also be interviewed in child monitoring centres established in public hospitals (see paragraph 0). In those centres, the interview is carried out by a law enforcement official and/or prosecutor in the presence of a child psychologist. A "Guide on Approach to Witnesses",²⁰⁷ with a separate chapter on the approach to vulnerable witnesses (i.e. children, elderly, persons with disability and foreigners), was prepared in December 2023 by the Ministry of Justice in order to guide service providers in contact with witnesses by bringing together the basic standards and principles of approach to witnesses. A judicial interview guide is also being prepared.

²⁰⁴ At the time of the visit, there were 169 judicial interview rooms operating in 162 courthouses in 81 provinces. For more information on these rooms, see [Adli Destek ve Mağdur Hizmetleri Dairesi Başkanlığı \(adalet.gov.tr\)](https://adalet.gov.tr)

²⁰⁵ Article 6(1-f) of the Regulation on Judicial Interview Rooms.

²⁰⁶ Article 15(2) of the Regulation on Judicial Interview Rooms.

²⁰⁷ [Taniğa Yaklaşım Kılavuzu \(adalet.gov.tr\)](https://adalet.gov.tr)

224. GRETA welcomes the expansion of judicial interview rooms and special victim support services to cover almost all courthouses in Türkiye. However, GRETA was not informed to what extent these services have been used when it comes to victims of human trafficking. GRETA is concerned by reports that the existing legal provisions regarding protective measures are rarely applied to victims of human trafficking. GRETA refers to a recent report on child trafficking which points out that “there is still room for improvement to prevent the secondary victimisation of children due to repeated questioning, prolonged hearings and being required to give statements under inappropriate conditions”.²⁰⁸

225. GRETA considers that the Turkish authorities should make full use of the available measures to protect victims and witnesses of human trafficking, including children, and to prevent their intimidation during the investigation and during and after the court proceedings. Police officers, prosecutors and judges should be provided with the necessary training in order to ensure the application of such measures in practice.

c. Jurisdiction (Article 31)

226. Pursuant to Article 6 of the CC, anyone who commits, even partially, a crime on the territory of Türkiye is punishable according to Turkish law. If the result of a criminal act committed in a foreign territory occurs in Türkiye the offence is presumed to have been committed in Türkiye (Article 8 of the CC). A person who is convicted in a foreign country for an offence committed in Türkiye shall be subject to retrial in Türkiye (Article 9 of the CC). A Turkish citizen who commits a criminal act in a foreign country for which Turkish law establishes a minimum term of imprisonment of one year is also punishable under Turkish law, provided that he/she is present on Turkish territory, he/she has not been convicted for the same offence in a foreign country and a prosecution is possible in Türkiye (Article 11 of the CC). In the event that the offence of human trafficking is committed in a foreign country, even if the perpetrator or victims are not Turkish nationals, the offence was not committed against Türkiye’s interests, and the perpetrator has already been convicted or acquitted for that offence in a foreign country, the proceedings can be carried out in Türkiye upon the request of the Minister of Justice (Article 13 of the CC). In that case, any time spent in custody, detention, under arrest or serving a prison sentence in the foreign country for that particular offence is deducted from the penalty to be given in Türkiye (Article 16 of the CC).

5. International co-operation and co-operation with civil society

a. International co-operation (Article 32)

227. As noted in GRETA’s first report, Türkiye has concluded co-operation agreements on combating THB with five countries (Belarus, Georgia, Ukraine, the Republic of Moldova and Kyrgyzstan) and, more generally, in the field of security with more than 100 countries, which include provisions on combating migrant smuggling and THB. Co-operation protocols have been signed with a number of countries to implement these agreements. Türkiye is also party to a number of multilateral agreements on mutual legal assistance in criminal matters.²⁰⁹ In the absence of an agreement on judicial co-operation, the Ministry of Justice is competent to decide on accepting the requests for co-operation of foreign States.²¹⁰

228. Türkiye has not participated in any joint investigation teams (JIT) set up in THB cases, although this would be possible under Article 20 of the Second Additional Protocol of the European Convention on Mutual Assistance in Criminal Matters. GRETA was informed that international co-operation takes place generally through police liaison officers in foreign embassies in Türkiye but also sometimes through Interpol, Europol (which has a co-operation agreement with Türkiye), Eurojust, and the Southeast European Law Enforcement Centre (SELEC). For instance, Eurojust’s judicial contact point in Türkiye

²⁰⁸ [Child trafficking and child protection](#), December 2022, page 71.

²⁰⁹ For example, the European Convention on Mutual Assistance in Criminal Matters, and the European Convention on Extradition. The list of bilateral and multilateral agreements and co-operation protocols to which Türkiye is a party is available in Turkish at <https://diabgm.adalet.gov.tr/Home/SayfaDetay/S%C3%B6zle%C5%9Fmeler>.

²¹⁰ Article 3 of Law No. 6706 on International Judicial Cooperation in Criminal Matters.

facilitated in 2020 co-operation with the Italian authorities in an investigation into human trafficking and migrant smuggling.²¹¹ Members of the judiciary met by GRETA noted that it took a long time to receive a response to their mutual assistance requests from other countries.

229. The Turkish authorities have provided examples of requests for international legal co-operation in THB cases. A person was extradited by the Georgian authorities to Türkiye on 22 May 2019 for the execution of an imprisonment sentence delivered by a Turkish court for THB. Following a mutual legal assistance request made by the Dutch authorities for the transfer of a Turkish citizen to Türkiye to serve an imprisonment sentence for THB, the person's sentence was adapted in September 2022 by a criminal court in Ankara. Some mutual legal assistance requests resulted in initiating criminal investigations. For instance, a request received in July 2021 regarding eight Taiwanese citizens involved in THB in Türkiye resulted in a criminal complaint filed by the Ministry of Justice to Ankara's Chief Public Prosecutor's Office.

230. The Turkish authorities have also provided examples of investigations launched upon information received from foreign authorities. Following an information received from the Indonesian authorities, 26 victims of sexual exploitation were identified in Antalya. Alerted by a letter received from Taipei Economic and Cultural Office in July 2021, a criminal complaint was filed to Ortaca Chief Public Prosecutor's Office against a person of Taiwanese origin, suspected of establishing a criminal organisation in Türkiye to commit THB offences. In another case (described in paragraph 198), 33 victims from Taiwan were rescued in April 2021 by the Gendarmerie following information received from the Taiwan Police. Further, in January 2022, the Gendarmerie carried out an operation in Yalova, based on information received from the Ministry of the Interior of Tajikistan, and rescued four women (one Tajik, two Kyrgyz and one Russian national) who were held captive and forced to prostitution, as well as arresting two perpetrators.

231. GRETA refers to its third evaluation report on Azerbaijan which notes difficulties faced by Azerbaijani authorities concerning the extradition by Türkiye of Azerbaijani citizens who acquired Turkish citizen after the commission of a THB offence.²¹²

232. GRETA considers that the Turkish authorities should further develop international co-operation in the investigation and prosecution of trafficking cases and explore further possibilities for co-operation with governmental and non-governmental actors in the main countries of origin and transit with a view to providing assistance to, and safe referral for, victims of trafficking and preventing human trafficking.

b. Co-operation with civil society (Article 35)

233. In its first report, GRETA urged the Turkish authorities to ensure the involvement of specialised NGOs and other relevant civil society actors in the planning, drafting, implementing and evaluating of national anti-trafficking policies. GRETA also recommended that the authorities should provide on-going and sustainable funding for anti-trafficking activities of NGOs.

234. GRETA notes that the environment in which NGOs operate in Türkiye remains challenging. In a letter addressed to the Turkish authorities on 25 February 2021, the Council of Europe Commissioner for Human Rights raised serious concerns about the amendments made on 31 December 2020 to Law No. 5253/2004 on Associations and Law No. 2860/1983 on Aid Collection, which further tighten the government's control over NGOs and their fundraising activities.²¹³ In the report published in February 2020²¹⁴ following her visit to Türkiye in July 2019, the Commissioner had already expressed concern about a number of regulatory obstacles facing NGOs related to their functioning and activities, including the necessity to obtain prior authorisation for each fundraising activity and long authorisation

²¹¹ PMM, [2020 annual report on combating human trafficking](#), June 2021 (in Turkish), page 63.

²¹² See GRETA's 3rd report on Azerbaijan, paragraph 123.

²¹³ <https://rm.coe.int/letter-to-mr-suleyman-soylu-minister-of-interior-of-the-republic-of-tu/1680a18d4c>. Similar concerns were also expressed by three UN Special Rapporteurs in their [comments](#) of 11 February 2021.

²¹⁴ Commissioner for Human Rights, [report](#) following her visit to Türkiye from 1 to 5 July 2019, 19 February 2020.

processes based on non-objective criteria. The report noted the extensive reliance of NGOs on fundraising due to the fact that public funds are regularly allocated to NGOs which espouse the same values as the government and do not criticise official policy, in a non-transparent way that excludes human rights-based NGOs.

235. According to recent research, NGOs' role in the anti-trafficking efforts has been extensively downsized.²¹⁵ There are no specialised NGOs in this area and, as noted by the National Rapporteur,²¹⁶ the number of NGOs involved to some extent in counter-trafficking efforts remains very low. There exist neither protocols nor regular and structured co-operation with any NGOs in counter-trafficking.²¹⁷ The Anti-Trafficking Regulation and other legislative texts vest in the PMM a discretionary power in terms of co-operation with NGOs, but contain no explicit obligation to co-operate.²¹⁸ Consequently, while in some provinces, such as Gaziantep, PDMMs closely co-operate with NGOs, in many others the co-operation with the authorities in general and PDMMs in particular is very challenging. NGOs are not involved in the victim identification procedures and, as noted in GRETA's first report, the few shelters for victims of THB that NGOs were operating were closed down in 2016 and 2017 due to security concerns and lack of funding. The National Rapporteur recommended that the authorities strengthen co-operation with NGOs in the running of shelters.²¹⁹

236. International organisations, such as the Council of Europe, ICMPD, IOM, ILO and UNHCR, have continued to implement anti-trafficking projects and initiatives in the reporting period (referred to in paragraphs 22 - 31, 41, 60, 68, 72, 106 and 107). Some NGOs, such as the Association for the Promotion of Equal Lives and Sustainable Development (ESDER), the Association for Solidarity with Asylum Seekers and Migrants (SGDD-ASAM), the Human Resource Development Foundation (İKGV), and the Family Counsellors Association (AİLEDER), carry out awareness-raising and training activities on THB, and, to a limited extent, provide psycho-social support to victims of THB but they are not funded by the State.²²⁰ By way of example, the GRETA delegation was told by representatives of SGDD-ASAM in Gaziantep that they provide assistance to victims, such as psycho-social support, temporary accommodation and transportation to hospital or shelters, immediately after identification by the PDMM, and organise training and awareness raising sessions for public authorities and local NGOs, in co-operation with the PDMM. However, they also underlined that SGDD-ASAM's capacity to work in the anti-trafficking field is limited due to scarcity of funding opportunities.

237. GRETA received contradictory information about the reasons for the insufficient engagement of NGOs in countering human trafficking. While representatives of NGOs met by GRETA complained about the lack of funding, especially public funding, the representatives of the PMM stated that since 2016 the Department of Protection of Victims of Human Trafficking has a budget that can be used to fund projects in the anti-trafficking field, but no NGO has ever applied for it and, as a consequence, the budget has been significantly downsized over time (paragraph 18). While acknowledging the crucial role of civil society in combating human trafficking, representatives of the PMM noted that NGOs are reluctant to engage in anti-trafficking efforts²²¹.

238. GRETA was informed that a co-operation protocol was prepared by the PMM with four civil society organisations, including ESDER, the Turkish Red Crescent, and the International Migration Association (UGDER), but has not been yet signed. According to the Turkish authorities, the draft new National Action Plan on combating THB includes measures to enhance the efficiency of NGOs so that they take part more actively in awareness-raising and training activities and the provision of services under public procurement. The new plan will reportedly strengthen co-operation with NGOs by involving them in the victim identification process.

²¹⁵ [Trends in trafficking in human beings in Türkiye: analysis and action proposals](#), December 2022, page 51.

²¹⁶ HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraph 213.

²¹⁷ [Gap analysis of the investigation and prosecution of human trafficking cases in Türkiye](#), December 2022, page 40.

²¹⁸ Ibidem.

²¹⁹ HREIT, [Türkiye National Report on Combating Trafficking in Human Beings](#), March 2023 (in Turkish), paragraph 214.

²²⁰ Ibidem, paragraphs 198-205.

²²¹ See also PMM, [2019 annual report on combating human trafficking](#), August 2020 (in Turkish), page 78.

239. GRETA emphasizes the essential role NGOs play in preventing human trafficking, raising awareness of public, training professionals, identifying the gaps and shortcomings in the State response to human trafficking, detecting victims and assisting them to obtain access to support services, remedies and redress.

240. Recalling the recommendations made in its first report, GRETA urges the Turkish authorities to build strategic partnerships with NGOs and other relevant civil society actors with the aim of achieving the purpose of the Convention (Article 35), and to ensure that NGOs engaged in anti-trafficking action have effective access to adequate funding, including from the State, and are enabled to participate in the prevention of human trafficking and victim protection and assistance.

IV. Conclusions

241. Since the adoption of GRETA's first report on Türkiye in July 2019, progress has been made in a number of areas.

242. The institutional framework for combating human trafficking has evolved, with the setting up of the Co-ordination Board for Combating Human Trafficking, responsible for coordinating anti-trafficking efforts at the national level and involving representatives of relevant ministries and state agencies, as well as invited participants from international organisations and NGOs. Further, provincial co-ordination commissions on combating human trafficking have been set up in all 81 provinces. Additionally, the Human Rights and Equality Institution of Türkiye has been designated as the National Rapporteur on human trafficking.

243. Efforts have also been made to provide training on human trafficking to an increasing range of professional groups which may come across victims of trafficking. The training is often carried out in co-operation with international organisations and, whenever possible, a multi-stakeholder approach is promoted.

244. The Turkish authorities have organised various activities to raise public awareness about the risks of human trafficking and preventing such risks. These activities include an annual national summit on combating human trafficking, held on the World Day Against Trafficking in Persons, which brings together experts to share experiences and address gaps in the response to human trafficking.

245. Moreover, efforts have been made to prevent trafficking in children, through the National Action Plan to Fight against Child Labour and programmes aimed at increasing refugee children's access to school. GRETA also welcomes the establishment of "Children are Safe" teams within the Provincial Directorates of the Ministry of Family and Social Services with the purpose of identifying children at risk and referring them to appropriate social services.

246. Another welcome development is the improvement in the material conditions of the two state-run shelters for victims of human trafficking. The Turkish authorities have referred to plans to open another shelter for 30 victims of human trafficking in Kütahya.

247. GRETA also welcomes the expansion of judicial interview rooms and special victim support services to nearly all courthouses in Türkiye.

248. However, despite the progress achieved, some issues continued to give rise to concern. In this report, GRETA requests the Turkish authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.

Issues for immediate action

- **GRETA once again urges the Turkish authorities to take further steps to ensure that national action to combat human trafficking is comprehensive, through the adoption, as a matter of priority, of a National Action Plan against Human Trafficking, in which objectives, activities and stakeholders responsible for their implementation are clearly defined and budgetary resources allocated. The action plan should be accompanied by a mechanism for monitoring its implementation and should aim to:**
 - **address all victims of trafficking, including Turkish nationals, for all forms of exploitation, including forced begging, forced criminality, forced marriages and the removal of organs, while taking into account the gender-dimension of trafficking and the particular vulnerability of children;**
 - **prioritise the identification of victims of human trafficking amongst refugees, asylum seekers and internally displaced persons, particularly in the South-Eastern region;**
 - **strengthen action to combat trafficking for the purpose of labour exploitation by reviewing the legislative framework, improving the identification of, and assistance to, victims of trafficking for the purpose of labour exploitation in different sectors of the economy (in particular high-risk sectors such as agriculture, construction, restaurants, entertainment and domestic work), and involving civil society, trade unions, labour inspectorates and the private sector (paragraph 24);**
- **GRETA urges the Turkish authorities to intensify their efforts to prevent human trafficking for the purpose of labour exploitation, in particular by:**
 - **training labour inspectors throughout the country, as well as other inspecting agencies, law enforcement officers, prosecutors and judges, on combating trafficking for the purpose of labour exploitation and the rights of victims;**
 - **expanding the mandate of labour inspectors so that they can be actively engaged in the prevention of human trafficking, including in private households and in small businesses in the agricultural sector;**
 - **monitoring the frequency and effectiveness of labour inspections, especially in sectors considered at risk of human trafficking, and ensuring that the number of labour inspectors and their financial resources are sufficient to fulfil their mandate, including in remote locations at risk of human trafficking in the agricultural sector;**
 - **strengthening co-operation between law enforcement officers, labour inspectors, social security supervisors, tax authorities, trade unions and civil society organisations with a view to collecting the evidence necessary for successfully prosecuting cases of human trafficking for the purpose of labour exploitation;**
 - **reviewing Law No. 6735 on International Labour with a view to facilitating the process for foreign workers to change employers;**
 - **strengthening the monitoring of private employment agencies and reviewing the legislative framework for any gaps that may limit protection or preventive measures;**
 - **raising awareness amongst the general public as well as, in a targeted manner, amongst migrant workers, about the risks of human trafficking for the purpose of labour exploitation;**
 - **establishing effective mechanisms to enable irregularly present migrant workers to lodge complaints and obtain effective remedies without the risk of sharing of their personal data or other information with the immigration authorities for the purposes of immigration control and enforcement (paragraph 66);**

- **While acknowledging the measures taken to prevent trafficking in children, GRETA urges the Turkish authorities to:**
 - **strengthen the role and capacity of the child protection services to protect children in street situations, prevent trafficking in children and alert other relevant stakeholders to possible cases of trafficking;**
 - **take all necessary actions, including amending legislation, to ensure the effective implementation of legal safeguards against child labour;**
 - **sensitise and train teachers, educational staff and child welfare professionals across the country about human trafficking and its different forms, and ensure that sensitisation programmes on the matter of human trafficking are put in place in schools;**
 - **strengthen their efforts to prevent trafficking in children for different types of exploitation by raising public awareness, especially amongst refugee and unaccompanied children, about the risks and different manifestations of child trafficking, including early, child and forced marriages, exploitation of begging, forced criminality, and child labour exploitation (paragraph 77);**
- **GRETA urges the Turkish authorities to strengthen their efforts to detect and prevent human trafficking through border control measures, in particular in the context of increased migration. This should include:**
 - **steps to build the capacity of all competent authorities to detect indicators of human trafficking among persons arriving in Türkiye;**
 - **the provision of information to foreign nationals arriving irregularly or seeking asylum, in a language that they can understand, about the risks of human trafficking, their rights and where to turn for advice and assistance;**
 - **the carrying out of individualised risk assessment prior to any forced removals and ensuring that it covers the risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*. In this context, full consideration should be given to the UNHCR's Guidelines on the application of the Refugees Convention to trafficked persons and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection (paragraph 104);**
- **GRETA urges the Turkish authorities to take further steps to improve the identification of victims of human trafficking, and in particular to:**
 - **promote a multi-agency approach in the identification of victims of trafficking by involving the expertise of all relevant organisations and entities, such as specialised NGOs, social workers, labour inspectors, child protection specialists and healthcare staff;**
 - **ensure an enabling environment for NGOs and sufficient resources to support their involvement in the identification of possible victims of trafficking, including in removal centres;**
 - **ensure that the authorities have sufficient staff to be able to manage the identification procedure, and to take measures to proactively identify victims of transnational and internal trafficking (i.e. taking place within Türkiye) for different purposes of exploitation;**
 - **strengthen the mandate and capacity of labour inspectors to enable them to proactively identify victims of trafficking for the purpose of labour exploitation;**

- **continue paying particular attention to the proactive detection of victims of trafficking among asylum seekers and persons placed in removal centres, and provide, in co-operation with civil society and lawyers, continuous training to all staff who come into contact with such persons;**
- **ensure that qualified interpreters are available whenever presumed victims of trafficking are interviewed in the context of the victim identification procedure (paragraph 120);**
- **GRETA urges the Turkish authorities to enhance their efforts to provide assistance to victims of trafficking by:**
 - **providing appropriate and secure accommodation to all victims of trafficking (women, men and children), including accommodation where victims can stay with their children (girls and boys), regardless of their age;**
 - **facilitating the social inclusion of victims of trafficking and preventing re-trafficking by providing them with long-term assistance, including vocational training and access to the labour market;**
 - **strengthening partnerships with specialised NGOs for the purpose of assisting victims of trafficking, including by delegating to NGOs the function of service providers, and providing adequate financing of the services delivered by NGOs;**
 - **providing regular training to all professionals responsible for implementing assistance measures for victims of trafficking, including the staff of the shelters for victims of violence (paragraph 137);**
- **GRETA urges the Turkish authorities to improve the identification and assistance of child victims of trafficking, in particular by:**
 - **introducing standard operating procedures defining the role to be played and the procedure to be followed by all the authorities and professionals who may come into direct contact with child victims of trafficking, including NGOs;**
 - **ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking, by paying particular attention to unaccompanied and separated migrant and refugee children, children working in the agricultural sector, children in street situations as well as child marriage;**
 - **providing further training and resources to all the stakeholders who may come into contact with child victims of trafficking (including police, gendarme, labour inspectors, NGOs, child protection authorities, social workers, teachers and health-care professionals) as well as guidance on the identification of child victims of THB (paragraph 150);**
- **GRETA urges the Turkish authorities to increase their efforts to facilitate access to compensation for victims of trafficking, and in particular to:**
 - **provide information to all victims of trafficking on their right to compensation and the ways to access it, in a language they can understand, and ensure that victims have effective access to free legal aid to claim compensation;**
 - **include victim compensation in training programmes for law enforcement officials, prosecutors, judges and lawyers;**
 - **ensure that claims for compensation by victims of THB are examined within the criminal proceedings while preserving the victims' right to seek compensation before a civil court;**
 - **establish a state compensation scheme accessible to victims of trafficking, regardless of their citizenship and residence status;**

- put in place a system to certify lawyers who are qualified to provide legal assistance to victims of trafficking, and ensure that trafficking victims are systematically appointed a lawyer from among the certified lawyers (paragraph 175);
- Recalling that it is of fundamental importance to use a definition of trafficking in human beings on which there is international consensus, GRETA urges the Turkish authorities to:
 - include "servitude", "practices similar to slavery" and "other forms of sexual exploitation" in the list of forms of exploitation;
 - consider trafficking in all children, i.e. all persons under the age of 18, as an aggravating circumstance, in accordance with Article 24 of the Convention;
 - ensure that all the aggravating circumstances included in the Convention, including the offence committed by a civil servant in the performance of her/his duties and the offence deliberately or by gross negligence endangering the life of the victim, are appropriately taken into account (paragraph 190);
- While noting positively that in some cases the non-punishment principle was applied to victims of human trafficking, GRETA once again urges the Turkish authorities to ensure compliance with Article 26 of the Convention through the adoption of a specific provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, and/or by developing training and relevant guidance for law enforcement officials and prosecutors on the scope of the non-punishment provision (paragraph 201);
- Concerned by the high rate of acquittals, the absence of judgments resulting in confiscation of proceeds of crime and the excessive length of proceedings in THB cases, GRETA once again urges the Turkish authorities to:
 - prioritise the identification of gaps in the investigation procedure, the collection of evidence and the prosecution of human trafficking cases for different purposes of exploitation, with a view to ensuring effective, proportionate and dissuasive convictions;
 - provide law enforcement units investigating THB offences with the necessary resources, guidance and tools to detect and investigate human trafficking cases for different purposes of exploitation, including on the use of information and communication technology to commit trafficking and the collection of digital evidence;
 - strengthen efforts to rescue Yazidi captives held in Türkiye and prosecute the perpetrators;
 - strengthen efforts to investigate and prosecute cases of human trafficking, focusing in particular on the forms of trafficking which are seldom investigated and/or prosecuted, such as trafficking for the purposes of forced criminality, forced begging, forced marriage, and organ removal (paragraph 217);
- GRETA urges the Turkish authorities to build strategic partnerships with NGOs and other relevant civil society actors with the aim of achieving the purpose of the Convention (Article 35), and to ensure that NGOs engaged in anti-trafficking action have effective access to adequate funding, including from the State, and are enabled to participate in the prevention of human trafficking and victim protection and assistance (paragraph 240).

Further conclusions

- GRETA considers that the Turkish authorities should take further steps to provide systematic training on THB and the rights of victims to all relevant professionals (including national and municipal police, Gendarmerie officers, coast guard services, prosecutors, judges, social workers and other staff delivering social services, child protection authorities, health-care professionals, labour inspectors, staff working in centres for asylum seekers, staff working in removal centres, and consular officials). The training should be mainstreamed into the regular training curricula of relevant professionals and implemented systematically across the country (paragraph 36);
- For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA considers that the Turkish authorities should finalise the development of a comprehensive and coherent data collection and statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims, as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors, including NGOs, and allow disaggregation concerning sex, age, type of exploitation, country of origin and exploitation. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database (paragraph 40);
- GRETA considers that the Turkish authorities should conduct, support and fund research on THB-related issues as a basis for future policy measures. Areas where such research is needed in order to shed more light on the extent and nature of the problem of human trafficking in Türkiye include trafficking of persons with psychological and/or mental disabilities, the use of information and communication technology in the recruitment and exploitation of victims of human trafficking, and trafficking taking place within Türkiye for different purposes of exploitation, such as forced begging, forced criminality, and domestic servitude. The State should provide financial support and create an enabling framework for independent research (paragraph 48);
- GRETA considers that the Turkish authorities should continue conducting awareness-raising campaigns on different forms of human trafficking, including within Türkiye, actively involving civil society and the private sector and using the findings of research and impact assessments of previous measures. The awareness-raising campaigns should be designed to address various underlying causes of child trafficking in Türkiye, such as the social acceptance of child marriage and child labour (paragraph 57);
- GRETA invites the Turkish authorities to collect data about the involvement of Syrian refugee children in economic activities (paragraph 67);
- GRETA considers that the Turkish authorities should extend the coverage of financial support and provision of social services, in particular for children of parents working in the agriculture sector, children in the east and south-east regions, rural and remote areas, earthquake-affected areas and refugee households (paragraph 78);
- GRETA encourages Türkiye to ratify the Council of Europe Convention against trafficking in human organs as this would contribute to preventing trafficking for the purpose of organ removal (paragraph 87);
- GRETA considers that the Turkish authorities should ensure that health professionals involved in the transplantation of organs and other relevant professionals are made aware of the indicators of trafficking for the purpose of organ removal and are given instructions on how to deal with suspected cases and report them to law enforcement agencies. The authorities should also collect

and monitor data on non-resident donors and recipients. Reference is made to the UNODC Toolkit on the Investigation and prosecution of Trafficking in Persons for Organ Removal (paragraph 88);

- GRETA considers that the Turkish authorities should adopt and strengthen legislative, administrative, educational, social, cultural and other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:
 - adopting legislation integrating the prevention of human trafficking and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent human trafficking and labour exploitation;
 - raising awareness of the important role of the media and advertising in tackling demand which leads to human trafficking;
 - strengthening awareness-raising campaigns of the risks of trafficking and other forms of sexual and gender-based violence linked to prostitution, including in registered brothels (paragraph 93);
- GRETA considers that the Turkish authorities should:
 - take all necessary steps to facilitate access to health care for victims of trafficking;
 - ensure that the protocol envisaged by the Regulation on Combating Human Trafficking and the Protection of Victims between the Presidency of Migration Management and the Ministry of Family and Social Services, which should clarify the institutional responsibilities in respect of child and Turkish victims of trafficking, is adopted without further delay (paragraph 138);
- GRETA invites the Turkish authorities to review the age assessment procedures, ensuring that the best interests of the child are effectively protected, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child and Council of Europe Committee of Ministers Recommendation CM/Rec(2022)22 on human rights principles and guidelines on age assessment in the context of migration. The authorities should take measures to ensure that in practice the benefit of the doubt is given in cases of doubt, in accordance with Article 10, paragraph 3, of the Convention (paragraph 151);
- GRETA invites the Turkish authorities to continue ensuring the protection of the private life and identity of victims of trafficking by including in the standard operation procedures rules on the confidentiality of personal data of victims of trafficking, to be respected at all stages of processing of such data by relevant actors (paragraph 155);
- GRETA invites the Turkish authorities to continue ensuring that all presumed foreign victims of trafficking are offered an effective recovery and reflection period, as well as all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 158);
- GRETA invites the Turkish authorities to continue ensuring that victims of trafficking can fully benefit from the right to obtain a residence permit, including owing to their personal situation (paragraph 165);
- GRETA invites the Turkish authorities to collect statistical information concerning compensation awarded by courts to victims of trafficking, in response to their compensation claims made in criminal or civil proceedings (paragraph 176);

- GRETA considers that the Turkish authorities should step up their efforts to ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity, is preferably voluntary and complies with the obligation of *non-refoulement*. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child. Furthermore, the authorities should develop international co-operation and involvement of NGOs in order to ensure comprehensive risk assessment and safe return, as well as safe and effective reintegration of victims of trafficking (paragraph 183);
- GRETA considers that “bringing in or taking out of the country a person” should be added to the acts enumerated in the third paragraph of Article 80, in order to ensure consistency with its first paragraph. The authorities should also consider expanding the list of purposes of exploitation in Article 80 of the Criminal Code and/or making the list non-exhaustive (paragraph 191);
- GRETA considers that the Turkish authorities should adopt legislative measures to criminalise the use of services with the knowledge that the person is a victim of trafficking, regardless of the form of exploitation, as stipulated by Article 19 of the Convention (paragraph 193);
- GRETA considers that the Turkish authorities should review the effectiveness of the legal provisions on corporate liability in relation to human trafficking offences, examine the reasons why no legal entities have been held liable for trafficking-related acts and, in the light of the findings, take measures to ensure that the liability of legal entities can be acted upon in practice (paragraph 196);
- GRETA considers that the Turkish authorities should take additional steps to:
 - develop the training and specialisation of law enforcement officials, prosecutors and judges to deal with human trafficking cases;
 - systematically carry out financial investigations into human trafficking cases in order to effectively locate, seize and confiscate criminal assets related to this offence;
 - ensure that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 218);
- GRETA considers that the Turkish authorities should make full use of the available measures to protect victims and witnesses of human trafficking, including children, and to prevent their intimidation during the investigation and during and after the court proceedings. Police officers, prosecutors and judges should be provided with the necessary training in order to ensure the application of such measures in practice (paragraph 225);
- GRETA considers that the Turkish authorities should further develop international co-operation in the investigation and prosecution of trafficking cases and explore further possibilities for co-operation with governmental and non-governmental actors in the main countries of origin and transit with a view to providing assistance to, and safe referral for, victims of trafficking and preventing human trafficking (paragraph 232).

Appendix

List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations

Public bodies

- Presidency of Migration Management, including Department of Protection of Victims of Human Trafficking, and Provincial Directorates of Migration Management in Ankara, Gaziantep, Istanbul, and Kirikkale Provinces
- Ministry of Justice
 - o Presidency of the Turkish Justice Academy
 - o Directorate General of Criminal Records and Statistics
 - o Directorate General for Criminal Affairs
 - o Directorate General for Foreign Affairs and European Union
 - o Directorate General for Legislation
 - o Presidency of Judicial Support and Victim Services
 - o Department of Human Rights
- Ministry of Family and Social Services
 - o Directorate General on the Status of Women
 - o Directorate General of Child Services
- Ministry of Labour and Social Security
 - o Presidency of Labour Inspection and Guidance
 - o Presidency of Social Security Institution
 - o Department for Combating Unregistered Employment
 - o Directorate General of Labour
 - o Directorate General of Turkish Employment Agency
 - o Directorate General of International Labour Force
- Ministry of National Education
- Ministry of Health
- Ministry for Foreign Affairs
- Ministry of Treasury and Finance
- National Police
 - o Department of Public Security
 - o Counter-Smuggling of Migrants and Border Gates Department
- Gendarmerie General Command
 - o Department for Combating Migrant Smuggling and Human Trafficking
- Coast Guard Command
- Prosecutors from the Court of Cassation and Ankara Public Prosecutor Office
- Istanbul Courthouse

- Gaziantep Courthouse
- Gaziantep Metropolitan Municipality
- National Human Rights and Equality Institution (National Rapporteur for combating trafficking in human beings)

Intergovernmental organisations

- International Centre for Migration Policy Development (ICMPD)
- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- United Nations Children's Emergency Fund (UNICEF)
- United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)
- United Nations High Commissioner for Refugees (UNHCR)

NGOs and other civil society organisations

- Ankara Bar Association
- Association for Solidarity with Asylum Seekers and Migrants (SGDD-ASAM)
- Association for the Promotion of Equal Lives and Sustainable Development (ESDER)
- ECPAT Türkiye
- Istanbul Bar Association
- Mor Çatı Women's Shelter Foundation
- Union of Turkish Bar Associations

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Türkiye

GRETA engaged in a dialogue with the Turkish authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Turkish authorities on 23 July 2024 and invited them to submit any final comments. The comments of the authorities, submitted on 11 September 2024, are reproduced hereafter.

COMMENTS ON THE REPORT ON THE IMPLEMENTATION OF THE COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS, SHARED ON 23 JULY 2024

Our opinions on the items included in the final report of the second round of evaluation are provided below.

- ***We present to you again the views we conveyed in Article 70 of the Draft Report for the same paragraph.***

The mentioned source states that statistical data only report enrolment rates at the beginning of each academic year. There are no statistics on dropout rates. In this context, there is no data on school dropout rates. Therefore, emphasising the frequency of school absenteeism and school dropouts in the sentence in question creates a contradiction. Moreover, The Conditional Cash Transfer for Education (CCTE) Project is implemented in order to ensure schooling and regular attendance of foreign children residing in our country. Within the scope of the project, incentive payments are made every 2 months, provided that students are not absent more than 4 days per month.

Our Constitution and laws guarantee everyone's right to education without discrimination and exclusion. The principles of equality, justice and non-discrimination emphasised in these documents form the basis of the education policies and laws of the Ministry of National Education of the Republic of Türkiye, ensuring that every individual benefits from education in a fair manner. In this context, the Ministry of National Education carries out activities to ensure that all children in our country benefit from education services and provides equal and inclusive education services to all foreign children regardless of nationality and status. National and international projects and collaborations are carried out in line with migration policies, targeting access to education and social cohesion. In order to increase the Turkish language skills of foreign students, catch-up classes providing intensive Turkish education have been established within the framework of Circular No. 2019/15. Foreign students with insufficient Turkish language skills were enrolled in the catch-up classes that started to be implemented in the 2019-2020 academic year. A Turkish proficiency exam was administered to students studying in catch-up classes, and successful students continued their education in classes at their own level.

As of the 2020-2021 academic year, the circular on catch-up classes has been revised and the practice of catch-up classes at the third grade level of primary school continues within the scope of Circular No. 2020/7. In the catch-up classes, 24 hours of Turkish and 2 hours each of visual arts, music and physical education and games/sports courses were provided in primary and secondary school levels; in secondary education, 24 hours of Turkish, 2 hours of visual arts/music/ physical education and sports, 2 hours of human relations, 1 hour of counseling course and 1 hour of social activities were given for a total of 30 hours. For 4th-12th grade students, Turkish Language Courses continue in schools and Public Education Centres under the General Directorate of Lifelong Learning of the Ministry within the scope of PIKTES project.

Turkish courses are given by the General Directorate of Lifelong Learning through public education centers in order to teach Turkish language to foreign nationals in our country and to eliminate the psycho-social problems they experience. According to e-wide data, a total of 935,988 foreign national trainees attended Turkish courses at A1, A2 and B1 levels and according to age levels between 2014 and 2023.

In accordance with Article 1 of the attendance, absence and termination provisions in Article 36 of the Secondary Education Institutions Regulation, "School attendance is mandatory. Parents are responsible for ensuring that their students attend school. In accordance with Article 26 of the Basic Law of National Education, school administrators, national education directors and local civil administration authorities take the necessary measures regarding the enrollment and attendance of students in school." The verdict is mandatory.

- ***We would like to present to your attention our views stated under Article 100 of the Draft Report for Article 101 of the Final Report.***

Article 54 of the Law on Foreigners and International Protection lists the provisions on Foreigners to be Deported and foreigners are deported in accordance with the relevant articles of the said Law. Therefore, the statement that the authorities are given a wide discretion does not reflect the truth.

Turkey's fight against irregular migration continues not only within the country and in the countries that are the source of irregular migration, but also at our borders. In this context, security measures are taken at our borders in order to prevent the pressure of irregular migration, which is intensely felt on our eastern borders.

Within the scope of the security measures taken, as every sovereign country does, no one who comes to our borders and attempts to cross illegally into our country is prevented and prevented. At the Iranian border, where irregular migrants try to cross, stricter measures are being taken to reduce the pressure of irregular migration towards our country. However, illegal crossings continue to be prevented within the scope of the measures taken at our borders, and characterizing the prevention activities as pushback contradicts the known meaning and is not acceptable. For irregular migrants who somehow enter the country, the processes related to international protection are monitored within the framework of national and international legislation and then deportation processes are followed.

Irregular migrants who are detected to have entered our country illegally are not pushed back, but are registered in the irregular migration common database and sent to removal centers for deportation.

However, no foreigner inside the country is subjected to an inhuman and inhumane practice such as pushback, and should not be confused with the prevention activities carried out within the framework of border security.

NOTE: In addition to the above explanation, the following explanation is subject to your appreciation.

However, in the decision of the European Court of Human Rights dated 13.02.2020 in the case of N.D. and N.T. v. Spain; in the case of mass illegal entry into Spain through Morocco by crossing the fence in the city of Melilla, it was ruled that there was no violation of the prohibition of mass deportation within the scope of Article 4 of Protocol No. 4 to the European Convention on Human Rights in the deportation of two foreigners with an accelerated procedure and that the right to effective remedy regulated in Article 13 was not violated. The Court held that they had rendered themselves illegal by entering Spain in an improper manner, by forcefully and deliberately breaching the wall, using mass force, without using the legal means of applying for asylum in Spain. It is noteworthy that, in reaching this conclusion, the Court specifically considered the applicants' "unlawful conduct" as a new assessment criterion.

In this context, Turkey's policy to combat irregular migration is to prevent irregular migrants who try to cross our borders illegally from entering our country by using technical and physical means (such as walls, ditches, wire/fences, electro-optical towers) and to protect our borders, and it is carried out in accordance with the ECHR's decision in favor of Spain.

- ***We would like to present to your attention once again the views we have stated in Article 114 of the Draft Report for Article 114 of the Final Report.***

Special needs interviews of persons under International and Temporary Protection are not conducted randomly and inconsistently, but in an organized and planned manner within the scope of the relevant legislation. Starting from the first application stage and throughout the entire process of international protection and temporary protection, they are monitored at the point of special needs. People who come to registration or data updating centers can be directed to protection desks, but this process also allows the person to make an appointment to meet with protection desks. Public institutions, non-governmental organizations, international organizations that provide services can directly refer a person to the protection desks. In this context, more than 1 million interviews with people with special needs have been conducted since 2017.