

CHILD TRAFFICKING AND CHILD PROTECTION



December 2022

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Cover photo:
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Abbreviations

ASAM	Association for Solidarity with Asylum Seekers and Migrants
CIMER	President's Office Information Center
CoE	Council of Europe
CPL	Child Protection Law
CRC	Convention on the Rights of the Child
PMM	Presidency of Migration Management
GRETA	Group of Experts on Action against Trafficking in Human Beings
ICC	International Children's Centre
ICMPD	International Centre for Migration Policy Development
IOM	International Organisation for Migration
NGO	Non-governmental Organisation
MoFSS	Ministry of Family and Social Services
MoLSS	Ministry of Labour and Social Security
MoNE	Ministry of National Education
NRM	National referral mechanism
THB	Trafficking in Human Beings
TPC	Turkish Penal Code

INTRODUCTION

This research has been conducted within the scope of the Action on Strengthening the Human Rights Protection of Migrants and Victims of Trafficking in Human Beings in Turkey, implemented within the framework of the joint European Union and Council of Europe programme “Horizontal Facility for the Western Balkans and Turkey – II (2019-2022)”.

The programme aims to provide assistance to the beneficiary countries in Southeast Europe to comply with the Council of Europe standards and the European Union acquis within the framework of the enlargement process. Since 2016, Türkiye has been a party to the Council of Europe Convention on Action against Trafficking in Human Beings, the implementation of which is subject to regular independent monitoring by the Group of Experts on Action against Trafficking in Human Beings (GRETA). In 2019, as part of its first evaluation report on Türkiye, GRETA recommended to have a study conducted on trafficking in human beings and emerging trends, including child trafficking, in order to improve the evaluation and planning of policy measures.

In the light of the assessment of the measures adopted to protect and promote the rights of victims of trafficking in human beings, GRETA recommended that the Turkish authorities take actions to improve the identification of child victims of trafficking, including:

- ensure that the identification of child victims of THB takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk;
- ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, by paying particular attention to unaccompanied and separated migrant and refugee children, as well as children working in the agricultural sector and children in street situations;

This report has been prepared with the specific aim to contribute to improved understanding of the roles and responsibilities of different actors in the processes of identifying, and providing assistance to, child victims. It focuses on analysing the strengths, weaknesses, opportunities and threats of the current identification process, identifying available referral and assistance channels, and providing recommendations for improvement.

- ensure identification of possible victims of THB, including child victims, at all border crossings in accordance with the OHCHR's Recommended Principles and Guidelines on Human Rights at International Borders and the OHCHR Report on the situation of migrants in transit;
- provide training and guidance for the identification of child victims of THB for different purposes, including sexual exploitation, forced marriage, exploitation of begging and exploitation of criminal activities.

This report has been prepared with the specific aim to contribute to improved understanding of the roles and responsibilities of different actors in the processes of identifying, and providing assistance to, child victims. It focuses on analysing the strengths, weaknesses, opportunities and threats of the current identification process, identifying available referral and assistance channels, and providing recommendations for improvement.

Methodologically, the report mainly relies on the results of a comprehensive desk review and analysis of secondary sources, including international law, national legislation, policies and strategy documents and information and opinions gathered during semi-structured interviews conducted with representatives of the following institutions:

- Ministry of the Interior
 - Presidency of Migration Management
 - Antalya Provincial Migration Management Department
 - Gendarmerie General Command, Department of Counter Smuggling and Human Trafficking
 - Coast Guard Command
- Ministry of Justice, Department of Victim Rights
- Ministry of Family and Social Services
 - General Directorate of Women's Status
 - Directorate General of Child Services
- Turkish Red Crescent
- National Human Rights and Equality Institution
- Ankara Bar Association
- International Organisation for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)
- International Centre for Migration Policy Development (ICMPD)
- Association for Solidarity with Asylum Seekers and Migrants (ASAM)
- International Children's Center (ICC)

LEGISLATIVE FRAMEWORK



The **international legal instruments** that directly address child trafficking include:

- ▶ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol), supplementing the United Nations Convention against Transnational Organised Crime (UNTOC)
- ▶ Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution and Child Pornography
- ▶ Council of Europe (CoE) Convention on Action against Trafficking in Human Beings

The Palermo Protocol is the first legal instrument to provide an internationally agreed upon definition of trafficking in human beings (THB), including child trafficking. Both the Palermo Protocol and the Optional Protocol to the CRC focus on actions that should be prohibited and do not regulate procedures. Thus, their contents mostly concern the implementation of criminal laws in domestic legislation.

The CoE Convention is a comprehensive regional treaty focusing on the protection of victims of trafficking and the safeguarding of their rights. It goes beyond the standards agreed upon in the Palermo Protocol, providing for a number of rights of victims of trafficking. A child-sensitive approach is reflected throughout the Convention and special measures are envisaged with respect to child victims of trafficking (e.g., Arts. 5(5), 10(4), 11, 14, 16, 28, 30).

Apart from these instruments, international standards on the protection of children from trafficking consist of provisions specific to children within the general framework of human trafficking, and those related to THB within general regulations regarding children's rights (Appendix II). In addition, the Council of Europe has a series of relevant recommendations that guide the adoption and implementation child-specific laws and policies (Appendix III).

Turkish **national legislation** (Table 1) contains no separate law on combating human trafficking, and there is no legal instrument specifically focusing on the protection of children from being trafficked. Art. 19 of the Turkish Constitution,

regulating the right to personal liberty and security, forms the basis for the State's positive obligation. Arts. 50 and 41 of the Constitution, regulating the prohibition of forced labour and children's right to protection, constitute the core of the State's obligations to protect children from THB.

Human trafficking is criminalised in Art. 80 of the *Turkish Penal Code (TPC)*, following the definition in the Palermo Protocol, with its three constitutive elements (action, means and purpose of exploitation). Paragraph 3 of Art. 80 specifies that in the case of children, the use of means is irrelevant. Further, the *Regulation on Combating Human Trafficking and the Protection of Victims*, which entered into force on 17 March 2016, lays down the rules and procedures concerning the identification and support of victims of trafficking, with specific provisions related to children. Additionally, the *Child Protection Law* and the *Social Services Law* regulate preventative and protective procedures for child victims.

Table 1 ▶
National Legal
Instruments
Related
to Child
Trafficking

Laws	No.	Date
Social Services Law	2828	24.05.1983
Turkish Penal Code	5237	26.09.2004
Child Protection Law	5395	03.07.2005
Law on the Legal Aspects and Scope of International Child Abduction	5717	22.11.2007
Law on Foreigners and International Protection	6458	04.04.2013
Presidential Decree on Supporting Victims of Crime	63	10.06.2020
Regulations	No.	Date
Temporary Protection Regulation	29153	22.10.2014
Regulation on the Establishment and Operations of Reception and Accommodation Centers and Removal Centers	28980	22.04.2014
Implementation of the Law on Foreigners and International Protection	29656	17.03.2016
Regulation on Combating Human Trafficking and the Protection of Victims	29656	17.03.2016

In addition to the laws and regulations that include provisions related to child trafficking, the general provisions of the following legislation are also relied upon for determining the interventions to be made and the procedures to be followed in case of THB:

- Turkish Civil Code (No.4721)
- Criminal Procedures Law (No.5271)
- Presidential Decrees No.1, No.4 and No.63

- Law on the Work Permit for Foreigners (No.4817)
- Turkish Citizenship Law (No.5901)
- Resettlement Law (No.5543)
- Law on Fees (No.492)
- Passport Law (No.5682)
- Law to Protect Family and Prevent Violence against Women (No.6284)
- Law on Child Courts (No.2253)
- Road Transport Act (No.4925) and Road Transport Regulation
- Regulation on the Implementation of the Turkish Citizenship Law
- Regulation on General Directorate of Migration Management Field Offices
- Regulations on Migration Experts (2013) and Provincial Migration Experts (2014)
- Regulation on Judicial Interview Rooms
- Regulation on Women Shelters

These international and national legal instruments are examined in the section below under two main headings: (1) identification and (2) referral of and assistance to child victims of THB.

II.1 | Legislative Framework on the Identification of Child Victims of THB

II.1.1 | Definition of a Child

The first important element to consider in terms of legislative framework regarding the identification of child victims of THB is the legal definition of a child.

A child is defined as every human being below the age of 18 years (CRC Art. 1). According to the Council of Europe Convention on Action against Trafficking in Human Beings (Art. 10.3), “when the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age”. In line with this provision, the *Regulation on Combating Human Trafficking and the Protection of Victims* (Art. 24.1) states that victims whose age-related investigation continues are considered children until the investigation is over.

Therefore, any person under the age of 18 must be considered as a child in terms of both criminal and protection legislation when s/he is subject to THB. The Turkish Civil Code (Art. 11) stipulates that a person becomes sui juris by marriage, and this usually leads to a common mistake to treat the married person as an

adult. However, both of the Conventions¹ and the national legislation² provide an age-specific definition, indicating that a person who has not completed the age of 18 will be considered a child. Therefore, even if married, a person under the age of 18 should benefit from child-specific protections when s/he is a victim of THB.

II.1.2 | Elements of the Crime of Child Trafficking

The second important element regarding the identification of child victims of THB is the definition of the crime. Two issues should be considered while examining the legislation on child trafficking:

- The distinction between human trafficking crime against adults and children;
- The distinction between human trafficking crime and certain other crimes overlapping in elements (please see II.1.3).

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (Palermo Protocol) (Art. 3) and the Council of Europe Convention on Action against Trafficking in Human Beings (Art. 4) define child trafficking as the recruitment, transportation, transfer, harbouring and receipt of a child for the purpose of exploitation, regardless of whether any of the means have been used. The consent of the child to the exploitation is immaterial.

When comparing the Turkish Penal Code (TPC) with these international definitions, the following can be observed:

- Similar to the Palermo Protocol and the CoE Convention, the TPC definition does not include the “means” as an element of child trafficking.
- The “transfer” and “receipt” of persons / children are not listed among the acts of human trafficking in the TPC.
- Regarding the “purpose”, the “at a minimum” list of forms of exploitation included in the Palermo Protocol and CoE Convention is not fully replicated in Art. 80 of the TPC, which defines the purpose of trafficking in persons as “forcing them to work, provide a service, into prostitution or subject them to slavery or harvest their organs”. This omits “other forms of sexual exploitation,” “coercion,” “abuse of position of vulnerability” and “servitude”, which form part of the Palermo definition of THB.

The Regulation on Combating Human Trafficking and the Protection of Victims (Art. 17) refers to the “purposes” listed in the TPC as “acts”. Since regulations cannot establish criminal responsibility, the Regulation serves only to exemplify the acts specified in the TPC and without the effect of limiting or changing the definition in the TPC. However, the differences between the Regulation and the TPC may cause confusion regarding the definition of trafficking among

¹ Convention on the Rights of the Child (Art. 1); Council of Europe Convention on Action against Trafficking in Human Beings (Art. 4).

² Child Protection Law (Art. 3.1.a); Regulation on Combating Human Trafficking and the Protection of Victims (Art. 3.1.c).

stakeholders, and contribute to the challenges in the identification of victims of THB in practice. For instance, while the TPC considers “harbouring” a child for the purpose of prostitution as child trafficking, the Regulation refers to “being subjected to prostitution”; or while the TPC finds “provision of a service” as a sufficient purpose, the Regulation refers to “forcing to provide a service” and adds child labour and forced begging as acts of THB (Memişoğlu 2019).

II.1.3 | Distinctive Features of Child Trafficking

Another important element to consider regarding the legislative framework for the identification of child victims of THB is the distinctive elements of, or differences and relationships between, the crime of child trafficking and other related crimes that can co-exist with child trafficking, including prostitution, forced labour and migrant smuggling (Dottridge and Jordan 2012).

Stakeholders shared concerns during interviews that as the “purpose” of THB constitutes another criminal act, the “purpose” predominates, and the acts of THB can be overlooked in practice. Thus, it is very important that the field staff responsible for identification of victims of THB understand not only the elements of trafficking, but also the distinctive features of child trafficking.

The *CRC* requires States to ensure the protection of children against THB (Art. 35) as well as against risks of the following crimes, which are linked to trafficking:

- All forms of exploitation prejudicial to any aspects of the child’s welfare (Art. 36)
- Economic exploitation and performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development (Art. 32)
- All forms of sexual exploitation and sexual abuse (Art. 34)
- Inducement or coercion of a child to engage in any unlawful sexual activity (Art. 34)
- Exploitative use of children in prostitution or other unlawful sexual practices, or in pornographic performances and materials (Art. 34)

The following section analyses the distinctive elements of child trafficking and the crimes of (1) prostitution, (2) violation of freedom to work and labour, and (3) migrant smuggling in domestic legislation.

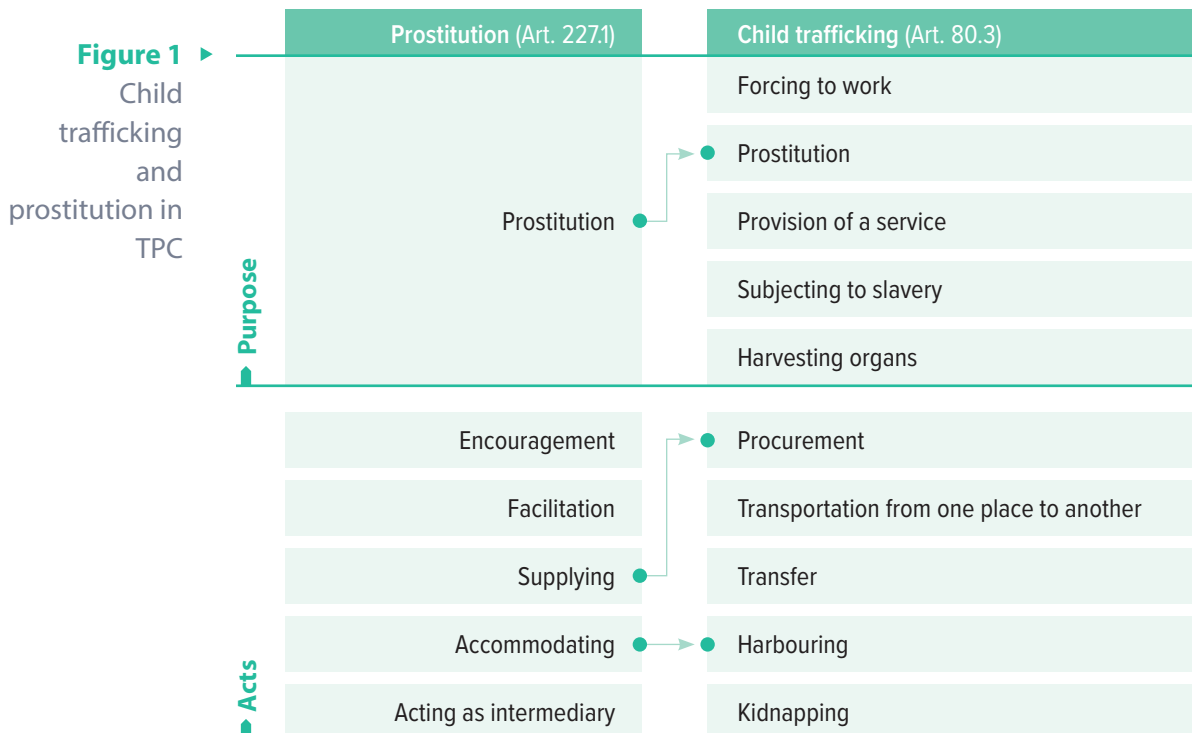
The *Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography* (Art. 2), adopted to combat the sexual exploitation of children, which is one of the most common forms of child trafficking, defines “sale of children” as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”. The Protocol requires State Parties to ensure that the following acts are covered by their penal codes:

- Offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation, transfer of organs for profit or engagement in forced labour;
- Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments;
- Offering, obtaining, procuring or providing a child for child prostitution;
- Producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography.

Attempt to commit or participation in any of these acts is also punishable, according to the Protocol, irrespective of whether the action was carried out by one person or more than one person.

In domestic legislation, **prostitution** is considered both as one of the purposes of the crime of human trafficking and as a separate criminal offence in the TPC in Arts. 80 and 227, respectively (Figure 1).

These provisions suggest that any person who “encourages”, “facilitates” or “acts as an intermediary” for the prostitution of a child is to be sentenced under the Art. 227 of the TPC. However, if prostitution of a child is encouraged, facilitated or mediated by transporting or transferring the child from one place to another, then the person would also be perpetrating the offence of human trafficking.³



It is even more difficult to decide on the type of offence (child trafficking or prostitution) in cases involving “supplying/procurement” and “accommodating/

³ While Art. 227 of the Turkish Criminal Code foresees a reclusion of 4 to 10 years for the crime of prostitution, Art. 80 foresees a reclusion of 8 to 12 years for the crime of trafficking in human beings

harbouring,” as they are regulated under both Arts. 80 and 227 of the TPC. According to the doctrine of *conceptual aggregation*, in such cases the perpetrator should be sentenced for the offence carrying the heaviest penalty (Renk and Demir 2011). On the other hand, prosecution of each crime entails advantages and disadvantages. For example, prosecuting the crime of prostitution can be more effective in punishing perpetrators for preparatory acts, which are contemplated under Art. 227 of the TPC. On the other hand, the protection framework offered to victims increase greatly if prosecuted as human trafficking. Moreover, while prosecution for lesser crimes, such as prostitution, can prevent impunity in the face of the challenges of meeting the higher evidentiary burden of proving human trafficking, it can obscure the data on the number of trafficking cases processed by the criminal justice system.

Child trafficking can also be confused with the **violation of freedom to work and labour**, under Arts. 117.2 and 117.3 of the TPC, which foresee the crimes of violation of freedom to work and labour by “exploitation” and through “procurement, transportation or transfer” for exploitation.



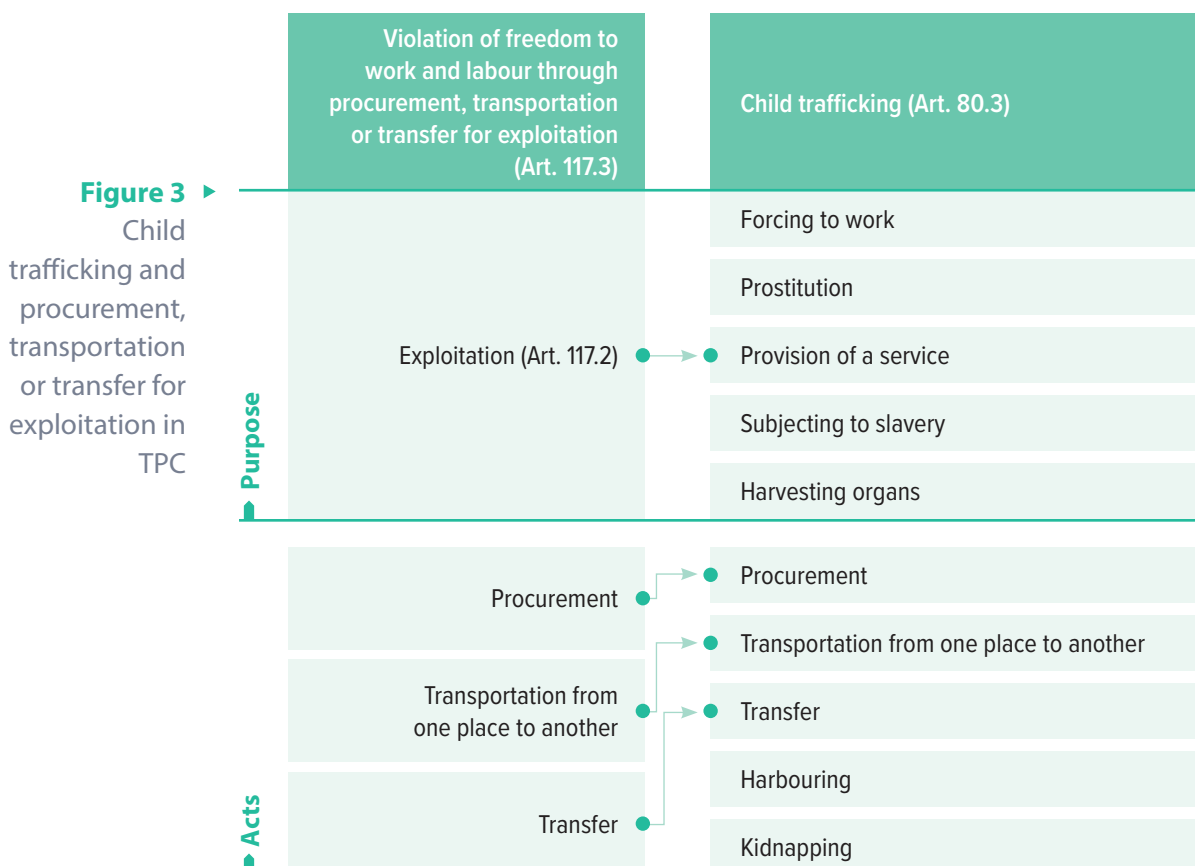
◀ **Figure 2**
Child trafficking and violation of freedom to work and labour in the TPC

The crime of violation of freedom to work and labour by exploitation is defined as “employing a person without payment or on a very low salary, which is clearly disproportionate to the service provided, or subjects such person to conditions of work and residence which are incompatible with human dignity by exploiting his helplessness, isolation, or dependence” (Art. 117.2 of TPC). In the literature, it is argued that this offence should not be perceived as “forced labour” or labour

without consent, but as a form of labour with consent even if there is a defect in consent (Bayındır 2019).

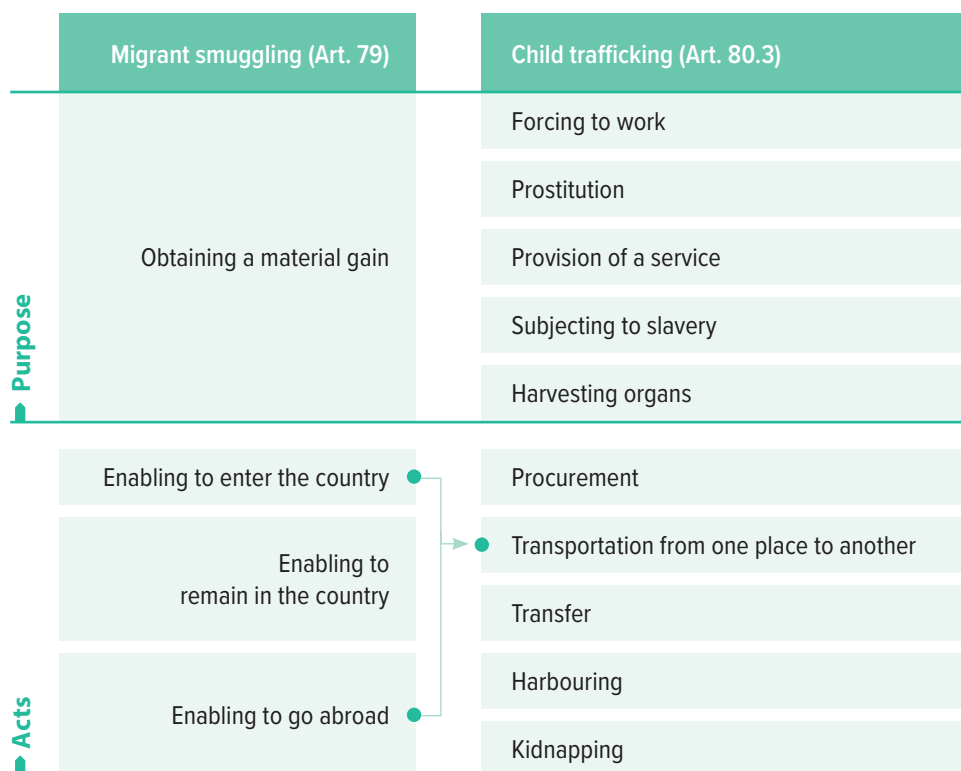
Violation of freedom to work and labour by exploitation may be confused with the purpose of “provision of a service,” rather than “forcing to work” for child trafficking (Figure 4). However, the victim’s consent is irrelevant to the crime of human trafficking. In cases of employment in illegal work, at a legally prohibited age, for longer periods or harsher conditions than legally allowed, without pay or with a low wage, “force” is not required. Thus, the *Regulation on Combating Human Trafficking and the Protection of Victims* refers to “child labour” as an example of human trafficking.

Procurement, transportation or transfer of a child with the purpose of exploitation as described in the above paragraph (Art. 117.2) constitutes a new type of crime under this article (Bayraktar 2014), and overlaps with the child trafficking crime both in terms of purpose and act types (Figure 5).



Migrant smuggling is another crime commonly confused with transnational human trafficking. Stakeholder interviews indicated that distinguishing migrant smuggling from human trafficking constitutes a significant challenge, especially with respect to non-national children. Enabling the entry into or exist from the country for migrant smuggling appears to overlap with the transport of children for THB (Figure 4). The principle difference between the

two crimes like in the means and purpose elements of the offence of human trafficking; for children the distinction between the two crimes lies in the purpose of exploitation.



◀ **Figure 4**
Child trafficking and migrant smuggling in TPC

In practice, the fact that a smuggler derives a one-time benefit when s/he smuggles the persons while the human trafficker maintains a relationship of interest with trafficked persons for a certain period is regarded as a distinguishing criterion. Nevertheless, this is not an accurate indicator (Table 2). Deriving benefit from facilitating a person to cross a border or stay in a given country and deriving benefit from facilitating the exploitation of a person by another person for any reason constitute two separate offences. For example, a person who transports a child from another country, hands him/her over to another person for prostitution purposes and receives money in return derives benefit for one time; however, this action cannot be defined as migrant smuggling only.

Element	Human Trafficking (TPC Art. 80)	Migrant Smuggling (TPC Art. 79)
Against whom	Individuals	State
Consent	Irrelevant	Relevant
Protected interest	Human rights	State sovereignty
Illegal border crossings	Not an absolute element	Absolute element
Illegal border	Not an absolute element	Absolute element

◀ **Table 2**
Differences between crimes of human trafficking and migrant smuggling

These two crimes can further be distinguished by differences in the evidentiary burden. While it is fairly easy to initiate an investigation against a person facilitating border crossing for the crime of migrant smuggling, proving that it is for the purpose of exploitation requires significantly more effort. This becomes increasingly difficult when the victim is a child. Establishing the purpose of the adult accompanying the child requires proactive investigation.

II.1.4 | Regulations on Notification and Reporting of Child Victims of THB

Notification and reporting of abusive acts against children play an important role in the prevention of child abuse. Therefore, it is vital that everyone, especially those working with and for children, be encouraged to recognise and report any identified risks to children.

Notification and reporting of abusive acts against children play an important role in the prevention of child abuse. Therefore, it is vital that everyone, especially those working with and for children, be encouraged to recognise and report any identified risks to children. To this end, reporting child abuse cases should be considered a mandatory exception to professional confidentiality frameworks. The requirements to notify the authorities in cases of child abuse case should be widely known and easily accessible.

It is also very important to have assistance services that children themselves can access. For this purpose, the *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (Lanzarote Convention, Art.13) recommends the establishment of information services such as telephone or internet helplines, to provide confidential advice to callers, with due regard for their anonymity.

The legislative regulations specific to the notification and reporting of child victims of THB depend on whether the potential child victim of THB is identified at the border or within the country.

In cases where human trafficking is carried out **across borders**, identification at the border is critical for preventing harm. The Palermo Protocol (Arts. 11,12,13) establishes the following border measures:

- Strengthening border controls;
- Adopting appropriate measures to prevent the means of transport operated by commercial carriers from being used in the commission of these offences;
- Establishing the obligation of commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of the travel documents required for entry into the receiving State;
- Taking measures that permit the denial of entry or revocation of visas of persons implicated in the commission of these offences;
- Strengthening cooperation among border control agencies by establishing and maintaining direct channels of communication;

- Ensuring that travel or identity documents issued are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued;
- Ensuring the integrity and security of travel or identity documents and preventing their unlawful creation, issuance and use;
- Verifying within a reasonable time the legitimacy and validity of travel or identity documents suspected of being used for trafficking in persons.

Similar provisions are contained in Arts. 7, 8 and 9 of the *Council of Europe Convention on Action against Trafficking in Human Beings*. Domestic law also regulates border measures by general provisions.

Domestic law also regulates border measures by general provisions.

Art. 80 of the Turkish Penal Code treats the act of “transportation” as an element of the crime of human trafficking, and thus encompasses the actions of transportation companies and vehicle owners. At the same time, in order to obtain the permit required to run a transport business pursuant to the *Road Transport Act* (Art. 5) and *Road Transport Regulation* (Arts.6 and 12), one cannot have been convicted of smuggling and illegal human transport (Yenidünya and Arslan 2009).

Pursuant to the *Regulation on the Implementation of the Turkish Citizenship Law* (Art. 72), those involved in human trafficking will not be granted Turkish citizenship, even if the pronouncement of their judgement is suspended, or their sentences are converted to a fine or pardoned. This indicates that human trafficking prosecutions are important not only for the victims but also entails additional legal consequences for the perpetrator, beyond the conviction and sentencing for the crime.

The Law on Foreigners and International Protection regulates the principles and procedures with regard to foreigners’ entry into and exit from Türkiye. Accordingly, foreigners should submit their passport or, travel document(s)⁴ at the time of entry into or exit from Türkiye (Art. 6).

Children must also have a valid identification document and a legal guardian accompanying them when crossing the borders. According to the *Passport Law* (Art. 15), children can be issued separate passports (with parental consent to his/her travel abroad) or can be registered in their parents’ passport.

In order to prevent children from being smuggled out of the country, it is also important to identify the person with whom they are traveling. The *Turkish Civil Code* (Art. 336) stipulates that notarised consent of the legal guardian, or consent of both parents in case of joint custody, is required for a child travelling abroad.

⁴ The Ministries of Interior and Foreign Affairs are responsible for determining the documents to be accepted in lieu of a passport as per the *Passport Law* (Art. 2).

Regarding identification of the child victims of THB **within the country**, the Regulation on the Implementation of the Turkish Citizenship Law (Art. 16) identifies law enforcement officers, YIMER⁵ and the public prosecutor's office as the authorities to which cases of THB should be reported.

The Child Protection Law defines children whose physical, mental, moral, social or emotional development and personal safety is in danger, who are neglected or abused, or who are victims of crime as *children in need of protection* (Art. 3). Judicial and administrative authorities, law enforcement officers, health and education institutions and NGOs are obliged to notify / report to the Family, Labour and Social Services Provincial Directorate any children that they suspect may be a victim or in danger for any reason (Art. 6).

According to the *Social Services Law* (Art. 21), the MoFSS is responsible for identifying "families, children, disable, elderly and others in need of protection, care and assistance". Local governors, health institutions, village headmen, general law enforcement officers and municipal police officers are obliged to report these persons to the MoFSS.

Additionally, the *Turkish Penal Code* (TPC Art.227) 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 fifteen (Art. 278). The TPC also criminalises the failure of public officers and health personnel to reporting an offence under separate articles (Arts. 279,280).

In case involving children, it is important to first identify whether the child is a victim of a crime and/or in need of protection prior to determining the type of crime to which s/he has been subjected.

In case involving children, it is important to first identify whether the child is a victim of a crime and/or in need of protection prior to determining the type of crime to which s/he has been subjected. One of the most important aspects of identifying child victims of human trafficking is the initial realisation that a child's physical, mental, moral, social and emotional development and personal safety are at risk, prior to identifying the cause. This realisation alone triggers the requirement to report to the relevant institutions responsible for investigating whether the risk is the result of neglect, abuse or another crime, and for ensuring the protection of the child. The obligation to report child abuse applies to all individuals, and encompasses situations involving child trafficking.

⁵ YIMER 157: Foreigners Communication Center (yimer.gov.tr/EN/Index).

II.1.5 Regulations on the Identification of Child Victims of THB

The international Conventions containing provision on the identification of victims of THB mainly focus on the rights of victims and the services to which they are entitled during the identification process. The *Council of Europe Convention on Action against Trafficking in Human Beings* provides that the identification of child victims be carried out in accordance with the following principles:

- States should provide its competent authorities with persons who are trained and qualified in combating human trafficking, including “in identifying and helping child victims” (Art. 10.1);
- Child victims should be identified in a procedure duly taking into account their special situation (Art. 10.1);
- Collaboration should be ensured among different authorities and relevant support organisations so that victims can be identified and in appropriate cases, issued with residence permits (Art. 10.1);
- When the age of a victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending age verification (Art. 10.3);
- Measures should be adopted to ensure that the identity, or details allowing for the identification of a child victim of trafficking are not made public through the media or by any other means, except, in exceptional circumstances, in order to facilitate the tracing of family members or to otherwise secure the well-being and protection of the child (Art. 11.2).

Further, the *Council of Europe Convention on Action against Trafficking in Human Beings* requires State Parties to provide a recovery and reflection period (of at least 30 days) to enable presumed victims to recover, escape the influence of the traffickers and take an informed decision on co-operating with the competent authorities (Art. 13). During this period, the presumed victim shall not be removed for the country’s territory.

According to the *Palermo Protocol* (Art. 6), the victims of THB are to be provided with information on relevant court and administrative proceedings and assistance to enable their views and concerns to be presented and considered at appropriate stages of the criminal proceedings, in a manner not prejudicial to the rights of the defence.

One of the priorities of international standards pertaining to victims’ rights is preventing re-victimisation. The victim’s right to recovery and reflection period, accompanied by the provision of essential services, constitutes an internationally recognised means for achieving this goal. In cases where the victim is a child, two additional principles must be taken into account, namely protecting the

right of the child to remain in the country in which s/he was identified⁶ and the application of the best interests of the child standard in all decisions.

The Regulation on Combating Human Trafficking and the Protection of Victims names the PMM as the responsible authority in victim identification. Judicial authorities can also identify a person as a victim of THB. The PMM and judicial authorities operate independently from each other, and the PMM is not required to wait for the judicial proceedings to be completed before undertaking the identification process (Art. 18).

The Regulation on Combating Human Trafficking and the Protection of Victims adopts the following principles regarding identification of victims of THB: staff training (Art. 12), protection of the special situation of victims (Art. 3), cooperation between relevant institutions (Art. 15) and the confidentiality of personal data (Art. 14). These provisions are not child specific but also apply in the case of children.⁷

Regarding residence permits for non-national child victims of THB, the Law on Foreigners and International Protection (Art. 46) provides for the granting of a humanitarian residence permit in the best interest of the child. Similarly, presumed non-national victims of human trafficking are provided with a residence permit for 30 days by Governorates to enable them escape from the influence of the traffickers and to make an informed decision on whether to cooperate with the authorities in the investigation and prosecution, pursuant to the Regulation on Combating Human Trafficking and the Protection of Victims (Art. 20). The Regulation provides victims with the right to stay in a shelter and receive support services, along with the protection of their security and confidentiality during the reflection and recovery period (Art. 20), and precludes their deportation during the identification process (Art. 18.7). Residence permits are to be granted free of charge to both adult and child victims of human trafficking (Art. 20.5).⁸ While no special measures are provided for child victims in the Regulation, the Regulation foresees the application the best interest of the children standard in all procedures (Art. 24).

II.2 | Legislation on Referrals and Assistance for Child Victims of THB

The fact that a child “may” be a victim of human trafficking means that s/he faces many risk factors.

The fact that a child “may” be a victim of human trafficking means that s/he faces many risk factors; s/he may be lacking adequate adult supervision or be abused. Such risks factors must be investigated and appropriate measures should be taken to ensure adequate protection, even if the child is not formally “identified” as a victim of THB.

⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Art. 7).

⁷ Law on Foreigners and International Protection (Art. 79.4)

⁸ As also regulated in the Law on Fees, Art.88.1.

In many cases, the acts raising protection concerns will constitute a crime, requiring that a judicial process be initiated, triggering the child's right to access to justice. The referral of child victims to the full range of assistance are essential for ensuring their right to protection and justice. Referrals for services must occur independently from the identification process. Given the presence of risk factors indicating the possibility of trafficking, services must be provided to address the underlying risk factors as a means of prevention.

The Regulation on Combating Human Trafficking and the Protection of Victims obliges the two main actors of the identification process, law enforcement and the PMM, to make the necessary referrals for services.

II.2.1 | Regulations on Ensuring Access to Justice

According to the *Palermo Protocol* (Art. 6), the assistance to be provided to child victims of THB during the judicial processes include the following:

- Protection of their privacy and identity
- Provision of information on relevant court and administrative proceedings
- Assistance to enable their views and concerns to be presented and considered at the appropriate stages of the criminal proceedings
- Taking into account the special needs of children
- Providing for the physical safety of victims
- Offering victims the possibility of obtaining compensation for the damage suffered.

The Council of Europe Convention on Action against Trafficking in Human Beings adds the following to the list of services to be provided to victims during the judicial processes:

- Translation and interpretation services (Art. 12)
- Counselling and information in a language that they can understand (Art. 12)
- Assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings (Art. 12)
- Compensation from the perpetrators and compensation from the State (Art. 15)
- Special protection measures (Arts. 28.3, 30).

In line with these international standards, the *Regulation on Combating Human Trafficking and the Protection of Victims* includes the following provisions on the services to be provided to support victims' access to justice:

- Protection of identity and private life (Art. 20.4)
- Legal assistance (Art. 17.3)
- Having experts in the investigation and prosecution stages⁹ and taking into account

⁹ Turkish Criminal Procedures Law (Art. 236).

the need for psychological support (Arts. 17.13, 18.2, 18.13, 24.2)

- Taking into account the special needs of the child (Art. 24.2)
- Ensuring safety (Art. 11)
- Using a language that can be understood (Art. 18.10)

II.2.2 | Regulations on Accommodation, Education and Treatment

While the responsibility for the care and supervision of a child accompanied by his/her parents or a legal guardian is commonly understood to legally lie with this person.

While the responsibility for the care and supervision of a child accompanied by his/her parents or a legal guardian is commonly understood to legally lie with this person. There is an ongoing risk that reliance on this legal obligation may result in ignoring the needs of child victims in practice. It must therefore be emphasised that the needs of every presumed child victim of human trafficking, whether or not unaccompanied, should be evaluated independently. The following section discusses the legal basis for provision of assistance services to all children at risk of THB.

II.2.2.1 | Standards on Assessing Children's Needs

The Convention on the Rights of the Child requires States to take all appropriate measures to protect children from all forms of neglect and exploitation, including human trafficking (CRC Arts.11, 32, 34, 36, 39). States are also obliged to:

take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child (CRC Art.19).

In line with the CRC, according to the Turkish Constitution (Art. 41), the State is responsible for protecting children from abuse and neglect. The Ministry of Family and Social Services (MoFSS) is the responsible authority for determining the best interests and protection needs of children and for providing the necessary services for their protection.¹⁰ Juvenile judges are also in a position to determine the needs of children through an assessment conducted by social workers in the judicial system.¹¹

II.2.2.2 | Regulations on Protective Measures for Children

According to the CRC (Art. 39), States are required to "take all appropriate measures to promote physical and psychological recovery and social reintegration of a

¹⁰ Presidential Decree No.1; Social Services Law (Art. 21).

¹¹ Child Protection Law (Art. 7.2).

child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts.”

The *Palermo Protocol* (Art. 6) requires States to consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons and taking into account the special needs of children, including appropriate housing and education.

According to the *Council of Europe Convention on Action against Trafficking in Human Beings*, States are required to provide for the representation of the child, either by a legal guardian, organisation or authority acting in his/her best interests (Art. 10.4). States are also required to adopt legislative or other measures to assist child victims in their physical, psychological and social recovery (Art. 12). In addition to the essential services to be provided for all victims, assistance for children needs to include at least the following:

- Access to education and vocational training (Arts. 12.1.f, 12.4)
- Accommodation and appropriate health care (Art. 12.7)
- Issuance and renewal of a residence permit in accordance with the best interests of the child (Art. 14.2)
- Special protection measures taking into account the best interests of the child (28.3).

In domestic legislation, the *Law on Foreigners and International Protection* (Art. 67) requirement for provision of adequate treatment to non-national victims of torture, sexual assault or other serious psychological, physical or sexual violence, in order to eliminate the damage caused by such actions. *The Regulation on Combating Human Trafficking and the Protection of Victims* (Arts.18.2,18.3,24) also states that child victims of human trafficking should be provided with psycho-social support, medical care including psychiatric treatment, accommodation and the opportunity to continue their education. However, the principle legal instrument governing the measures to be offered for the protection of the physical and mental health of the child victims, and the procedures and principles regarding the determination of these measures, is the *Child Protection Law*. The care and accommodation services to be provided in residential institutions are further regulated by the *Social Services Law*.

II.2.3 Regulations on Repatriation and International Protection

II.2.3.1 Regulations on Separation from and Re-unification with Family

Since being subject to human trafficking is a situation that severely endangers the interests of the child, the child's need for protection from his/her parents must be evaluated in such a case.

According to the *Convention on the Rights of the Child* (CRC Art.9), States should ensure that a child is not involuntarily separated from his or her parents, except when such separation is necessary for the best interests of the child. Since being subject to human trafficking is a situation that severely endangers the interests of the child, the child's need for protection from his/her parents must be evaluated in such a case.

The CRC adopts a gradual approach for the protection of children. Accordingly, protection of children within the family is of priority and States are expected to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities (CRC Art.18). In line with the CRC, a similar approach has been adopted by the national legislation in the *Turkish Civil Code*, according to which if it is deemed that the child can be protected with the family by supporting the family, the judge should order the necessary measures to this end (Art. 346). If the physical and/or psychological development of the child is found to be in danger, or the child is neglected, a judge may place the child with another family or in an institution by removing him/her from the parental home (Art. 347). If the parents cannot fulfill their parental obligations, provide inadequate care or neglect the child, a judge may decide to terminate parental custody (Art. 348).

Children separated from their parents have a right to family reunification under the CRC (Art. 10): "... applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner." Children taken into institutional care also have the right to have a personal relationship with their parents and the right to return to their parents as soon as possible. Therefore, both for Turkish and non-national children taken into institutional care, if their parents do not pose a risk, for example, if the parents cannot fulfill their parental obligations for reasons that out of their control (such as poverty), support services should be provided to the family and family reunification should be ensured as soon as possible (Grassinger 2009).

In order to ensure that a non-national child is reunited with his/her family, States and United Nations agencies are required to cooperate in tracing the parents or other members of the family and in obtaining information necessary for family reunification (CRC Art. 22). In addition, a number of rights regarding the child's identity and family ties must also be protected (CRC Arts. 7,8,9), including the following:

- The right to be registered immediately after birth, to a name and to acquire a nationality;

- The right to know and be cared for by his or her parents;
- The right to preserve identity, including nationality, name and family relations without unlawful interference;
- The right to appropriate assistance and protection for the speedy re-establishment of identity in case a child is illegally deprived of some or all of the elements of his or her identity;
- The right to essential information concerning the whereabouts of the absent member(s) of the family in cases in which the family separation resulted from action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death of one or both parents or of the child, unless the provision of the information would be detrimental to the well-being of the child.

II.2.3.2 | Regulations on Return to Country of Origin

Non-national child victims of trafficking must be permitted to remain in the country in which they are identified, either temporarily or permanently as set forth in the *Palermo Protocol* (Art. 7). The provisions of the *Council of Europe Convention on Action against Trafficking in Human Beings* on the recovery and reflection period (Art. 13) and renewable residence permit (Art. 14) also apply to children.

The repatriation of non-national victims of trafficking in persons should be undertaken with due regard for the safety of the child and the status of any legal proceedings related to the fact that the child is a victim of trafficking; and should be voluntary.¹² Child victims should not be repatriated if there is any indication, following a child-specific risk and security assessment, that such return would not be in the best interests of the child.¹³ In line with this provision, the *Regulation on Combating Human Trafficking and the Protection of Victims* (Art. 24) also requires a risk and safety assessment to be conducted prior to the return of child victims of THB from Türkiye.

II.2.3.3 | Regulations on Return to Country of Origin

Following the identification of non-national child victims of THB, the legal procedures to establish international protection must be initiated. According to the *Palermo Protocol* (Art. 7), States should consider adopting legislative or other appropriate measures that permit child victims of THB to remain in its territory, temporarily or permanently.

¹² The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Art. 8).

¹³ Council of Europe Convention on Action against Trafficking in Human Beings (Art. 16).

Further, Art. 40(4) of the *Council of Europe Convention on Action against Trafficking in Human Beings* provides: Nothing in this Convention shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement contained therein.¹⁴

The Law on Foreigners and International Protection provides that unaccompanied non-national minors (children either arriving in Türkiye unaccompanied by an adult who by law or custom is responsible for him/her or, left unaccompanied after entry into Türkiye) and non-national children who have been subjected to torture, rape or other serious psychological, physical or sexual violence as persons with special needs (Art. 3.I) be given priority with respect to the right of international protection (Art. 67).

¹⁴ See also GRETA's Guidance Note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection, available at rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44.

INSTITUTIONAL FRAMEWORK

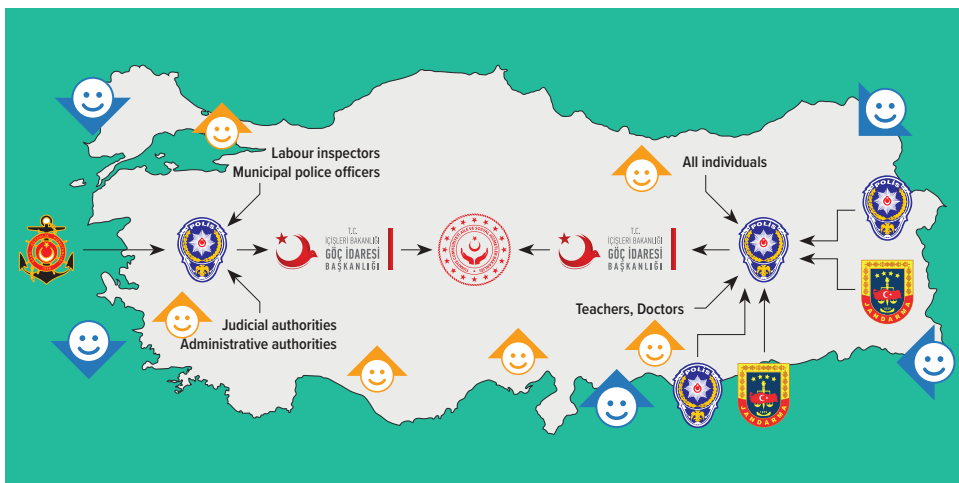


III.1 Institutions Responsible in Identification of Child Victims of THB

National legislation places the obligation to identify children at risk with multiple institutions. Figure 5 illustrates these institutions in order to demonstrate where (whether at the border or within the country) and by whom potential child victims of THB can be identified. It is the responsibility of the Ministry of the Interior to take measures to ensure the identification of potential child victims of THB **at the border**. There are several units responsible for taking such measures within the Ministry of the Interior:

- Security General Directorate, Department of Airports Authority
- Security General Directorate, Department of Combatting Migrant Smuggling and Border Gates
- Security General Directorate, Department of Public Order
- Coast Guard Command
- Gendarmerie General Command.

Law enforcement officers working in these units have the responsibility to recognise the children who are transported or transferred for the purpose of trafficking or who are at risk of being subjected to human trafficking.



◀ **Figure 5**
Identification
of child
victims of THB
in TPC

Regarding children **within the country**, the responsibility of identifying potential child victims of THB applies to all authorities and CSOs, including the following key institutions working with children:

- Ministry of National Education (teachers and administrators)
- Ministry of Health (doctors and other health personnel)
- Ministry of Justice (judges, public prosecutors, staff of court secretaries and psycho-social units)
- Ministry of Interior (local governors and law enforcement officials)
- Ministry of Family and Social Services (social workers)
- Social Solidarity Foundations
- Civil society institutions.

Considering the sectors in which child victims of THB may be encountered, the following institutions with inspection responsibilities should also be added to the list of those that have a role in the identification of potential child victims:

- Ministry of Family and Social Services, General Directorate of Occupational Health and Safety
- Ministry of Interior, Security General Directorate, Department of Public Order
- Municipal Police Department.

When a potential child victim of THB is identified, the following institutions should be notified pursuant to the *Regulation on Combating Human Trafficking and the Protection of Victims*:

- Law enforcement officials
- Public prosecutor's office
- Presidency of Migration Management
- Provincial Directorates of Migration Management
- YIMER (Foreigners Communication Centre).

The Family, Labour and Social Services Directorate is also among the institutions that can be notified.

Within the general legal and policy framework, the Provincial Directorates of Family and Social Services are also among the institutions that can be notified. In addition, it is frequently stated that CIMER (President's Office Information Centre) and other hotlines/helplines can also be used in practice and therefore all of them should be considered among the list of responsible institutions.

There are distinct underlying reasons for naming each of the above-listed institutions as responsible for receiving notifications and responding to reported cases of child victims, and their obligations are different. Law enforcement is primarily responsible for investigating the crime. MoFSS is responsible for ensuring child protection. The PMM has the authority to identify victims of human trafficking and propose measures appropriate to their needs. It is thus

not sufficient for just one of these institutions to respond to a case of THB victim. Each institution receiving notification of a case of a potential victim of THB is obliged to inform the others, and to ensure follow-up in the case (e.g., the multi-agency approach).

The PMM constitutes the main authority for conducting assessments of a potential victim of THB and formally identifying him/her as a victim.¹⁵ During the identification process for non-national victims, a migration expert is appointed by PMM to conduct an interview with the potential victim and make an assessment, upon which the provincial directorate makes an identification decision. During this process, the child should be provided with a safe place to stay, necessary services for his/her education, health and other needs, legal assistance related to the judicial procedures against offenders, a residence permit and information about his/her rights and available services in a language s/he can understand. Ensuring the right to assistance is indispensable for the purpose of conducting a proper assessment of child, if not all victims. Although the responsibility of identification of THB victims lies primarily with one institution, more than one institution has a role to play in the identification process for victims, including child victims.

The PMM constitutes the main authority for conducting assessments of a potential victim of THB and formally identifying him/her as a victim

III.2 | Institutions Responsible for Referral and Assistance for Child Victims of THB

According to the *Regulation on Combating Human Trafficking and the Protection of Victims*, the principle authority for issuing referrals to victims for support services is the PMM. Regulations of the child protection system also provide for law enforcement authorities to refer children for victim support services. As such, the two main institutions responsible for victim identification process, PMM and law enforcement, are also key actors in referral process.

In addition, there are various institutions (Table 5) responsible for the provision of services to which victims are referred, including the following:

- Ministry of Family and Social Services
- Ministry of the Interior
- Ministry of National Education
- Ministry of Justice
- Public prosecutor's offices and courts
- Bar associations
- Ministry of Health
- Municipalities

¹⁵ Presidential Decree on Organisation of Affiliated, Related, Associated Institutions and Organisations with Ministries and Other Institutions and Organisations, No.4 (2018, 30479).

- UNHCR (United Nations High Commissioner for Refugees)
- Turkish Red Crescent
- Social Solidarity Foundations
- Civil society organisations.

Residential services for child victims of THB can be provided by three different institutions. According to the *Social Services Law* (Art. 3), the MoFSS is obliged to establish and operate institutions that provide care and residential services for children and adults in need of protection. According to the *Municipalities Law* (Art. 14.a), municipalities can also establish and operate residential institutions. The establishment of shelters for non-nationals, on the other hand, falls under the responsibility of PMM.¹⁶ PMM can either establish and operate these centers directly, or delegate the operational authority to other organisations, such as to the Turkish Red Crescent or specialised NGOs.

Currently, there are three shelters for victims of trafficking run by the PMM in the provinces of Kırıkkale, Ankara and Aydın with a total capacity of 82 victims (Table 3).

Table 3 ▶
Shelters
operated by
the PMM

Province	Date of establishment	Capacity	Allocated for
Kırıkkale	2016	12	Males
Ankara	2018	30	Females
Aydın	2019	40	Families



As stated in GRETA's report (2019) on Türkiye, according to the authorities, apart from these shelters operated by the PMM, a total of 141 different facilities are capable of accommodating and assisting Turkish victims of THB, the majority of which (110) are shelters for women victims of violence, run by the MoFSS. The other 31 shelters are also for women victims of domestic violence, but are operated by local administrations.

¹⁶ Regulation on Combating Human Trafficking and the Protection of Victims (Art. 25) and Regulation on Establishment, Administration, Management and Inspection of the Residential and Removal Centers (Art. 8).

Regarding residential care institutions for children, the MoFSS strategic plan for 2019-2023¹⁷, highlights the fact that such institutions children have difficulty in responding to the special needs of children. It thus aims to establish “child support centres” that will also serve child victims of THB. In the National Action Plan to Combat Violence against Women (2016-2020),¹⁸ the MoFSS plans to develop specialised service centres for victims of sexual violence, which will also serve victims of THB, including girls.

In addition to multi-sectoral services and accommodation, victims of THB are provided with **in-kind and in-cash assistance** by both public authorities and international and national NGOs, including MoFSS, municipalities, UNHCR, Turkish Red Crescent and Social Solidarity Foundations.

For child victims of sexual abuse, Child Monitoring Centers¹⁹ established in public hospitals affiliated with the Ministry of Health and Child Protection Centers established in university hospitals provide **physical and mental health assessments** and reporting services. The Ministry of Health, in its strategic plan for 2019-2023,²⁰ aims to increase the number of the child monitoring centers from 31 to 65 by 2023. The 11th Development Plan (2019-2023)²¹ also includes a specific policy target to complete the legal infrastructure of child monitoring centres and increase their number. The Plan further sets comprehensive policy goals, contemplating the expansion of psychological support programs for at-risk children; the continuation of specialised care services; and an increase in the quality and quantity of the personnel working in the field.

The MoFSS, the Ministry of National Education (MoNE), the Ministry of Health and municipalities are responsible for implementing **protective and supportive measures** for children as indicated in the Child Protection Law (Art. 45).

Juvenile judges, public prosecutors and the courts also have obligations in ensuring protection measures for victims, **investigations and prosecutions** of the crime.

The Department of Judicial Support and Services of Victims within the Ministry of Justice is responsible for the provision of **legal aid**. The Ministry of Justice aims to adopt a “victim-oriented approach,” as referenced in its strategic plan (2019-2023),²² and to foster increased international cooperation on combatting human trafficking. The 11th Development Plan²³ also contains specific policy targets to strengthen child-specific protection mechanisms and child-friendly

17 Available in Turkish at www.ailevecalisma.gov.tr/media/33674/acshb_2019-2023-stratejik-plan.pdf

18 Available in Turkish at www.ailevecalisma.gov.tr/uploads/ksgm/uploads/pages/kadina-yonelik-siddetle-mucadele-ulusal-eylem-plani/kadina-yonelik-siddetle-mucadele-ulusal-eylem-plani-2016-2020-icin-tiklayiniz.pdf

19 Circular on Child Monitoring Centers (2020).

20 Available in Turkish at stratejikplan.saglik.gov.tr/files/TC-Saglik-Bakanligi-2019-2023-Stratejik-Plan.pdf

21 Available at www.sbb.gov.tr/wp-content/uploads/2020/06/Eleventh_Development_Plan-2019-2023.pdf

22 Available in Turkish at sgb.adalet.gov.tr/Resimler/SayfaDokuman/1102020112645STRATEJY%C4%B0K%20PLAN%202019-2023.pdf

23 Available at www.sbb.gov.tr/wp-content/uploads/2020/06/Eleventh_Development_Plan-2019-2023.pdf

Table 4 ▶
Responsible institutions in the anti-child-trafficking system in Türkiye

Responsibility	Responsible Institution	Responsible Staff / Units
Risk identification / Reporting	Ministry of Family and Social Services	Social workers and other field workers
	Ministry of Family and Social Services	Labour inspectors
	Ministry of Health	Doctors and other health sector personnel
	Ministry of Justice	Victim Services Department personnel
	Council of Judges and Prosecutors	Judges
		Public prosecutors
	Ministry of National Education	Teachers and other education sector personnel
	Ministry of Interior	Police officers
Gendarmerie personnel		
Receiving notifications / reported cases	General Directorate of Migration Management	Provincial directorate personnel
	Ministry of Interior	Police officers
	Gendarmerie personnel	
	Coast Guard personnel	CİMER (Cumhurbaşkanlığı İletişim Merkezi)
	Ministry of Family and Social Services	Provincial directorate personnel
Identification	General Directorate of Migration Management	Migration experts
	Judicial authorities	Judges
Referral	Emniyet Genel Müdürlüğü	Polis memurları
	Security General Directorate	Police officers
Assistance services	Ministry of Family and Social Services	Residential institutions, child homes, child support centers
	Ministry of Health	Child monitoring centers, child protection centers, hospitals
	Ministry of National Education	Education and vocational training institutions
	Bar Associations	Legal assistance
	Ministry of Justice	Victim protection services
	General Directorate of Migration Management	Provincial directorate personnel
	Ministry of Interior	Local governors

interview procedures in the judicial processes, as well as to increase the number of judicial interview rooms in courthouses.

Bar Associations are responsible for providing legal aid to victims of THB. The recommendation for ensuring the specialisation of lawyers working in the field of human trafficking made at the Coordination Commission for Combating Human Trafficking meeting in November 2019 was adopted by the Union of Turkish Bar Associations.

PMM and local governors are the authorities responsible for ensuring the issuance of **residence permits and international or temporary protection**. With respect to external migration, the 11th Development Plan²⁴ foresees “providing an external migration management which is safe, systematic, controllable, evidence based and compatible with human rights and befitting human dignity.” Policies and measures identified to this end in the Plan include strengthening the institutional structure of migration management, enhancing evidence-based policy making and service provision.

III.3 Cooperation and Coordination among Responsible Institutions

III.3.1 Cooperation and Coordination at the Operational Level

Ensuring cooperation and coordination among professionals working directly with/for non-national child victims in the field and at the operational level is the responsibility of provincial directorates of migration management.²⁵ Their obligations with respect to child protection requires them to contact the authorities delegated by the Child Protection Law if the victim of human trafficking is a child.

In order to ensure coordination at this level, the *Regulation on Combating Human Trafficking and the Protection of Victims* (Art. 19) foresees the adoption of a case management model (Figure 6), headed by a case manager, to be appointed in selected provinces by the PMM. The procedures and principles of case management are to be regulated by the PMM.

It remains critical for the authorities in Türkiye to develop a case-management model that ensures both the confidentiality of the investigation²⁶ and the protection of the child’s best interests²⁷ concurrently. There is a specific need for detailed standard operating procedures (SOPs) covering such basic elements as information sharing processes, the protection of personal data, determining

²⁴ Available at www.sbb.gov.tr/wp-content/uploads/2020/06/Eleventh_Development_Plan-2019-2023.pdf

²⁵ Regulation on General Directorate of Migration Management Field Offices (2013, 28821).

²⁶ Regulation on Combating Human Trafficking and the Protection of Victims (Art. 17.8).

²⁷ Regulation on Combating Human Trafficking and the Protection of Victims (Art. 24).

the child's best interests and protective interventions. SOPs must clarify the methodology and steps to be followed by each professional as well as the cooperation principles for multi-agency engagement.

For example, despite the critical importance of avoiding multiple interviews with victims, especially child victims, to prevent re-traumatisation, pursuant to the Regulation on Combating Human Trafficking and the *Protection of Victims* (Art. 17.5-6), a staff assigned by the provincial directorate of migration management may be present during the interview conducted by the law enforcement, and s/he may conduct an additional interview with the child, in a suitable environment. A lawyer, a psychologist and a social worker may also be present at this interview. Moreover, each of these professionals should meet with the child victim before the law enforcement officials. As currently foreseen, this single process violates international standards. At the same time, there are additional issues to consider related to workflow:

- What will be the order of interviews?
- Where will the interviews be conducted?
- Who is responsible for providing a suitable interview environment?
- How should the interviews with the child be conducted to prevent further trauma while capturing the statement as evidence?
- How can all risks to the child be taken into consideration in decisions regarding the child?
- Whose authority and responsibility is the coordination of this process?

The preparation of an SOP setting forth the procedures and principles of case management for child victims of trafficking remains critical for ensuring child protection and the prevention of re-traumatisation, as well as for effective and efficient workflows.

Case management should begin as soon as the risk is identified and continue until it is eliminated and the care and safety of the child is ensured. For Turkish children, this requires the unification of the child with his/her parents or placement in care of another family or a residential institution. For non-national children who stay in Türkiye, this also includes arranging for residence permit, international / temporary protection or citizenship. For foreign children whose family is abroad, re-unification and safe return should also be considered in this case management process, after an assessment. Case management may be a process that lasts a few days or it may be spread over a long period of time, particularly for those needing psycho-social assistance. The management of the process in its entirety is essential both for providing effective protection to the child and for the necessary actions to be carried out in harmony and in a mutually-supportive manner.



* It is reported by the Ministry of Family and Social Services that "those assigned to conduct social investigation about a child can be a social worker, psychologist, psychological advisor, child development specialists, teachers, and that they are defined as "social worker".

III.3.2 | Cooperation and Coordination at the Planning Level

Effective operational planning for referral and assistance services for child victims to be provided requires provincial-level coordination among related institutions, not only for assessing the need for services, but also for the efficient planning of resource allocation. In order to ensure such coordination, the *Regulation on Combating Human Trafficking and the Protection of Victims* (Art. 9) requires the establishment of coordination commissions at the provincial level.

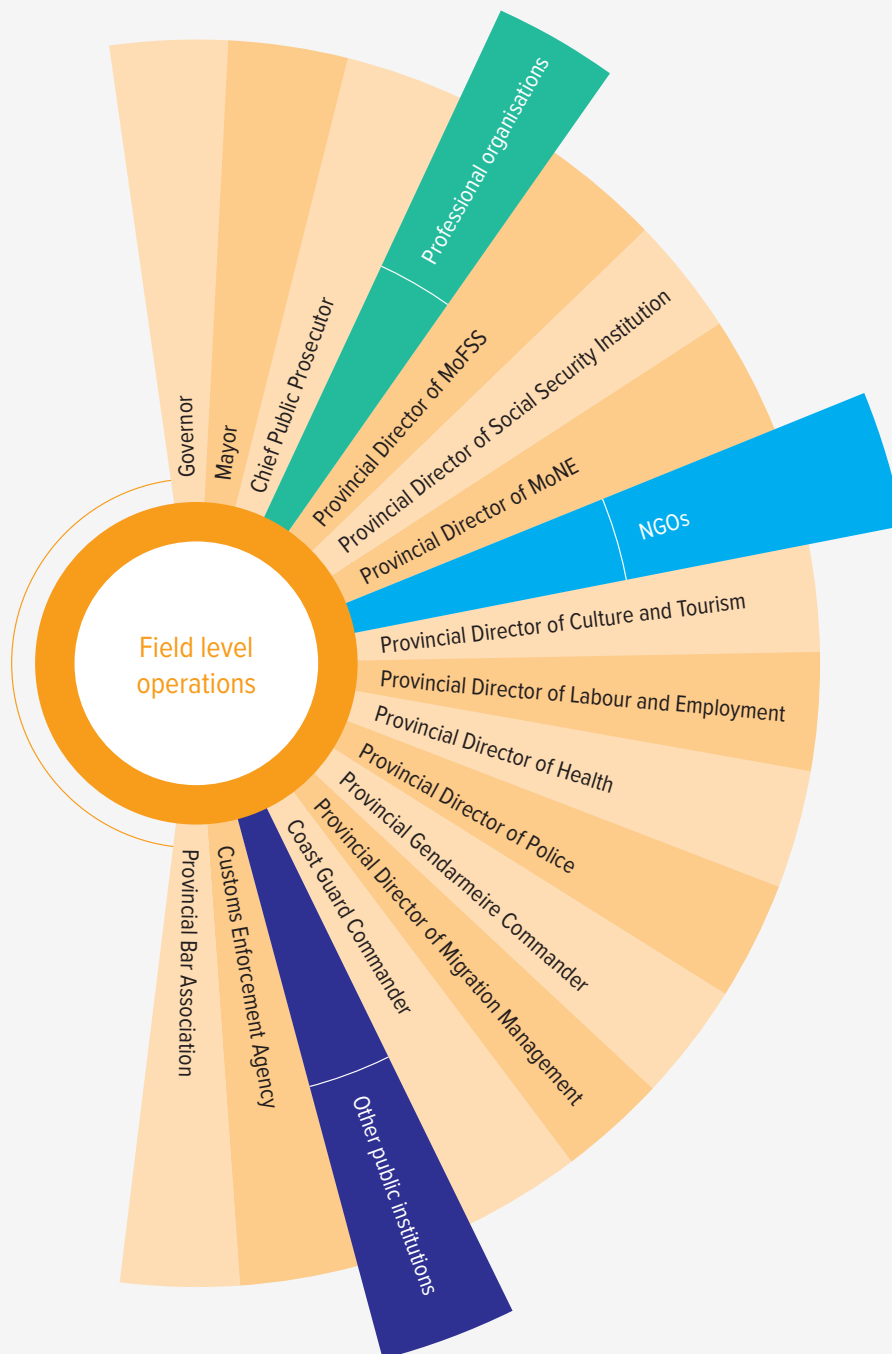
The provincial coordination commission operates under the chairmanship of the governor or his/her deputy and includes representatives of all related public institutions (Figure 7). Representatives from professional organisations or NGOs can also be invited to the commission meetings. The provincial directorate of migration management serves as the secretariat of the commission and the procedures and principles regarding the duties and responsibilities of the provincial commissions are expected to be determined by the PMM. A child-specific model, such as a special working group focusing on child victims, is not yet contemplated within the provincial coordination mechanism.

The need for coordination comes to the fore in many areas related to child protection. Art. 20 of the Regulation on the Implementation of Protective and Supportive Measures pursuant to the Child Protection Law stipulates that “Provincial Coordination Board for Child Protection” convenes in provinces with the aim of ensuring communication, harmonisation, organisation and coordination among institutions. In addition to these child-specific coordination boards, there are many other boards/commissions that also deal with child-related services. While this may be advantageous, it may also raise two important risks: the participation of unauthorised persons on the boards and the sparse periods due to the high number of meetings. The procedures and principles of the provincial coordination commission on combatting human trafficking must consider and develop a response for mitigating these risks.

III.3.3 | Cooperation and Coordination at the Policy Level

A third level of cooperation and coordination must also be secured among policy and decision makers working at the central level. To this end and pursuant to the Regulation on Combating Human Trafficking and the Protection of Victims (Art. 5), the Co-ordination Commission of Combating Trafficking in Human Beings was set up, headed by the Ministry of Interior Undersecretary, and included the representatives of high level officials from all related public institutions (Figure 8). Representatives from other public institutions, academicians, experts and NGOs may also be invited to Commission meetings and representatives from international organisations can attend the meetings as observers only.

The preparation of policies, strategies and action plans on preventing and combating child trafficking and the identification of measures to protect and accommodate child victims are among the child-related duties of this Commission. According to the GRETA report (2019) for Türkiye, a sub-commission on children has been set up and has met once to date, in September 2018.



Responsibilities:

- Follow-up policies and procedures
- Coordination of the following:
 - Operational level activities
 - Provision of victim support services
 - Data collection
 - Informing the central-level administration about the provincial level needs
 - Informing field workers on the decisions adopted
 - Staff training

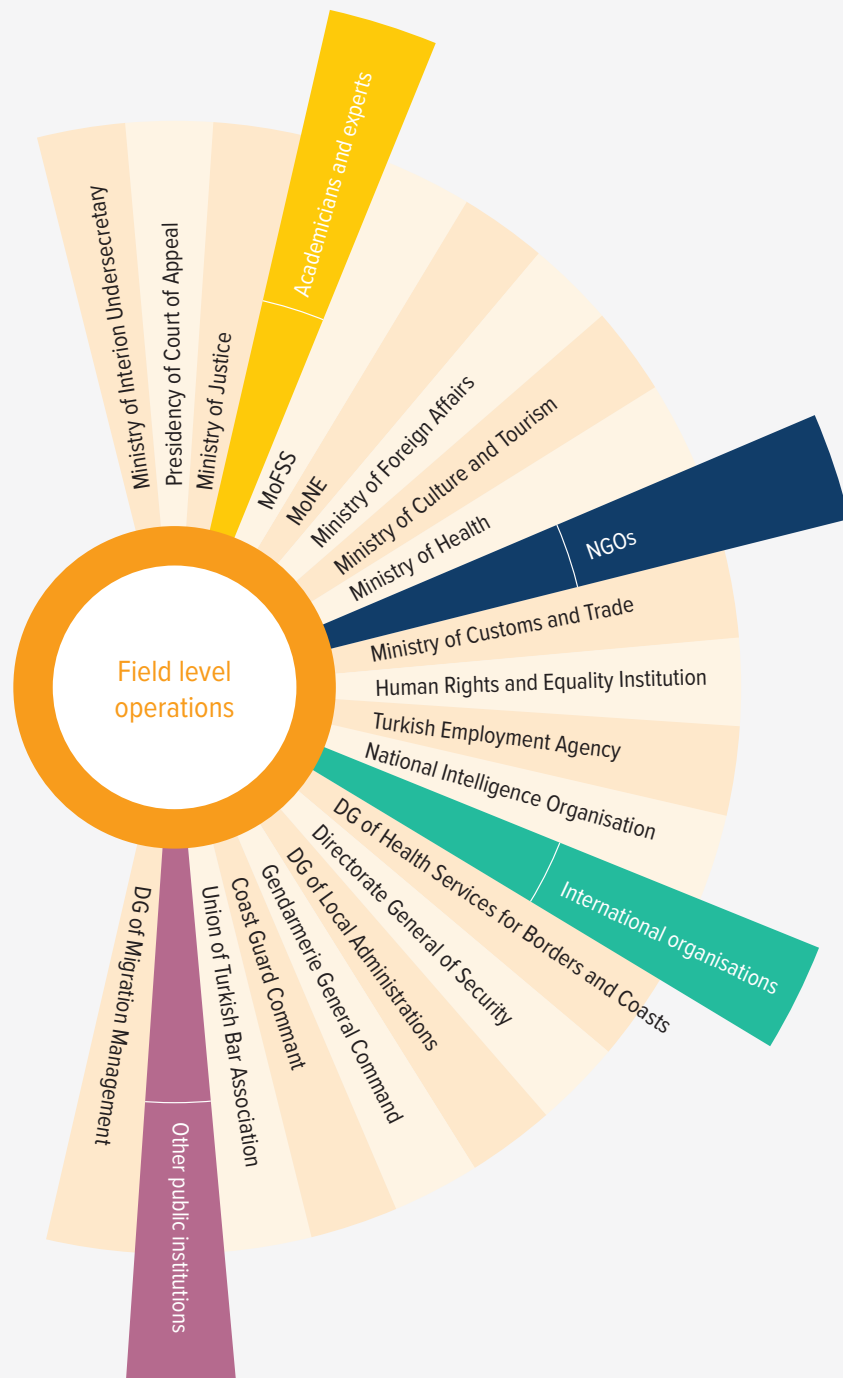
Needs:

- Personnel sufficient in quality and quantity
- Budget
- Data collection infrastructure
- Secretary
- Support of central level administration

◀ **Figure 7**

Cooperation and coordination at planning level in protection of child victims of trafficking

Figure 8 ▶
Cooperation
and
coordination
at policy level
in protection
of child
victims of
trafficking



Responsibilities:

- Planning
- Budget allocation
- Personnel allocation
- Setting the operational standards
- Preparation of legislation
- Monitoring the operations

Needs:

- Evidence based information
- Feedback from field workers
- A feedback mechanism
- Political will
- Public support

SERVICES AND PROCEDURES

IV

IV.1 | Services and Procedures for the Identification of Child Victims of THB

In line with the Regulation on Combating Human Trafficking and the Protection of Victims, the procedures for the identification and notification of child victims of THB are examined here under two headings:

- Procedures specific to the notification of and reporting child victims of THB (Art. 16)
- Procedures specific to identification of child victims of THB (Art. 17).

IV.1.1 | Services and Procedures for Notification and Reporting Child Victims of THB

Awareness of the **responsibility to recognise and to report** children at risk is an important safeguard for the protection of children. All professionals working with/for children—teachers, doctors and social workers in particular—have an opportunity and an obligation to recognise the risks to which children may be exposed in their daily work. Teachers, for instance, can monitor children's school attendance and notice if the child is not attending school because s/he is forced to work or marry; doctors can spot the signs of physical or sexual abuse during regular or ad hoc health checks; NGO staff can recognise children whose basic needs are not being met.

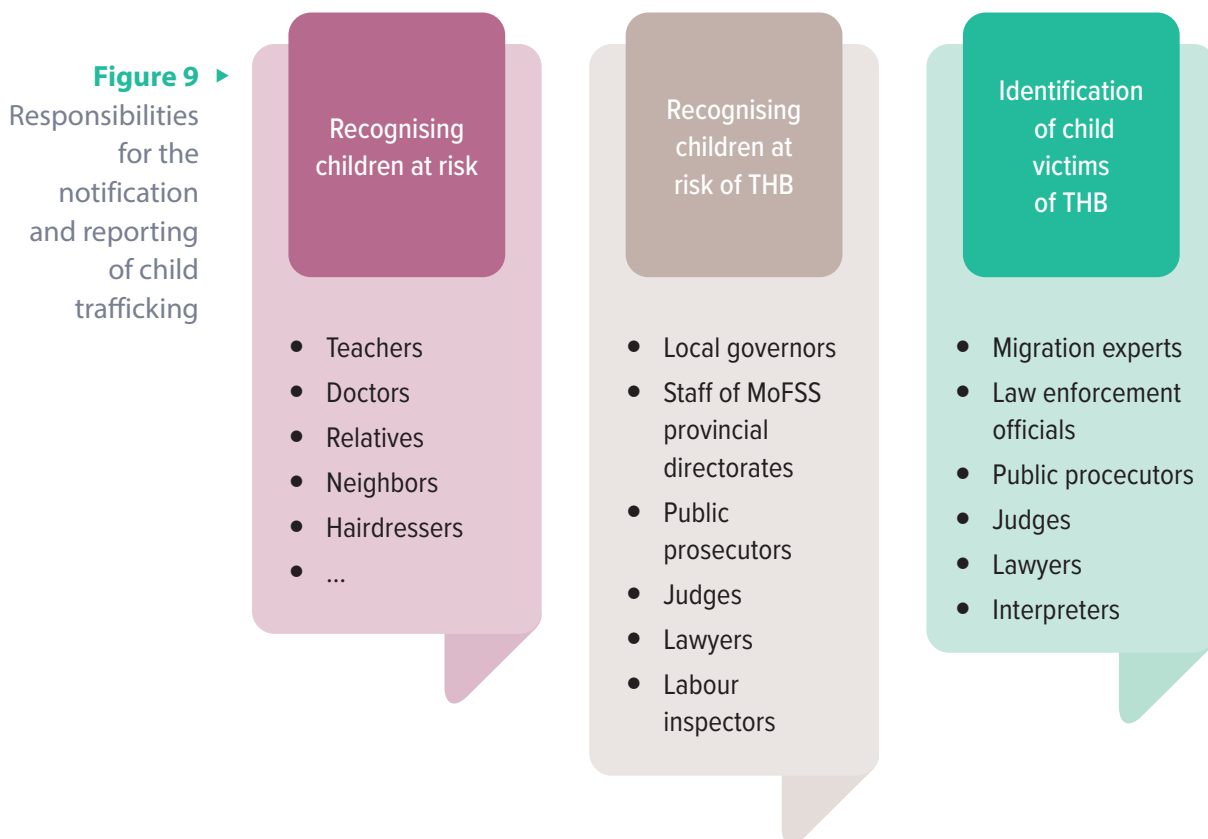
As the responsibility to recognise and report children at risk is broad, and extends to the general public, the following must be taken into account:

- The general public cannot be expected to make a complete and accurate determination as to whether a child is at risk of a particular crime.
- Recognition of signs of risk in general, and THB in particular, is possible.
- The general public has minimal knowledge regarding where to report the cases of child trafficking and thus may use the general reporting lines (such as ALO 183).

Awareness of the responsibility to recognise and to report children at risk is an important safeguard for the protection of children.

Professionals do observe in their daily work when a crime has been committed against a child or that a child is in need of protection (Figure 9). Law enforcement officials, public prosecutors and judges may recognise a child victim of THB during investigations and prosecutions. For example, they may realise that a child who has allegedly committed a crime is actually a victim under the control of a trafficker. Law enforcement officers carrying out inspections of places for suspected sexual exploitation of children may identify the children as victims of trafficking. Municipal police may also come across such situations in cases of forced begging. Labour inspectors may detect employed children, and the Gendarmerie may spot children employed in seasonal agricultural work during controls. These professionals are obliged have more information on identification and response protocols Excepting investigating authorities, law enforcement should, at a minimum, be able to recognise signs of human trafficking, signals that a child is at risk, and know where to report such cases for further investigation.

Finally, officials obliged to identify child victims of human trafficking must have knowledge of distinctive features of THB, but also the specialised skills to work with the child victims of THB.









There are two recognisable situations for a child at risk: a crime against the child and/or the child's need for protection. This implies two separate **reporting authorities** and procedures. According to the *Child Protection Law* (Art. 6) and

the *Social Services Law* (Art. 21), anyone who realises that a child is in need of protection is responsible for notifying the MoFSS. This notification can be made to the provincial directorates, as well as to the ALO 183 hotline established by the MoFSS.

Reporting of crimes, on the other hand, should be made to law enforcement authorities or public prosecutor's offices. The *Regulation on Combating Human Trafficking and the Protection of Victims* (Art. 16) also foresees reporting to the PMM and YIMER in addition to law enforcement and public prosecutors' offices (Table 5).

Interviewees indicated that ALO 183 is often used for reporting Turkish children in need of protection; YIMER²⁸ is preferred for reporting by non-nationals as it has Kurdish and Arabic language options. While all available hotlines can be used for reporting crimes, CIMER is perceived as the most effective hotline of all. All reports to these hotlines are reportedly recorded and classified by relevant authorities. However, since this data is not publicly shared, it is not possible to assess the use or effectiveness of these hotlines.

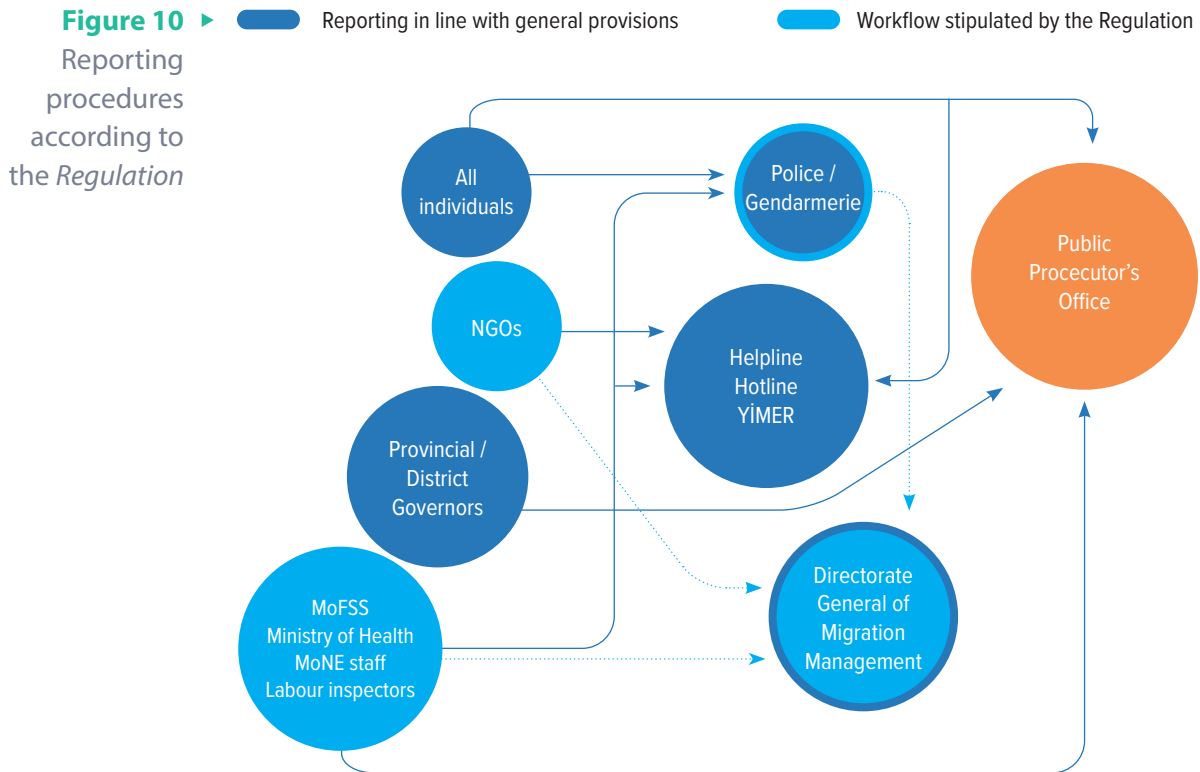
			◀ Table 5 Notification / reporting hotlines
 CIMER	 Police	 Gendarmerie	
 YIMER	 Coast Guard	 Social Support Line	

The reporting procedures and methods differ according to who is reporting and the context. Those in the first column in Figure 9 can report a case verbally or in writing. The other columns—those reporting as part of their professional obligation—must report in writing. Lawyers within this group can also file a complaint on behalf of the children they are representing.

Within law enforcement, more than one unit may be involved in the identification of a potential victim of THB. For example, when coast guard staff identify a potential victim, they hand over the case to the law enforcement units working on the ground. The Anti-Smuggling and Organised Crime Department of the General Directorate of Security follows-up the procedures in cases involving human trafficking. When the victim is a child, proceedings must be carried out by

²⁸ It is stated that YIMER currently provides uninterrupted service in 7 languages (Turkish, English, Arabic, Persian, Russian, German and Pashto) 24 hours a day, 7 days a week.

the juvenile units of law enforcement agencies. The Security General Directorate maintains child police directorates in all provinces and districts. The Gendarmerie does not have such juvenile departments but there are Gendarmerie officers appointed to deal specifically with juvenile cases.



With respect to the notification / reporting procedures established by the *Regulation on Combating Human Trafficking and the Protection of Victims* (Figure 10), law enforcement authorities and the PMM are obliged to inform each other when notified of a potential child victim of THB and to work in close collaboration thereafter. The staff of MoFSS must also notify the PMM, law enforcement authorities and the public prosecutor's office upon identifying a potential THB victim. Notifications can be made in writing or verbally, by telephone or e-mail (Art. 16).

IV.1.2 Procedures for the Identification of Child Victims of THB

Formal identification of victims of THB falls within the competence of the PMM, which is authorised to identify a victim of THB without waiting for the completion of the investigation and prosecution.²⁹ Although the authority to formally identify trafficking victims lies with only one institution, many institutions have duties and responsibilities in the identification process (Table 6).

²⁹ Regulation on Combating Human Trafficking and the Protection of Victims (Art. 18).

Procedures	Services to be provided	Institution providing the service	Responsible institution
Procedures at law enforcement and Interview / Assessment	Legal assistance	Bar Association	Security General Directorate
	Psychologist / social worker accompany	PMM	
	Audio-visual recording	Security Gen. Dir.	
	Expert presence at the interview to assess risk of THB	PMM	
Recovery and reflection period	Medical treatment	Ministry of Health	PMM
	Residence permit	Local governor	
	Accommodation	MoFSS	
	Access to education	PMM	
Identification	Reporting	PMM	
	Approval		
	Registration		

◀ **Table 6**
Identification procedures as per the Regulation

IV.1.2.1 | Law Enforcement Procedures

When law enforcement officers suspect that a child is a victim of THB, they are required to (Figure 11):

- a) contact the provincial directorate of migration management,³⁰
- b) request from the provincial directorate of migration management to send a migration expert to be present during the interview to carry out a detailed assessment,^{31,32}
- c) request the bar association to appoint a legal representative for the child,³³
- d) ensure that the child is accompanied by a psychologist or social worker during the interviews and is provided with psychological support,³⁴
- e) interview the child,
- f) arrange for a forensic medical examination of the child,
- g) arrange for a physical examination of the child done upon the instruction of the public prosecutor in cases of alleged sexual abuse,

30 Regulation on Combating Human Trafficking and the Protection of Victims (Art. 17.1).

31 Regulation on Combating Human Trafficking and the Protection of Victims (Art. 17.5, 17.6).

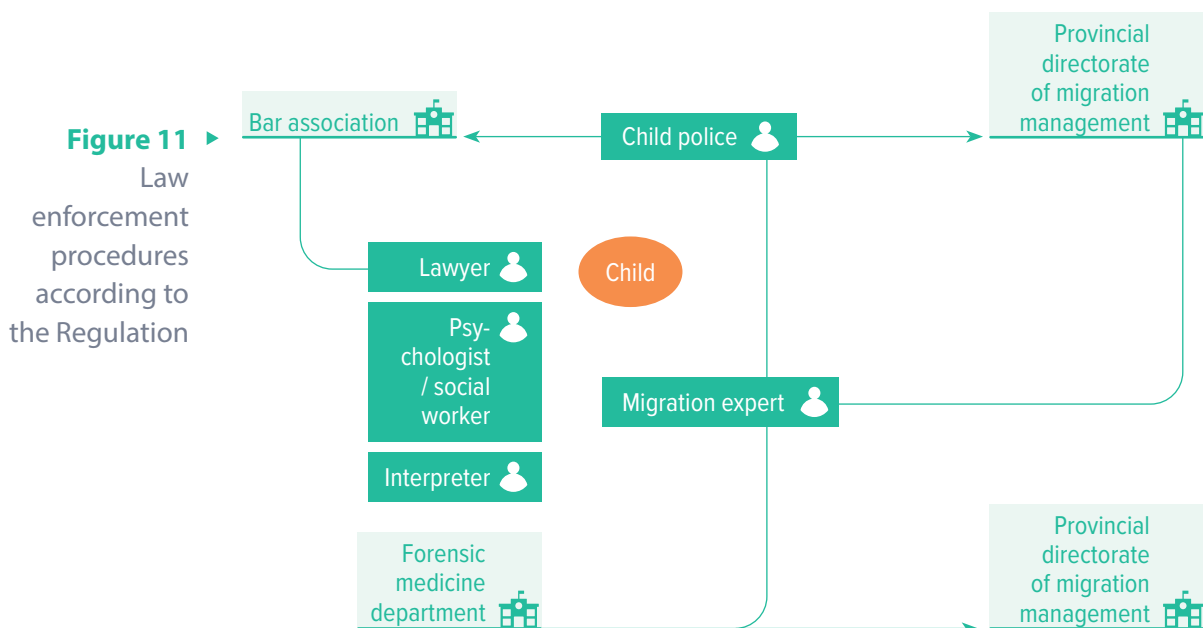
32 Regulation on Migration Experts (2013) and Regulation on Provincial Migration Experts (2014), available in Turkish at www.resmigazete.gov.tr/eskiler/2013/07/20130711-5.htm and mevzuat.gov.tr/mevzuat?MevzuatNo=18571&MevzuatTur=7&MevzuatTertip=5

33 Regulation on Combating Human Trafficking and the Protection of Victims (Art. 17.3) and Turkish Criminal Procedures Law (Art. 234.2)

34 Regulation on Combating Human Trafficking and the Protection of Victims (Art. 24).

- h) refer the presumed child victim to the PMM along with the forensic examination report and other documentation.³⁵

The purpose here is to ensure that the non-national child victim is provided with necessary psychological and legal support in order to facilitate the expression of his/her views and needs, and to prevent secondary victimisation (due to the repetition of interviews and/or delays) by involving a migration expert in the workflow at the very early stage. Interviews indicated that in practice, migration experts are not involved at an early stage in process, but are appointed only after the child has been referred to the provincial directorate of migration management upon the completion of law enforcement procedures. Interviewees also signalled that the psychological and legal services provided are not always of sufficient quality, attributed to the lack of specialisation of the assigned staff. Interviewing victims, including child victim, without the participation of a psycho-social expert is that the information s/he provides may not be accurate. Trauma-informed and child-friendly approaches are necessary given the lack of trust that ensues from traumatic experiences involving intimidation, threats and often violence. (Sever et al. 2012).



IV.1.2.2 | Interview and Assessment

According to the *Regulation on Combating Human Trafficking and the Protection of Victims*, after law enforcement notifies the provincial directorate of migration management of a presumed victim of THB should be as follows as per:

- a) A migration expert should be appointed by the provincial directorate of migration management (Art. 3.1),

³⁵ Regulation on Combating Human Trafficking and the Protection of Victims (Art. 17.4).

- b) Accompaniment of the child by a psychologist or social worker during the interviews should be ensured (Art. 24),
- c) A comprehensive assessment should be conducted by the appointed experts, taking into account indicators and in line with the format annexed to the Regulation; a report should be prepared (Arts. 17,18.11),
- d) An identification document should be prepared and approved by the provincial directorate of migration management.

Children are subject to the same procedure. One of the principles to be applied to working with child victims is the requirement take into account their special needs and apply the internationally recognised best interests standards throughout these procedures. The *Regulation on Combating Human Trafficking and the Protection of Victims* provides for a migration expert to interview a child when:

- There is strong presumption that the child is a victim of human trafficking (Art. 18)
- The child has been subjected to trafficking-related offences, such as forced labour / service, prostitution, forced marriage, begging or forced criminalisation (Art. 17).

The Regulation (Art. 18) also stipulates conducting an interview if deportation proceedings are pending. Children should not be deported in principle. However, there is a regulatory gap in the event that an adult accompanying the child is to be deported. Interviews with stakeholders revealed that, in cases which the parents do not pose a risk for the child, the principle of not separating the child from the parents would be followed and they would be deported together. In such cases, any decision to deport an adult with accompanying children should consider the children's situation.

The migration expert conducting the interview should (Art. 17.5):

- Consider the psychological situation of the victim,
- Ensure that a suitable, child-friendly environment is established for the interview, and
- Conduct the interview in line with the indicators and format annexed to the Regulation.

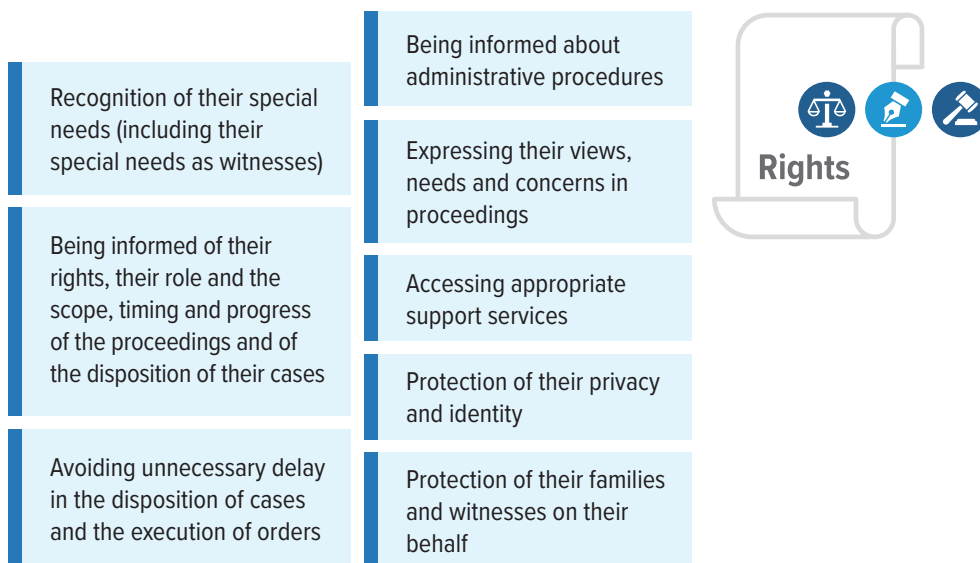
The migration expert conducting the interview and assessment must take into account the victim's demographic characteristics such as: age, gender, nationality and residence, signs of exploitation, body language, living conditions and his/her relationships (Art. 18).

During the interview, the child should be informed about the following in his/her language and in a language that s/he can understand:

- The crime of human trafficking and the rights of victims of THB (Art. 18) (Figure 12)
- The types of assistance services to be provided (Art. 17)
- The fact that if any information shared during the interview (that was not already shared with the law enforcement) would be deemed important for the criminal investigation, the law enforcement authorities or the public prosecutor's office will be notified (Art. 17)

Figure 12 ▶

Rights of the child victims of THB under the Optional Protocol to the CRC (Art. 8), the Palermo Protocol (Art. 6) and the CoE Convention on Action against Trafficking in Human Beings



Regarding the interview and assessment procedures in practice, key informants stated that the MoFSS is informed immediately after a child is referred to the PMM so that his/her accommodation can be arranged and the migration expert interviews the child either at the residential institution or at the office of migration management. The child is also provided with psychological support by a psychologist or a social worker, appointed by either the Provincial Directorate of Migration Management or by Family, Labour and Social Services.

Interviews with stakeholders revealed that one of the biggest challenges in the identification process is obtaining information from the victim. While the literature on the available evidence and data primarily addresses the attitudes of women victims of exploitation for the purpose of prostitution, there is scarce information on the behavior patterns of child victims of all forms of exploitation. This raises questions as to whether the efforts of psychologists and social workers to encourage cooperation among child victims have been successful (Sever et al. 2012). It remains critical that children be interviewed only after they are provided with a safe environment, accommodation and psychological support.

IV.1.2.3 | Recovery and Reflection Period

Interviews with victims do not have to be conducted immediately, nor completed in one session. It may be necessary to postpone the interview with the child in need of psycho-social support until after the recovery and reflection period, which gives the victim an opportunity to make an informed choice as to whether cooperate with authorities in the investigation and prosecution of the crime.³⁶

As with all victims, child victims have a right to a recovery and reflection period during which they are able to exercise their rights to shelter, protection, education and treatment. The relevant public authorities are obliged to provide these services, and the PMM is obliged to ensure coordination among them. Children's

³⁶ Regulation on Combating Human Trafficking and the Protection of Victims (Art. 18).

special needs and best interests must be taken into consideration during the recovery and reflection period, during which legal assistance must be provided for ongoing administrative and judicial proceedings. Conducting a risk assessment of the child and taking all the necessary and urgent measures related to their health and psychological well-being should take immediate priority.

For non-national children, additional services to be provided during the recovery and reflection period include obtaining the necessary residence permit and initiating international or temporary protection procedures.

Accommodation procedures for the children traveling with their parents will be carried out according to the legal status of the parents:

- If the parents are residents of Türkiye, regular residence permit application procedures will be followed (the application for residence permit will be made to the provincial governorate);³⁷
- If the parents do not have residence permit, the child will be subject to temporary settlement procedures applicable to the parents' status in Türkiye.

It was reported during the interviews that when a child is provided with a residence permit, a temporary protection identity document is also issued, to enable him/her to benefit from all the available assistance services.

For non-national children, additional services to be provided during the recovery and reflection period include obtaining the necessary residence permit and initiating international or temporary protection procedures.

IV.1.2.4 | Identification and Registration

Based on the migration expert's report, a human trafficking identification document³⁸ is issued and approved by the provincial directorate of migration management. Registration of victims of THB is performed in the same way for adults and children.

Interviews with stakeholders revealed that decentralisation of the registration process sometimes leads to victims being referred from one province to another, resulting in non-registration in some cases. As a consequence, victims lack access to basic services, including education and health and are exposed to an increased risk of re-victimisation.

IV.2 | Procedures for Referrals for Services for Child Victims of THB

In order to protect at-risk children and victims of THB, a series of protective, supportive and treatment services should be provided concurrently with identification and judicial procedures.³⁹ These services are not only essential in the fight against THB, but also constitute a fundamental right to child protection.

³⁷ Law on Foreigners and International Protection (Art. 22).

³⁸ Regulation on Combating Human Trafficking and the Protection of Victims, Appendix 2.

³⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Art. 6).

The accommodation, protection and treatment services to be offered to child victims of THB and their families further contribute to the fulfilment of the States' obligation to take "measures to discourage demand,"⁴⁰ as well as to its obligation to protect victims of THB, especially women and children, from revictimisation..⁴¹

Victim support services for children should be provided independently of whether the child has been identified as a victim of THB. If a child has entered the country illegally, does not have a place to stay or adequate parental supervision, and/or faces another risk factor, s/he remains at unless and until effective referrals for services are provided.

Therefore, those working with/for children have an obligation to refer children in need of protection to the necessary assistance services, independently of the identification process. Children in need of protection should be referred to the MoFSS pursuant to both the *Regulation on Combating Human Trafficking and the Protection of Victims* (if s/he has already been identified as a victim of THB), as well as the *Social Services Law and the Child Protection Law* (if s/he has not been identified as a victim of THB) (Table 7).

Table 7 ▶ Assistance services to be provided to child victims of THB pursuant to the Regulation

Type of assistance	Services to be provided	Responsible authority
Assistance for ensuring access to justice	Legal assistance	Bar associations
	Assistance services to prevent secondary victimisation	Ministry of Justice, Department of Judicial Support and Victim Services
	Ensuring physical safety	Security General Directorate
Assistance for accommodation, education and treatment of children	Accommodation / protection decision	Ministry of Family and Social Services
	Decisions on protective and supportive measures	Juvenile judges
	Decisions on protective and preventive measures against domestic violence	Law enforcement / local governors / public prosecutors / courts
	Medical treatment	Ministry of Health
	Education	Ministry of National Education
Assistance for protection, safe return and international protection	Assessment of child's best interest in case of separation or re-unification with family	Ministry of Family and Social Services
	Risk assessment in case of return	Presidency of Migration Management
	Coordination of necessary support services in the country of return	
	International / temporary protection procedures	

⁴⁰ Council of Europe Convention on Action against Trafficking in Human Beings (Art. 6).

⁴¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Art. 9.1).

IV.2.1 Services and Procedures for Ensuring Access to Justice

Providing **legal assistance** services, including counselling and information to victims in a language they can understand, especially regarding their legal rights, is one of the most important of victims' right to services.⁴² In terms of children, the term "in a language they can understand" would encompass not only the spoken language but also the level of development and comprehension of each child. Therefore, when it comes to children, it is necessary to involve specialised experts, including interpreters, with training in communication skills with children.

The Regulation on Combating Human Trafficking and the Protection of Victims (Art. 17) requires the appointment of a legal representative by bar associations for victims of THB. All child victims victims of crime (irrespective of the crime) are entitled to legal representation pursuant to the Turkish Criminal Procedures Law (Art. 234.2). To this end, bar associations operate legal aid offices in provinces, and UNHCR⁴³ in collaboration with the Union of Turkish Bar Association, runs "legal clinics" in provinces with high rates of migration. These services are not designed specifically for but also encompass legal representation for victims of THB.

Prevention of secondary victimisation during judicial proceedings⁴⁴ is a crucial element in the protection of the rights of victims of trafficking. In this context, the Ministry of Justice has set up special "judicial support and victim services" units in courthouses that provide legal assistance and referral services for victims.⁴⁵

In addition, judicial interviews with children must be conducted in the presence of an expert (a psychiatrist, psychologist, child development specialist or social worker), their parents or legal representatives.⁴⁶ An audio-visual recording of judicial interviews prevents repeated questioning in the investigation and prosecution processes⁴⁷ Judicial interview rooms have been established in 70 provinces.⁴⁸ to prevent victims' confrontation with the offenders and ensure child-friendly interview procedures.⁴⁹ The Ministry of Justice also appoints social workers to follow up with the victim support services provided in the

In terms of children, the term "in a language they can understand" would encompass not only the spoken language but also the level of development and comprehension of each child.

42 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Art. 6).

43 help.unhcr.org/turkey/social-economic-and-civil-matters/legal-aid/

44 As per the Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice (adopted by the Committee of Ministers on 17 November 2010), available at rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTM-Content?documentId=09000016804b2cf3

45 Presidential Decree No.63 (Art. 5,6,7,9).

46 Code of Criminal Procedure (Art. 236.2, 52) Law on Foreigners and International Protection (Art. 75.3), Turkish Criminal Procedures Law (Art. 236.3), The Regulation on Combating Human Trafficking and the Protection of Victims (Art. 24).

47 Turkish Criminal Procedures Law (Art. 236.2, 52).

48 Amagdur.adalet.gov.tr/Home/SayfaDetay/agonedir

49 Regulation on Judicial Interview Rooms, available in Turkish at magdur.adalet.gov.tr/Resimler/Dokuman/19102020110737AGO-Y%C3%96NETMEL%C4%B0G%C4%B0.pdf

courthouses. These social workers are trained on topics such as communication with children and/or on conducting judicial interviews. They are not provided with specialised training on working with victims of child trafficking or THB.

IV.2.2 | Procedures for Accommodation, Education and Treatment Services

In accordance with the international legal obligation to protect the best interests of children, as established by the CRC (Art. 3), the primary consideration in the implementation of services for child victims of trafficking is to provide the necessary protection and care for children's well-being.

In accordance with the international legal obligation to protect the best interests of children, as established by the CRC (Art. 3), the primary consideration in the implementation of services for child victims of trafficking is to provide the necessary protection and care for children's well-being. The Regulation on Combating Human Trafficking and the Protection of Victims (Art. 24) provides that procedures regarding the protection of the child victims must be carried out according to the Child Protection Law. Both the Child Protection Law (Art. 6) and the Social Services Law (Art. 21) oblige administrative authorities to take necessary and immediate measures when identifying a child in need or protection. In order to benefit from these services, it is not necessary that the identification process has been completed or the child has been identified as victim of human trafficking.

When a presumed child victim of THB is identified by law enforcement, the Child Protection Law (Arts. 6,7,9) foresees the following procedures:

- a** Law enforcement authorities notify the MoFSS of the child in need of protection;
- b** The MoFSS immediately carries out the necessary enquiry;
- c** If necessary, MoFSS places the child into institutional care and submits a request for an urgent protection decision to a juvenile judge within five days;
- d** The judge decides on the request within three days and issues an urgent protection decision, which is valid for a maximum of 30 days;
- e** The MoFSS carries out a social enquiry into the child's situation. If it concludes that a protective or support measure is required for the child, it a request to a juvenile judge. (The child, his/her parents and the public prosecutor can also request protective and supportive measures from the juvenile judge.);
- f** The judge decides on the implementation of necessary measures, and can make determinations with regard to parental custody of, and personal contact with, the child.

The *Regulation on Combating Human Trafficking and the Protection of Victims* foresees a similar mechanism, but integrates identification procedures in the workflow as shown in Figure 13. According to the *Regulation* (Art. 24), children are referred to MoFSS after they are identified as presumed victims of THB. With respect to an assessment to determine accommodation and needs services, the Regulation foresees following possible referrals:

- Referral for shelter (Art. 17.12)

- Referral for necessary services if the victim is physically or mentally disabled (Art. 17.13)
- Referral to a psychiatric clinic if a medical report indicates that the victim is in need of psychiatric treatment (Art. 17.13)

These provisions further require that child victims be referred to shelters during the identification process. Since PMM does not operate a special shelter for children, child trafficking victims are referred to MoFSS, as detailed in the *Child Protection Law*.

The *Regulation on Combating Human Trafficking and the Protection of Victims* provides that protection and referral measures can be undertaken according to both the *Child Protection Law* and the *Law to Protect Family and Prevent Violence against Women*.

The **protective and supportive measures** foreseen for child victims of THB according to the ***Child Protection Law*** include: counselling, education / training, health care, care and shelter measures as shown in Table 8.

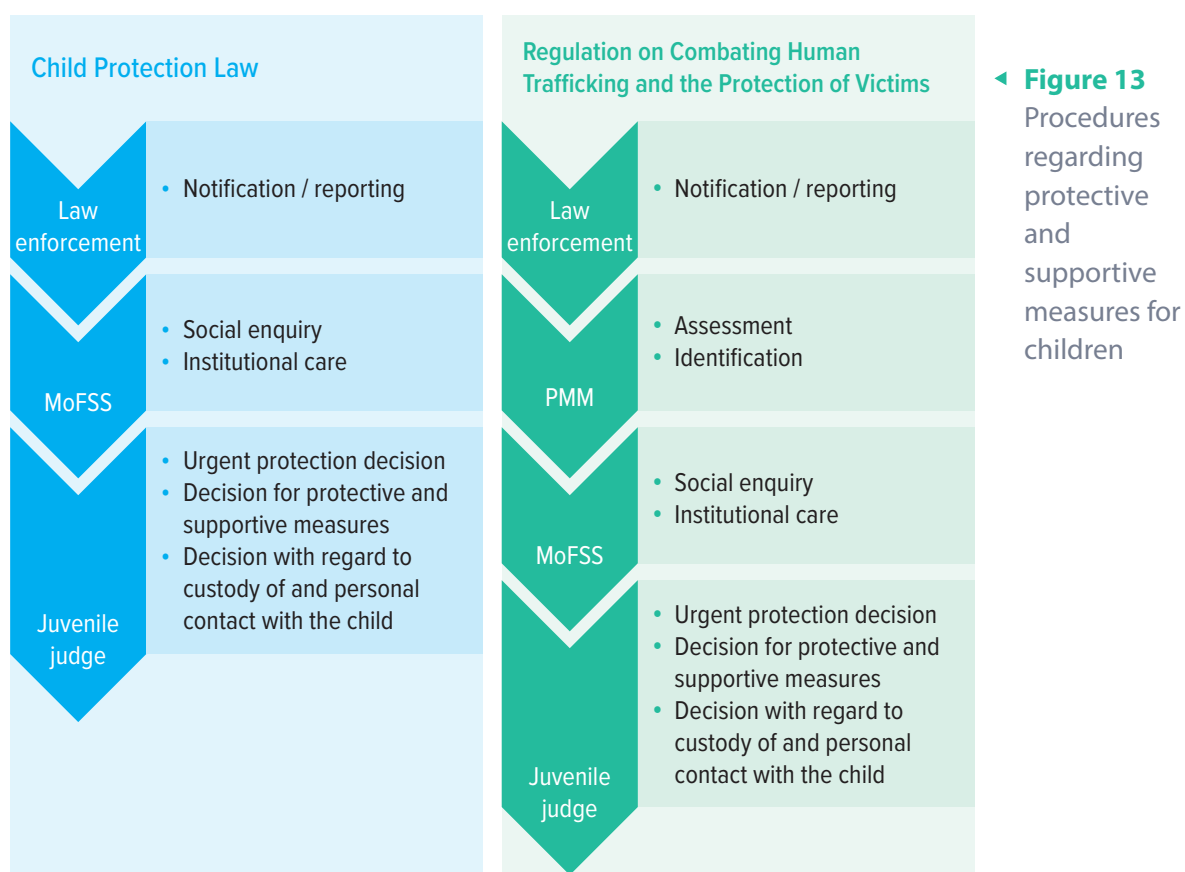


Table 8 ▶
Protective and
supportive
measures for
child victims
of THB as
per the Child
Protection
Law

Measure	Definition	Responsible Institution(s)
	Measures oriented to providing guidance on child rearing to those who are responsible for the care of the juvenile, and guidance to juveniles on solving problems related to their education and development (CPL Art.5.1.a).	MoNE MoFSS Municipalities
Education / training	Measures oriented to ensure that the child attends an educational institution as a day or boarding student, attends a vocational training or arts & crafts course, or is deployed with a master degree programme, or at a workplace belonging to the public or private sector for the purpose of acquiring a job or a profession (CPL Art.5.1.b).	MoNE
Health	Measures to ensure the necessary temporary or continuous medical care and rehabilitation for treatment and protection of the juvenile's physical and physiological health, and treatment and therapy for juveniles who use addictive substances (CPL Art.5.1.d).	Ministry of Health
Care	Measures to make governmental or private care center services or foster family services available to the juvenile or place the juvenile under the care of such institutions, in the event that the person responsible for the care of the juvenile fails to fulfil his/her care obligations for any reason (CPL Art.5.1.c).	MoFSS
Shelter	Measure to provide a suitable shelter for those who have children but do not have a place to live, or to pregnant women whose lives are in danger (CPL Art.5.1.e).	MoNE MoFSS Municipalities

In practice, Turkish and unaccompanied non-national children victims of THB in Türkiye are taken into institutional care by MoFSS. MoFSS has different types of institutions for children, according to age groups. There are also "child support centres,"⁵⁰ established to provide temporary residential services for children taken into institutional care and in need of psycho-social support due to victimisation or criminalisation. For unaccompanied children aged 12 and over and identified as victims of trafficking in human beings, protection and care services are mainly provided through specialised Child Support Centers as a temporary service model. Child victims of trafficking are benefited from appropriate service models in accordance with their protection needs.

According to the Law on Foreigners and International Protection (Art. 66), unaccompanied children over 16 years of age may also be placed in reception and accommodation centers. In contrast, children accompanied by a family member are referred to the shelters, reception centres or removal centers run by the PMM.

Children accompanied by their mothers who are victims of violence can also be accommodated in the MoFSS shelters for women. Girls until 18 years of age and

⁵⁰ Social Services Law (Art. 3).

boys aged up to 12 years can stay in these shelters with their mothers; boys over 12 years of age are referred to child support centers. It was stated during the interviews that where suitable and appropriate, older boys are also allowed to stay in shelters with their mothers. Where this is not possible, attention is paid to ensure the maintenance of personal contact between them. In cases involving serious security risks for women and/or children, they can also be provided with a home (the address of which is kept confidential), where she can stay with her children, regardless of their age.⁵¹

Although the Child Protection Law (Art. 5) foresees that children can be placed in institutional care with their families, except for shelters for women victims of domestic violence, there are no other institutions in which parents can be admitted with their children. Stakeholders noted during interviews that a center is currently being constructed for foreign families.

IV.2.3 | Procedures for Care, Safe Return and International Protection

IV.2.3.1 | Institutional / Within-Family Care Procedures

Taking a child into institutional care alone does not provide sufficient protection. Depending upon the level of risk, a child's relationship with his/her parents, legal guardians and relatives should also be regulated (Figure 14).

A social enquiry to assess the risks and the child's need for protection should be conducted by an expert appointed by the MoFSS.⁵² A juvenile judge then determines the appropriate custody arrangement of the child,⁵³ with the possibility of terminating parental custody⁵⁴.

Whether Turkish or non-national, the situation of all children taken into institutional care should be assessed regularly and their return to their families should be ensured when it is found to be in his/her best interests.⁵⁵ The MoFSS is responsible for providing assistance services (including cash or in-kind assistance, education / training and consultations) to strengthen the child rearing capacity of the families.

⁵¹ Regulation on Women Shelters (Art. 8).

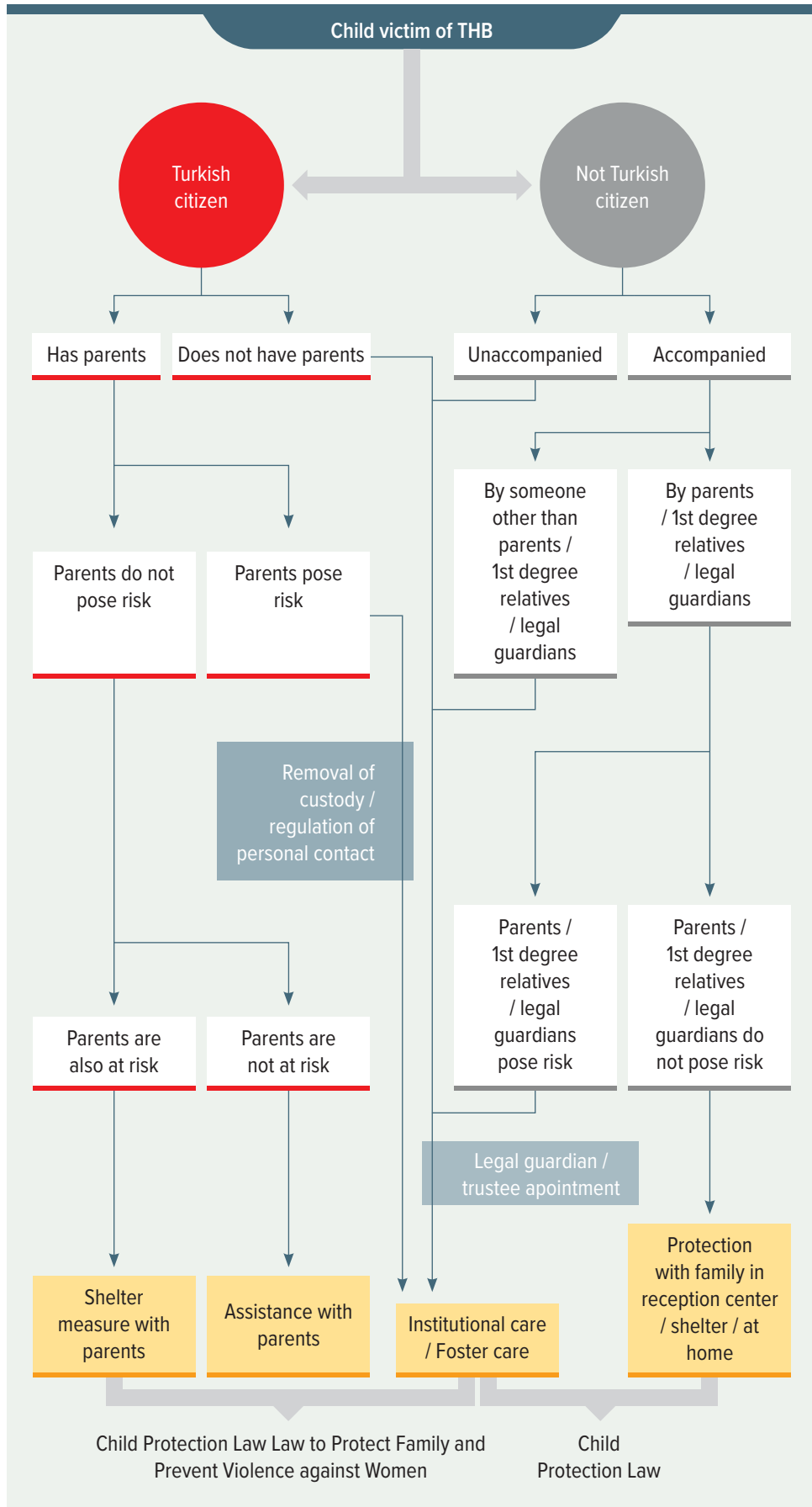
⁵² Social Services Law (Art. 21).

⁵³ Law on Child Courts (Art. 7).

⁵⁴ Child Protection Law (Art. 7).

⁵⁵ Reunification with family is decided by the juvenile judge upon request of MoFSS following a social enquiry assessment (CPL Art.7 and Turkish Civil Code Arts.343-348).

Figure 14 ▶
Decision tree for institutional / within-family care procedures



A trustee or guardian⁵⁶ must be appointed for unaccompanied children by a judge according to general legal provisions. The juvenile judge examining the request for an injunction regarding the protection of the child will also be able to appoint a trustee or guardian (CPL Art.7). The public guardianship authority in the Turkish legal system is the Court of Peace. However, given the fact that no one is designated to act as a child trustee or guardian within the Court of Peace, when the child is placed in an institution, a representative from that institution is appointed as a trustee or a guardian. If s/he is not placed in an institution, the usual practice is to request the appointment of a lawyer from the provincial bar association.

While the assessment for reunification with the family is conducted by a social worker assigned by the MoFSS for children, it is conducted by a migration expert assigned by the PMM if the child is to be returned to his/her country of origin. In practice, these two assessments are carried out completely separately from each other. However, the information gathered during each assessment informs the outcomes of these two different procedures. Therefore, ensuring due respect to the right to protection of personal data and the respect for private life, information sharing methodologies should be put into place to ensure that coordination between these interventions and the best interests of children can be realised (UN 2011, UNICEF 2006).

IV.2.3.2 | Safe Return Procedures

According to the Palermo Protocol, States should adopt appropriate measures to permit victims of THB to remain in its territory (Art. 7) or to facilitate his/her safe return (Art. 8). If it is in the best interests of the child, his/her safe return will need to be ensured and necessary measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, should be taken to prevent re-victimisation (Art. 9).

It was stated during the interviews that children are not repatriated in practice and thus are not placed in removal centers. Yet, domestic legislation foresees their repatriation in line with the following procedures for “safe and voluntary return”:

- A risk and safety assessment must be conducted;⁵⁷
- Unaccompanied children and families with children should be accommodated in separate areas;⁵⁸

⁵⁶ The guardian is obliged to protect all interests of the minor or restricted under guardianship in relation to his personality and assets and to present him in legal proceedings; trustee is appointed to perform certain duties or manage assets (Turkish Civil Code, Art.403).

⁵⁷ The guardian is obliged to protect all interests of the minor or restricted under guardianship in relation to his personality and assets and to present him in legal proceedings; trustee is appointed to perform certain duties or manage assets (Turkish Civil Code, Art.403).

⁵⁸ The Regulation on Combating Human Trafficking and the Protection of Victims (Art. 24).

- MoNE should take the necessary measures to ensure that children have access to education.⁵⁹

Ensuring re-unification of the child with his/her family can take relatively long and necessitate international cooperation. The Turkish Red Crescent plays an important role in this process by both helping to locate family members and accompanying the child during his/her return. International organisations, including IOM, also assist the voluntary and safe return of THB victims.

IV.2.3.3 | International Protection Procedures

One of the procedures to be followed upon the identification of a non-national child includes the initiation of the legal process to enable him/her to benefit from international protection.

The Law on Foreigners and International Protection, in line with international instruments, states that persons with special needs, including unaccompanied children and children subjected to abuse or violence (Art. 3.1), should be given priority with respect to the right to international protection (Art. 67). The law does not provide for an accelerated procedure for the evaluations of applications by unaccompanied children as a precautionary measure (Art. 79.4).

⁵⁹ Law on Foreigners and International Protection (Art. 59.d)

ANALYSIS AND RECOMMENDATIONS



This section attempts to analyse the current system established to protect child victims of trafficking in Türkiye in light of the rights established by the relevant international instruments, including the Convention on the Rights of the Child (CRC), its two optional protocols and the CoE Convention on Action against Trafficking in Human Beings.

The principle rights set forth in the CRC upon which that national policies and interventions addressing children victims of THB and children at risk must be based are listed in Table 9.⁶⁰

◀ **Table 9**
Principle rights as applied to anti-child-trafficking policies

Principle	Definition / Explanation
The best interests of the child (CRC Art.3)	In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child should be a primary consideration.
Right to non-discrimination (CRC Art.2)	All children, non-national as well as national or resident children are entitled to the same protection and rights without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
Respect for the views of the child (CRC Art.12)	A child who is capable of forming his or her views should enjoy the right to express those views freely in all matters affecting him or her. S/he should be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body.
Right to privacy / confidentiality (CRC Art.16)	No child shall be subjected to arbitrary or unlawful interference with his/her privacy, family, home or correspondence, nor to unlawful attacks on his/her honour and reputation.
Right to freedom of expression and information (CRC Art.13)	Children have the right to freedom of expression and to seek and receive information in a language they can understand.
Right to be protected (CRC Art.20)	A child who is temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, is entitled to special protection and assistance provided by the State.
Right to State support to recover (CRC Art.39)	States should take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

⁶⁰ A guardian shall be obliged to protect personality and property-related interests of a child or a restricted person and to represent him/her in legal proceedings. On the other hand, a trustee shall be appointed to perform certain transactions or manage his/her assets (Turkish Civil Code, Art. 403).

Right to protection from family separation (CRC Art.9)

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

The implementation checklists for CRC (UNICEF 2007) further recommend taking into account the following criteria for assessing the legislative and institutional framework as well as the policies and services in place to protect children from risks of THB:

- Regarding the legislative framework:
 - Have legal and administrative measures been adopted to ensure that children abducted within the jurisdiction are found as speedily as possible and returned?
 - Has the State ratified or acceded to the relevant international conventions?
 - Are all forms of the sale or trafficking of children illegal, including when perpetrated by parents? (including: forced / bonded labour, use of children for the purpose of begging, improper gain from intercountry adoption, sales of organs from any living child, compulsory conscription of a child into the armed services).
- Regarding the institutional framework:
 - Do all relevant state agencies, in particular the police and welfare services, cooperate internationally in identifying and tracing all forms of cross-border trafficking in children?
 - Is there cooperation with relevant NGOs /civil society partners?
 - Has a comprehensive review been conducted to ensure that all legislation, policy and practice is compatible with the aim to prevent THB, for all children in all parts of the jurisdiction?
 - Has a strategy been adopted that includes the identification of goals and indicators of progress?
 - Has a budgetary analysis been conducted, and have all necessary resources been allocated?
 - Is there a monitoring and evaluation mechanism?
 - Is appropriate training available for all related professionals, especially for police, social workers, adoption agencies' staff, health personnel and teachers
- Regarding services and procedures:
 - Are measures taken to ensure that children who are victims of cross-border trafficking can return safely and lawfully to their country of origin?
 - Is there a national database of both missing children and known offenders in child trafficking?
 - Are measures adopted to assist the prosecution of those engaged in child trafficking outside of the jurisdiction?
 - Are child victims of abduction, sale or trafficking treated humanely as victims,

not criminals, and provided with all appropriate forms of support and assistance?

- Are children's views on the most appropriate measures for preventing their abduction, sale and traffic given due weight?

V.1 | Strengths, Weaknesses, Opportunities and Threats of the Anti-Child-Trafficking System in Türkiye

As examined under section II, Türkiye has signed and ratified the majority of the international conventions related to THB. Since the early 2000s, harmonisation efforts have also been in place to align domestic legislation with these international instruments. However, the dispersed national legislative framework related to the prevention of child trafficking are quite dispersed makes it difficult to design and implement a specialised procedures for practitioners adapted to the specialised needs and rights of children.

Significant progress has been achieved in terms of improving the national institutional framework and ensuring services for child victims of THB. However, Türkiye still lacks of a comprehensive national policy plan or strategy addressing THB. As also noted by the GRETA report (2019) for Türkiye, two national action plans on combating THB were adopted in 2003 and 2009; however, a new plan has not been adopted since 2009. It was also mentioned in the GRETA report, and reiterated during interviews with stakeholders, that a new action plan is currently being drafted and will be adopted soon.

Limited data collection, and thus evidence, on the extent of the problem, systemic responses and the characteristics and needs of the victims of THB are also scarce. Without data, it is not possible to conduct an evidence-based analysis of the anti-child-trafficking system. The limited research available, and the professionals working in the field, tend to attributed the weaknesses of the current anti-trafficking system to victims' characteristics, including the challenges of obtaining reliable information from victims during interviews, rather than to weaknesses in institutional response (Sever et al. 2012). Yet, victims' lack of trust in law enforcement can indicate failures to ensure effective support and protection during investigation and service provision.

The SWOT analysis presented below (Table 10) adopts a human-rights based and victim-centered approach, positing that weaknesses in the system cannot be attributed to victims of THB, but rather to the characteristics of legislative and institutional systems themselves.

Türkiye has signed and ratified the majority of the international conventions related to THB. Since the early 2000s, harmonisation efforts have also been in place to align domestic legislation with these international instruments.

Table 10 ►
SWOT analysis
for the current
anti-child-trafficking system
in Türkiye

		Strengths	Weaknesses	Opportunities	Threats
Identification	Legislative framework	The responsibility of recognizing and reporting children in need of protection is widespread and involves a series of professionals and institutions.	The domestic legislation related to reporting and identification of child victims of THB is highly dispersed.	Establishment of coordination mechanisms at the operational, planning and policy-making levels, as stipulated in legislation.	The limitations in the definition of “refugee status” in domestic legislation ⁶¹ increases the potential for migrants from non-European countries to cooperate with human traffickers.
	Institutional framework	The availability of a competent institution (PMM) responsible for the overall coordination of anti-trafficking actions.	Lack of a national referral mechanism to ensure coordination among different stakeholders involved in identification.	The need for improved data collection and analysis.	Lack of child-specific units and specialised professionals in institutions responsible for the identification process.
	Services and procedures	Indicators for identification of victims of THB are available and updated regularly by the PMM.	The protection mechanism is not immediately activated at the initiation of procedures for child victims.	Staff training is included in the strategic plans of related institutions.	Sustainability of in-service training cannot be ensured due to reliance on project-based funding and high rotation rates among staff.
Referral and Assistance	Legislative framework	The Regulation on Combating Human Trafficking and the Protection of Victims is largely compliant with the international conventions.	The domestic legislation related to referral and assistance for child victims of THB is dispersed.	The best interests of the child and taking into consideration children’s special needs and rights are reflected in domestic legislation.	Placing the responsibility for the provision of referral and assistance services for child victims of THB with the PMM reinforces the perception that THB is a problem specific to foreign nationals.
	Legislative framework	The Regulation on Combating Human Trafficking and the Protection of Victims is largely compliant with the international conventions.	The domestic legislation related to referral and assistance for child victims of THB is dispersed.	The best interests of the child and taking into consideration children’s special needs and rights are reflected in domestic legislation.	Placing the responsibility for the provision of referral and assistance services for child victims of THB with the PMM reinforces the perception that THB is a problem specific to foreign nationals.
	Institutional framework	There is a delegated authority (PMM) responsible from ensuring coordination, including services to be provided to child victims.	The coordination body (PMM) does not have authority over institutions responsible for providing services.	Relevant institutions have set specific targets in their strategic plans to strengthen child protection services.	Insufficient budget allocation for the implementation of institutional strategic plans.
	Services and procedures	The existence of comprehensive legislation on measures to be applied to children at risk.	No specialised institutional care options are available and appropriate to the different and special needs of children.	There are many NGOs working in the area.	Limited number of experts specialised in developing interventions appropriate to the needs of children from diverse cultures and backgrounds.

61 As per the International Law on Foreigners and International Protection (Art. 61-63), Türkiye maintains a geographical limitation to the definition of “refugee status” and only applies it to refugees originating from European countries.

V.2 | Analysis and Recommendations for Identification of Child Victims of THB

According to the UNODC 2020 Global Trafficking Report (UNODC 2020a), 34% of the victims of trafficking detected across the world are children (19% of detected victims are girls and 15% are boys). Children may be trafficked for the purpose of different forms of exploitation, including sexual exploitation, child marriage, child labour, domestic servitude, begging, criminal activities, illegal adoption, child soldiers and the removal of body organs (Appendix I). The latest UNODC global estimates⁶² indicate that:

- 72% of the detected girl victims are trafficked for sexual exploitation and 21% are trafficked for forced labour; while 66% of detected boy victims are trafficked for forced labour and 23% are trafficked for sexual exploitation;
- 28% of the detected victims of trafficking for sexual exploitation are children (25% girls, 3% boys);
- 36% of the detected victims of trafficking for forced labour are children (21% girls, 15% boys);
- 19% of detected child victims of labour trafficking are trafficked for domestic work, 17% for begging, 8% for illicit activities and 6% for agricultural work;
- children constitute 12% of identified victims in the domestic work sector; almost half of these children (5.4%) are in the 15-17 age group; 89% of the child victims in the 15-17 age group are girls;
- children constitute 7% of the victims identified in the agricultural sector; Most of those children (5%) are in the age group of 15-17 and 76% are boys.

In Türkiye, a total of 2,361 victims of trafficking were identified between 2005-2020 (Table 1)⁶³. There were 201 children among the victims identified during the period 2014-2019 alone, (20%). GRETA (2019) has noted that the real scope of human trafficking in Türkiye is probably much higher than the official figures of identified victims of trafficking suggest. The hidden nature of the crime of human trafficking makes the detection of child victims especially difficult. It is therefore vitally important for child protection professionals, education professionals, health-care staff, social workers, law enforcement officials and the community at large to become familiar with the warning signs that a child is either at risk or is a victim of human trafficking.

⁶² UNODC 2020a; CTDC global data set, address www.ctdatacollaborative.org

⁶³ Statistics of the Directorate of Migration Management, access address www.goc.gov.tr/insan-ticaret-i-ile-mucadele-istatistik

Table 11 ▶
Victims of
Human
Trafficking in
Türkiye⁶⁷

Types / Year	2015	2016	2017	2018	2019	Toplam
Sexual exploitation	88	143	186	95	144	656
Labour exploitation	19	30	52	39	55	195
Forced begging	1	8	65	-	4	78
Forced marriage	-	-	-	-	11	11
Illegal adoption	-	-	-	-	1	1
Total	108	81	303	134	215	941
-18 years (#)	26	29	98	15	31	199
-18 years (%)	24,1	16,0	32,3	11,2	14,4	21,1

As examined under section II.1.3, distinguishing between child trafficking and other offences, including migrant smuggling, forced labour or prostitution, can be quite complicated (USAID 2013). Identification of child victims of trafficking also poses numerous challenges, including those related to the legal definition and the involvement of multiple agencies, some with less expertise, and the difficulties in ensuring coordination among them (UNICEF 2011, Dottridge and Jordan 2012).

Similar challenges were raised during the interviews with key informants regarding the identification mechanism in Türkiye:

- 1 The crime of child trafficking can easily be confused with certain other crimes.
- 2 The crime of human trafficking is mostly perceived in practice as a crime only against foreign nationals.
- 3 Child victims tend to provide misleading information to investigators due to fear or anxiety.

The first two of the above challenges relate to national legislation and regulations. Although they render it difficult to identify victims of THB, if the risk of THB is investigated in every case involving elements of trafficking and a child victim, such challenges can be overcome. Increased reliance on supporting regulations and principles, such as the rule of conceptual aggregation for the purpose of sentencing (requiring sentencing for the offence with the heaviest penalty) and the right of all children to special protection measures, including pending age verification (presumption of minority). The following two factors should be further taken into consideration regarding these two challenges:

⁶⁴ General Directorate of Migration Management statistics, available at www.goc.gov.tr/insan-ticareti-ile-mucadele-istatistik; draft 2018 Annual Report on Combatting Human Trafficking.

- Frontline professionals may have limited knowledge about the investigation and prosecution of different types of offences against children.⁶⁵
- Law enforcement professionals may find it relatively easy to find evidence for the crimes of migrant smuggling or prostitution, but find it more challenging to secure evidence to establish the crime of trafficking in human beings.

Although there is still room to revise legislation on the crime of child trafficking, as well as related crimes, improving the identification process of child victims of THB requires increasing the knowledge and motivation of relevant professionals (for detailed recommendations related to in-service training, please refer to section V.5).

Challenges related to victim characteristics must be addressed through the design of institutional response.

Protecting and assisting child victims of trafficking requires appropriate identification processes, as detailed by international instruments⁶⁶. During the identification process, child victims should receive protection from any risk of abuse and have access to a safe environment. Suggesting that challenges to detecting and identifying the crime of human trafficking is attributable to the fear and anxiety of child victims indicates that the current anti-trafficking system is incapable of responding effectively to the needs of child victims, and essentially blames them for adverse outcomes (as addressed in the previous section on the SWOT analysis). This further raises the following questions about possible gaps in legislation and practice:

Protecting and assisting child victims of trafficking requires appropriate identification processes, as detailed by international instruments.



Is this due to a deficiency in legislation?



Is there a problem in implementing the legislation?

Both questions can be answered in the **affirmative**.

Regarding legislative shortcomings, the ***Regulation on Combating Human Trafficking and the Protection of Victims***:

- does not establish a coordination mechanism between institutions responsible for receiving notifications;
- does not delegate responsibility to MoFSS, the institution responsible for the protection of children during the identification process;
- does not contain any provision that ensures that children can express their views in line with children's rights under the CRC.

⁶⁵ Limited capacity and training of responsible officials performing the identification of victims is identified as one of the challenges identified in the GRETA report (2019) for Türkiye.

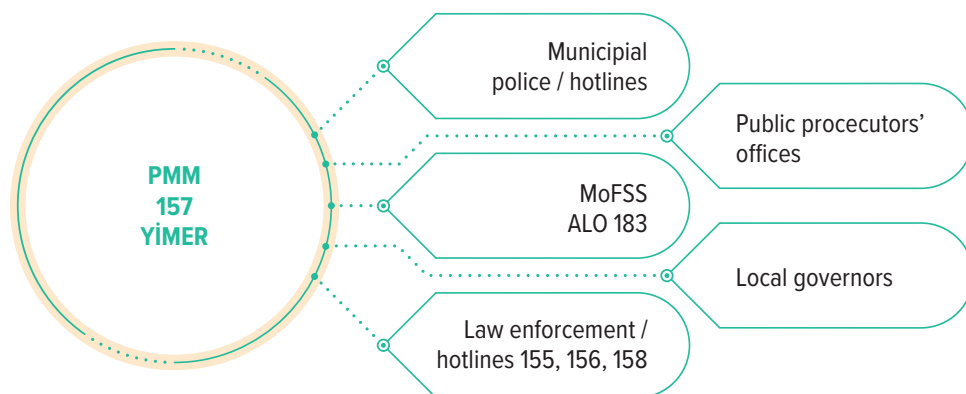
⁶⁶ Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings (2005) (Art. 10.127), available at [//rm.coe.int/16800d3812](http://rm.coe.int/16800d3812)

Regarding shortcomings in implementation, the following should be highlighted:

- The agencies playing a role in the identification process and expected to adopt a multi-agency case management model, act independently from each other in practice.
- Children cannot access appropriate legal representation and assistance to which they have a right. In some cases, legal assistance to child victims is provided by the preparators' lawyers (MHM 2019, Elveriş 2004).
- There are no child-friendly places / settings for interviews where children can feel safe.

The first recommendation would therefore be to redesign the notification / reporting mechanism as an integrated system (Figure 15) as part of a national referral mechanism (NRM) (OSCE/ODIHR 2004). This would facilitate reporting for obliged professionals by eliminating the need to find the "right" authority, causing delays in the provision of necessary protection and services.

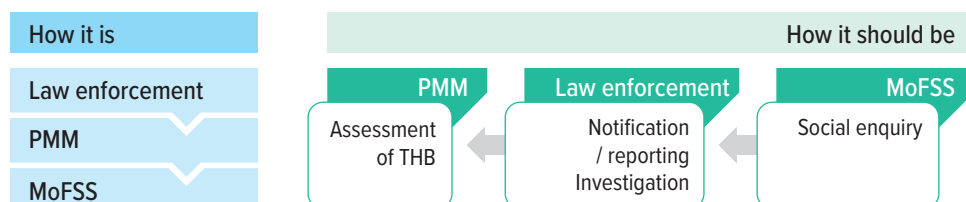
Figure 15 ▶
Integration of notification / reporting mechanism



The second recommendation would be to ensure that the needs assessment of child victims is conducted at the onset of the identification process and close collaboration among institutions engaged in related processes and in the provision of services on the ground.

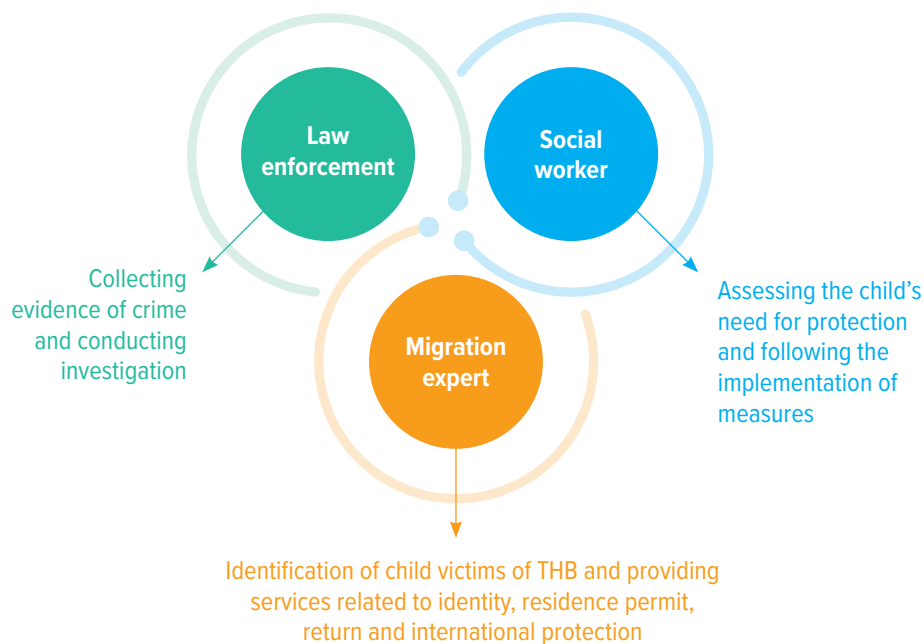
The State the power to intervene that provides the moral and legal basis for the child protection system lies not in the source or the magnitude of the danger to the child, but rather in the effects of the risk on children (Grassinger 2009). For this reason, the child protection system should focus primarily on the need for protection (UN 2011) and aim to ensure that all necessary measures are taken as soon as possible. Consequently, MoFSS should be engaged when the identification process is initiated, in order to assess the protection needs of the child and to provide necessary services (Figure 16).

Figure 16 ▶
Workflow in the identification of child victims of THB



The coordination among law enforcement, PMM and MoFSS is quite important at this initial stage (Wolfensohn 2004) (Figure 17). The case management model adopted by the Regulation provides a solid opportunity for ensuring coordination at the operational level. In order to put the case management model in practice, detailed operational procedures should be prepared that would at a minimum:

- Ensure that each professional knows the others' roles and responsibilities.
- Ensure accordance with the following principles:
 - Respect for the confidentiality of investigation
 - Notification to the public prosecutor's office of crime-related information
- Prioritizing the child's best interests
 - Foresee procedures that would prevent the child from having to give repetitive interviews to multiple agencies, avoiding retraumatisation and delays.
 - Establish an information-sharing protocol in accordance with the right to privacy and limited only to the extent necessary.



◀ **Figure 17**
Services provided in close collaboration with identification of child victims of THB

It is also recommended that *children be provided with specialised legal assistance and representation independently of accompanying adults* (UNICEF 2006).

As with anyone working with a child victim of human trafficking, assigned lawyers must have sufficient knowledge and experience in children's rights and human trafficking. Stakeholders suggested that the assignment of lawyers should be made by drawing from a list of those with the necessary specialisation. This may not be always possible, especially when the crime has not been identified as "trafficking" by the authority referring the victim. Ideally, all lawyers working with child victims should have knowledge of children's rights and human trafficking.

For example, a lawyer assigned to a child investigated for selling drugs should be able to identify situations signaling the possibility that the child is a victim of human trafficking for the purpose of committing crimes.

Considering that there may likely be a conflict of interest between a child and his/her parents, children should be provided with access to independent legal representation. Interpretation services should also be made available for children in order to ensure their understanding of their rights in a language that they understand, not only for the protection of their best interests, but also to foster increased effectiveness in the identification process.

The final recommendation regarding the identification process is *to put in place the necessary infrastructure and services that would ensure all child victims the opportunity to be heard in all administrative and judicial proceedings affecting them* (UNICEF 2006).

Child victims have the right to express their views freely in all matters affecting the child, which must be given due weight in accordance with the age and maturity of the child.

Child victims have the right to express their views freely in all matters affecting the child, which must be given due weight in accordance with the age and maturity of the child. Their ability to exercise this right fosters feelings of safety, providing accurate information and a reduction in secondary traumatisation. Therefore, it is necessary to establish the minimum standards and the necessary infrastructure for putting in place child-friendly practices,⁶⁷ including interview rooms designed for children. The “Barnahus model,”⁶⁸ which aims to offer multi-sectoral and coordinated protection and justice response under one roof for children victims of abuse, in order to prevent their secondary victimisation, and is recognised by the Council of Europe as a good practice for multidisciplinary responses, can offer guidance in this regard.

Table 12 combines the above-listed recommendations for the identification of child victims of THB and identifies the necessary steps to be taken within the scope of each recommendation.

⁶⁷ As reflected in the Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice (adopted by the Committee of Ministers on 17 November 2010), available at rm.coe.int/CoERMPublicCommonSearchServices/Display-DCTMContent?documentId=09000016804b2cf3

⁶⁸ For more information see. www.barnahus.eu/en/

Recommendation #1

The notification / reporting mechanism should be redesigned into an integrated system.

All the institutions / hotlines / helplines receiving notifications regarding children in need should be linked to each other.

All helplines / hotlines should be multi-lingual and equipped to provide information and counselling services.

A regulation should be enacted to ensure that notifications made to any authority that reference “prostitution, child labor, domestic servitude or marriage” are forwarded to PMM and to law enforcement.

Staff of all helplines / hotlines or related institutions should be given the same clear instructions as to which notifications / cases should be forwarded to the PMM.

Recommendation #2

Needs assessment for children should be conducted at the outset of the identification process and involve close collaboration among related processes and services on the ground should be secured.

The *Regulation on Combating Human Trafficking and the Protection of Victims* should be revised to involve the MoFSS at the initial stages of the identification workflow.

The procedures and principles in the case management model foreseen by the *Regulation* should be revised to take into account the rights and special needs of children.

Both the MoFSS and PMM provincial directorates should be equipped with sufficient human resources for implementing the case management model set forth in the *Regulation*.

A detailed guide, including workflows, should be prepared for professionals on the field.

Regular in-service trainings should be provided to the staff of all institutions responsible for engaging in the identification process (please refer to section V.5 for detailed recommendations on trainings).

Recommendation #3

Children should be provided with specialised legal assistance and representation independently of accompanying adults.

Lawyers who provide legal aid to child victims should be trained on children’s rights and the crime of child trafficking, related investigation and prosecution procedures and techniques for interviewing child victims.

For children victims of THB, the appointment of an independent lawyer should be requested from the bar association, considering that there may be a conflict of interest with the adult present.

Specialised interpreters (trained on issue-specific terminology, and communication skills for working with children) should be available in all provinces and in sufficient numbers.

Recommendation #4

Necessary infrastructure and services should be put into place to provide child victims with the opportunity to be heard in all administrative and judicial proceedings affecting them.

Special interview rooms for children should be established in all institutions conducting interviews with children.

Minimum standards for child-friendly practices should be established.

Children should be provided the opportunity to express their views freely (through providing a safe environment, information on all available services / options and a suitable reflection period) and their views should be given due weight in all stages of identification and judicial processes.

Table 12

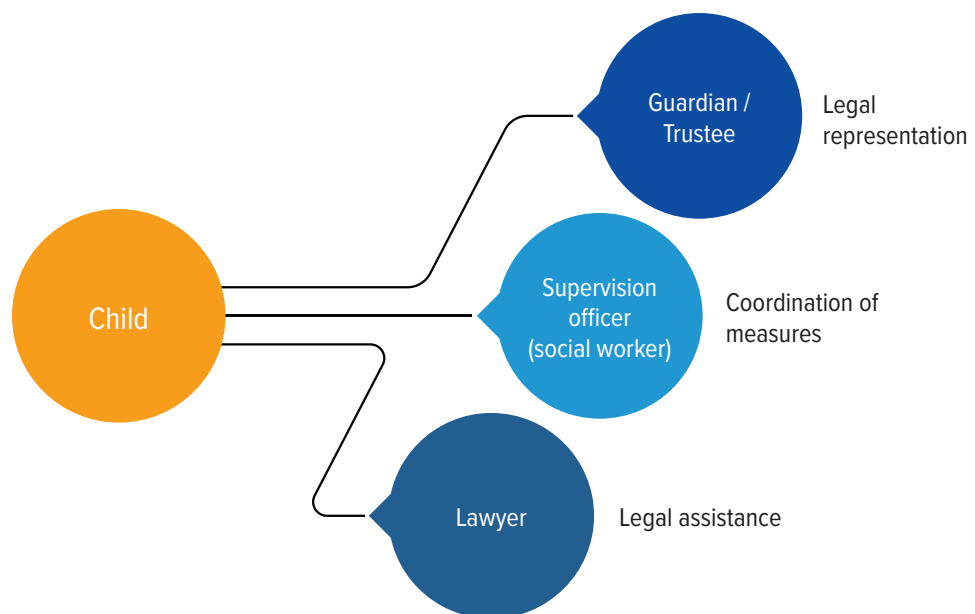
Recommendations regarding the identification of child victims of THB

V.3 Analysis and Recommendations for Referrals and Assistance for Child Victims of THB

From the discussions in previous sections, available studies, GRETA's report on Türkiye (2019) and opinions expressed during stakeholder interviews, five main challenges emerged regarding referrals for and assistance to child victims of THB in Türkiye:

- 1 Referrals and services are not coordinated and difficult to access for child victims. In cases in which the child is placed into institutional care, even if s/he is provided with basic services, such as education and health, by the MoFSS, there remains many other needs and services that the child has a right to access. In cases where the child stays with his/her family, the capacities of the adults in the family may not be adequate to ensure follow-up and coordination of these procedures.
- 2 Children are impeded from accessing essential protective and supportive services according to their special needs and rights.
- 3 Children are not informed of their rights and have limited access to justice for the realisation of their rights.
- 4 Children are not assigned legal guardians to protect their rights and benefits.
- 5 Access to safe return and international protection is usually dependent on the status of the parents rather than the child.

Figure 18 ▶
Professionals to accompany the child victims of THB throughout the referral and assistance process



Important recommendation is that children victims of THB should be provided with specialised legal assistance and child-friendly practices throughout criminal proceedings to prevent secondary victimisation.

There are a series of judicial procedures to be followed for child victims of THB:

- Investigation and prosecution of the crime(s) committed against the child

- Protective and supportive judicial decisions (including decisions regarding custody, guardianship and family contact)
- Appointment of a legal guardian or trustee
- Civil proceedings for obtaining compensation
- Administrative proceedings on immigration status issues for non-nationals.

It is very difficult for children to benefit from integrated legal assistance if they are appointed different lawyers for each of the proceedings as is currently the practice. Legal representation services should be redesigned to provide specialised and integrated assistance for children.

The establishment of judicial interview rooms and special victim support units in courthouses are important steps to ensure child-friendly justice for children. However, 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.

It is also important that *child victims' rights and special needs are taken into account in the provision of accommodation, education and physical/mental health treatment services*. Stakeholder interviews highlighted that the institutions in which children are placed are not always safe, and children tend to escape from these institutions. Insufficient data and information is available on the specific reasons for this phenomenon. Based on the available data, it remains clear that not all children have access to services of similar and sufficient quality, that the available residential services are limited both in quality and scope, and that at-risk children face difficulties in accessing necessary services, such as education, treatment and counselling.

Finally, *a durable solution should be established for each child victim*. The options for durable solutions may include separation from, or re-unification, with the child's family, safe return to the country of origin or international protection. Decisions on the durable solution in each case should be based on an individualised assessment of the relationship between the child and his/her family or legal guardians. For unaccompanied children and children placed into institutional care, a legal guardian should be appointed for the child and be responsible to act in the best interests of that child.⁶⁹

The recommendations set forward in this section and the necessary steps to be undertaken within the scope of each recommendation regarding referrals and assistance for child victims of THB are presented in Table 13.

⁶⁹ Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings (2005) (Art. 10.137), available at [//rm.coe.int/16800d3812](http://rm.coe.int/16800d3812)

Table 13 ►
Recommendations regarding referrals and assistance for child victims of THB

Recommendation #5	Recommendation #6
Each child should be appointed a supervision officer to ensure case management and coordination among different services providers.	Children victims of THB should be provided with specialised legal assistance and representation and child-friendly practices throughout criminal proceedings to prevent secondary victimisation.
A court decision on supervision should be requested together with decisions on other measures.	The legal aid system should be revised to ensure appointment of lawyers for integrated legal services for children.
There should be a specific unit under MoFSS responsible for the implementation of supervision decisions.	A detailed guide should be prepared on procedures to be followed for the prevention of secondary victimisation of children in the judicial system.
A sufficient number of social workers should be assigned to act as supervision officers.	The necessary infrastructure should be established in all courthouses to ensure child-friendly procedures to prevent secondary victimization.
Regular in-service training should be provided to all responsible parties engaged in the referral and assistance processes (please refer to section V.5 for detailed recommendations on training).	
Recommendation #7	Recommendation #8
Child victims' special needs and rights should be taken into account in the provision of accommodation, education and physical/ mental health treatment services.	A durable solution should be established for each child victim.
Institutional care services should be strengthened both in quantity and quality so as to provide the necessary psychosocial and treatment services and to ensure the safety of all children in need.	A legal guardian should be appointed for each unaccompanied child and for children in institutional care.
The protective and supportive measures should include specific interventions for child victims of THB and be made available for all child victims.	The existing system of legal guardianship should be strengthened to ensuring rights protection for all children in need.
Minimum standards for services and a monitoring mechanism should be established.	Procedures for risk and needs assessments should be established, encompassing collaboration and coordination among related professionals at the field level.
The monitoring mechanism should also include independent monitoring / auditing of services.	Family support services should be strengthened for children protected within family.
Municipalities and NGOs should be encouraged to contribute and cooperate in service provision.	

V.4 | Cross-cutting Recommendations

In addition to the specific obstacles compromising effective identification, referrals, service provision and protection, two additional challenges were raised: data collection and coordination.

Regarding the data collection system, stakeholder interviews indicated that data collection is limited, is not disaggregated by age and other factors and competent bodies cannot conduct data analysis and reporting in a timely manner. In order to overcome these challenges, it is recommended *to establish a comprehensive data collection system and to disaggregated data to inform evidence-based policies.*

Regarding institutional coordination, stakeholder interviews underscored that the relevant institutions tend to act independently and no coordinating body exists that can exercise authority over the relevant bodies for coordination purposes. As explained in detail in section III.3, the Regulation on Combating Human Trafficking and the Protection of Victims provides for the establishment of coordination boards at the policy (central) and planning (provincial) levels and foresees a case management model at the operational level.

However, given that each piece of legislation foresees a separate board, that boards do not convene with the participation of authorised persons, and that they operate without a strong secretariat all function to limit their effectiveness on the ground. It is thus recommended that *an effective national coordination mechanism among all related institutions is established and a policy document is prepared to secure a coordinated approach both at the policy-planning and operational levels.*

Recommendation #9	Recommendation #10
A data collection system should be put in to place and comprehensive and disaggregated data should be made available to inform evidence-based policies.	Coordination among all related institutions should be ensured and a policy document should be prepared to secure a coordinated approach both at the policy-planning and operational levels.
A common data collection system should be established so as to allow the operation of all services provided throughout the system to be evaluated in conjunction with each other.	The procedures and principles for case management and provincial and central-level coordination should be regulated.
Field studies should be conducted to assess the effectiveness of the services provided.	The special needs and rights of children should be taken into account in coordination efforts.
A mechanism should be put in place to receive feedback / views of children on the services provided to them.	A separate strategy document should be prepared on the prevention of child trafficking.
Data analysis should be conducted in a way to feed into planning processes.	The strategy document to be prepared should be evidence-based and regularly monitored and updated.

◀ **Table 14**
Cross-cutting
recommendations

V.5 | Recommendations for In-Service Training

Pursuant to the *Council of Europe Convention on Action against Trafficking in Human Beings* (Arts.10,29), States are required to provide their competent authorities with persons who are trained and qualified in preventing and combating THB and in identifying and helping victims, including children. The training should be provided to all relevant officials, including law enforcement officials, immigration and social services; and cover methods of preventing trafficking, prosecuting the traffickers and protecting the victims.⁷⁰

The scope and intensity of the training to be provided is supposed to be adjusted as moving from the outside toward the inside of the circle of responsibility (Figure 19) for the identification and referral of child victims of trafficking.

Figure 19 ▶
Required knowledge and skills for different actors in the identification and referral of child victims of THB



⁷⁰ Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings (2005) (Art. 29.296-7), available at [//rm.coe.int/16800d3812](http://rm.coe.int/16800d3812)

For those professionals working in the blue box, who need the most detailed information, in-service training should cover, at a minimum, the following topics:

- Legislative framework related to the identification and referral of child victims of THB
- Available and required services and procedures
- Roles and responsibilities of different actors
- Communication with children
- Body language
- Children's right to be informed (scope and method)
- Children's right to be heard (scope and method)
- How to recognise and identify risks to children
 - Child-related factors (demographic characteristics, including: age, sex, nationality and level of education, etc.)
 - Environment-related factors (family environment, living conditions, etc.)
 - Structural factors (level of income, sector of employment, etc.)
- How to ensure the child's best interests (principles and tools)
- How to recognise children's rights and special needs (principles and tools)
- Teamwork

Considering the dynamic nature of the crime of human trafficking, the training of professionals should be sustained, supported by regular supervisions and with frequently updated training materials and online information modules.

According to the PMM's Annual Report on Combatting Human Trafficking (2018), a series of trainings were provided to the PMM staff, police officers, gendarmerie, coast guard officials and MoFSS staff (including labour inspectors) on human trafficking. While child trafficking is said to be covered in these training programmes, it is clear that a more specialised, standardised and evidence-based training should be made available to all actors (including health-care and education staff) on the system for combating child-trafficking in Türkiye. Furthermore, both the PMM and stakeholder interviews noted that the high rotation rate among personnel significantly reduces the effectiveness of the trainings. The sustainability of the training was identified as another challenge due to the fact that trainings tend to be project-based.

The *Regulation on Combating Human Trafficking and the Protection of Victims* assigns the PMM as the responsible body to coordinate the training of professionals working in the anti-trafficking system in Türkiye. In order for PMM to be able to effectively carry out this responsibility, the institution should be equipped with a training unit / team that is sufficient in both numbers and qualifications.

V.6 | Recommendations for Indicators

Child trafficking can take place in different forms and for different purposes, including forced labour, domestic servitude, forced begging, exploitation in criminal activities, child marriage, prostitution / sexual exploitation, child soldiers, illegal adoption, and the removal of body organs.

As explained in section I, child trafficking can take place in different forms and for different purposes, including forced labour, domestic servitude, forced begging, exploitation in criminal activities, child marriage, prostitution / sexual exploitation, child soldiers, illegal adoption, and the removal of body organs. A detailed examination of some of the most common types of child trafficking would assist in the development of an effective set of indicators:

Forced labour is one of the most common types of child trafficking. It is also one of the most difficult to identify. For example, while it is easier to recognise and report a child who is sexually exploited, it is more difficult to identify a child working in seasonal agriculture as a crime victim who needs to be reported. There are distinct typologies of child labour in seasonal agriculture, such as children working on their family orchards or in seasonal agriculture with their families, in contrast to children migrating with or without their families for agricultural work.⁷¹ The risk of being subjected to child trafficking is different for each. Even under each typology, the conditions driving child labour may also be different. A child may be working with his/her family to save for school expenses or may be forced to work to assist his/her family in paying back a loan they received from an agricultural middleman (and subject to debt bondage). While “consent” is irrelevant when it comes to child labour, the issues of concern are: Is the child is working in activities prohibited for children? Is the child working under the legally permitted age? Is the child working for long hours, under harsh conditions and with low pay? Is the child’s identification document withheld or is his/her freedom of movement restricted? The risk of THB is also different across sectors. Children working in sectors with labour-intensive, informal or long supply chains, such as seasonal agriculture, construction, textiles, automotive industry, footwear, furniture, tourism and service sectors, should be considered as more prone to child trafficking.

Domestic servitude is another type of child trafficking that is hard to identify as it has been a common traditional practice since the last century. In one manifestation, girls are brought from villages (often orphans or children in need) to live with families in cities to help with housework. This was not considered as exploitation, since it was also a tool for protecting the children in need. This example illustrates the conditions in which children are vulnerable to such risks, as well as the difficulty of challenging societal acceptance of certain forms of human trafficking based on social and cultural norms.

⁷¹ For more details regarding different typologies of child labour, see Kalkınma Atölyesi (2018) and (2020).

Begging is probably the easiest form of child trafficking to recognise. Occurring in plain sight, child begging has been recognised in Türkiye as a form of child trafficking by the Supreme Court of Appeals.⁷² However, the identification of child victims of trafficking for the purpose of begging still poses an important challenge. The lack of effective care structures constitutes one challenge, as law enforcement officers may not take any action due to the absence of institutions to which to refer such children, often from ethnic minority communities. The MoFSS also does not take these children into institutional care, citing the need for social enquiry assessments.

Child marriage is considered as a manifestation of early and/or forced marriage, which is defined as a marriage in which one and/or both parties have not personally expressed their full and free consent to the union.⁷³ Given that one or both parties to the marriage are not old enough to express full, free and informed consent, child marriages are considered as “forced” marriage regardless of whether any means were used.⁷⁴ The payment of bride price, where the families agree to the marriage of their daughter in exchange for financial gains is another common cultural practice that has also been recognised as a form of THB.⁷⁵

An important issue to consider the legal minimum age of marriage when developing indicators related to child marriage, in particular when one of the parties is a national of another country. According to Syrian legislation, for example, boys over the age of 15 and girls who have reached the age of 13 can be married with the approval of a judge (ASPB 2016). According to the International Private and Procedural Law (Art. 13) in Türkiye, the legal capacity to marry and the conditions thereof are to be regulated by the national laws of the parties at the time of the marriage. However, it is also stipulated by the same law (Art. 5) that if the provision of the foreign law to be applied in a certain case is contrary to the public order of Türkiye, the said provision will not be applied and Turkish law will be applied. Therefore, in case of marriages where one of the parties is Syrian, no revision will be necessary in qualifying the underlying crime of child marriage.

Finally, the most well-known form of human trafficking is for the purpose of prostitution and other forms of sexual exploitation. Children can be employed as masseurs, singers or belly dancers from a very young age or used in prostitution by traffickers (Sever et al. 2012).

72 Supreme Court of Appeals, Criminal Chamber no.18, 25.06.2008, 2008/4555, 2008/7998 (Aldan et al. 2009).

73 www.ohchr.org/EN/Issues/Women/WRGS/Pages/ChildMarriage.aspx.

74 Supreme Court of Appeals, Criminal Chamber no.8, 16.02.2012, 2010/13508 E., 2012/4595

75 Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, available at documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/78/PDF/N1462778.pdf?OpenElement

The most commonly used set of indicators for THB in Türkiye is that of PMM. There are also different sets of indicators developed by different foreign or international organisations, including ILO (ILO 2009, ILO 2015), UNODC,⁷⁶ the EU (FRA 2009, FEI 2013), the U.S. Government (Polaris Project)⁷⁷ and the Bali Process.⁷⁸ They vary in practice according to sector, including for example for border officials (Dottridge 2006) or diplomatic and consular personnel (CBSS 2010) and THB in relation to migration (Ruiz et al. 2019).

Following a thorough analysis of all these available indicators, the feedback received during stakeholder interviews and the above analyses, a comprehensive set of indicators specific for child trafficking has been developed for this study and shared in Figure 20 and Figure 21. It includes general indicators for child trafficking and points to the need for protection-specific indicators, for indicators tailored to the different forms of child trafficking and common indicators for all forms.

76 www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf;
www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_6-4.pdf

77 humantraffickinghotline.org/sites/default/files/What%20to%20Look%20for%20During%20a%20Medical%20Exam.pdf

78 un-act.org/wp-content/uploads/2016/01/Policy-Guide-on-Identifying-VIctims-of-Trafficking.pdf

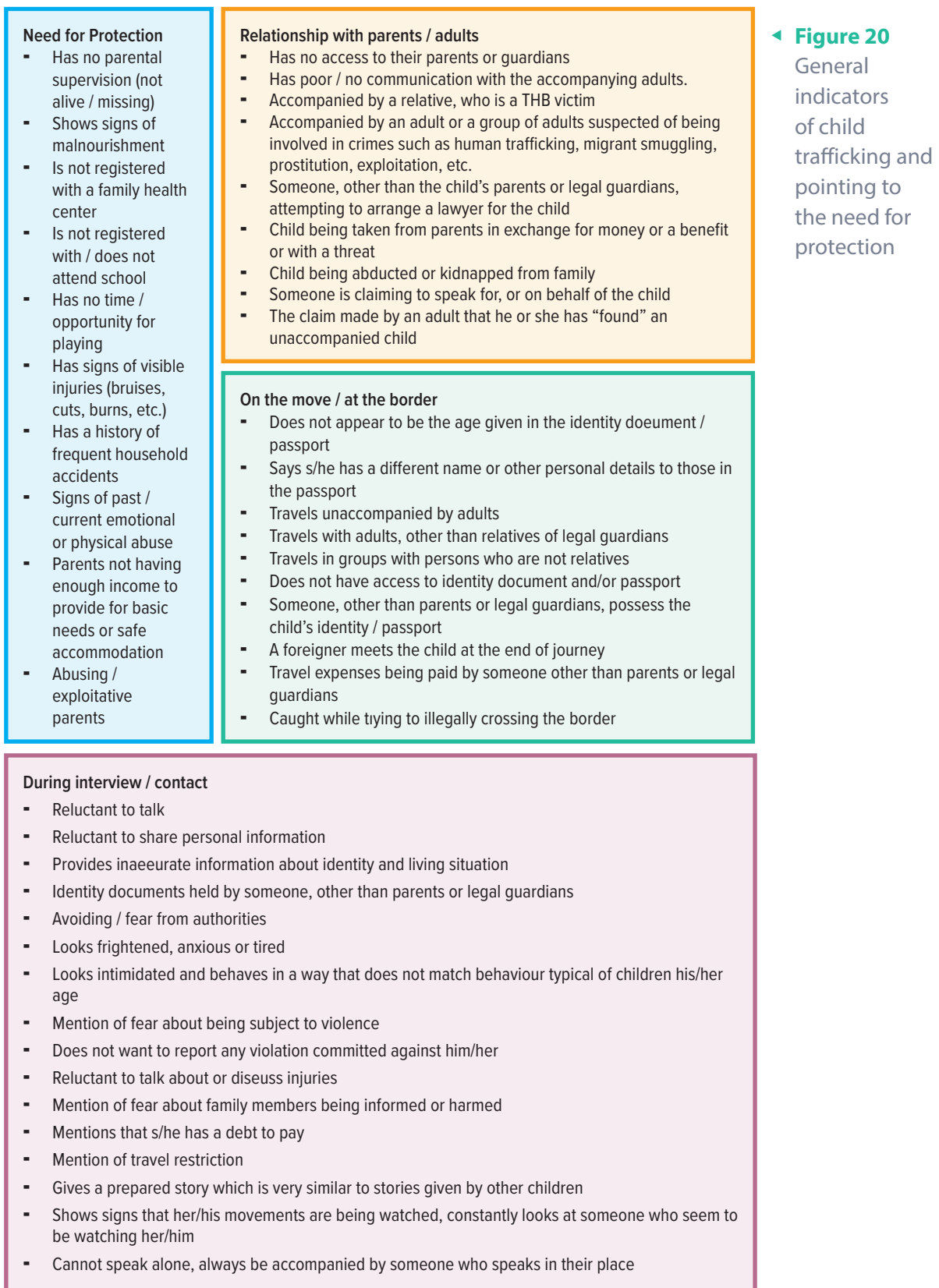
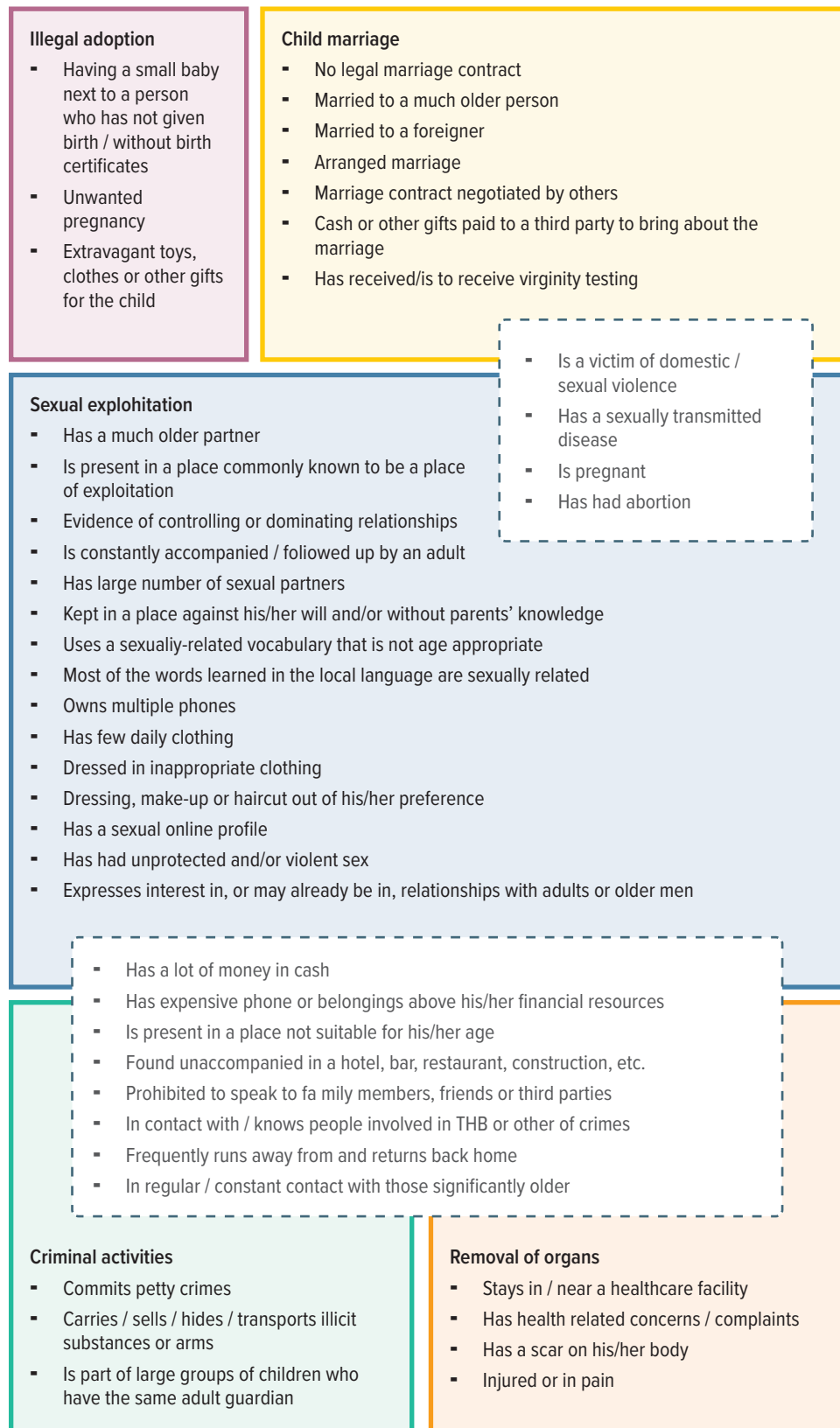


Figure 21 ▶
Indicators for
different types of
child trafficking



Begging

- Beggings most of the day
- Is moved to beg from one place to another
- Sells tissues / pencils / other small items on streets or wipes car windows
- Has excessive amount of tissues, pencils or other small items with him/her
- Carries a lot of coins / change
- Found late at night in places like public transport, bus stations, mosque entrance, etc.
- Found far from home
- Afraid of going back home without earning enough

Child labour

- Be engaged in work that is prohibited for / not suitable for children
- Works unpaid or paid very little (under minimum age)
- Excessive working days or hours
- Unhealthy / harsh working conditions
- Lives at his/her workplace and/or with many people in a small area
- Be unable to negotiate working conditions / payment
- Deceived / unaware about conditions of work
- Deceived through promises of adoption
- Deceived about access to education opportunities
- Has no friends of own age outside of work
- Unable to refuse work
- Has injuries from workplace accidents
- Found traveling in a shuttle going to work with adult

Domestic servitude

- Lives with someone other than parents or close relatives
- Lives apart from other children and in substandard accommodations
- Spends a lot of time doing household chores
- Responsible for certain / all household chores
- Responsible for taking care of a child / disabled / elderly
- Eats apart from other members of the family
- Is given only leftovers to eat
- Is given food only once or twice a day
- Rarely leaves house
- Has no time for playing
- Has injuries such as burns, knife wound, etc.

Appendix I | Forms of Child Trafficking⁷⁹

Purpose of trafficking	What it entails	More vulnerable groups of children ⁸⁰
Sexual exploitation	Trafficking of children either internationally or domestically for prostitution and/or pornography.	Girls
Child marriage	Trafficking of children for domestic or sexual servitude usually for older men and as a family survival strategy.	Girls
Child labour	Recruitment of children for work with the purpose of exploitation, under coercion or bonded labour including in agriculture, manufacturing, construction, mining, etc.	Boys (aged 15-17 for agriculture, construction and manufacturing)
Domestic servitude	Recruitment and exploitation of children in the performance of domestic tasks and services under coercion or in exchange for room, board and sometimes remuneration.	Girls (aged 15-17)
Begging	Trafficking of children for earning money for a “controller” by begging or selling goods on the street.	Younger children
Criminal activities	Trafficking of children for exploitation in criminal activities including pickpocketing, property or drugs crimes.	Boys (aged 14-17)
Illegal adoption	Separation of children from their parents (through kidnapping, purchasing or selling) and making them available for adoption with the purpose of exploitation.	Babies and young children
Child soldiers	Recruitment of children in fighting forces to be used as combatants or in other roles including messengers, porters, cooks and wives.	Displaced children and children living in a combat zone
Removal of body organs	Trafficking of children for the purpose of transfer of organs of the child for profit.	Perceived as a lesser of a risk for children but further research is needed.

⁷⁹ The forms of child trafficking have been classified using child trafficking and child protection related references (Dott-ridge 2006, IPU and UNICEF 2005, UNICEF 2017, USAID 2013, UNICEF 2008, Wolfensohn 2004) and specific resources on sexual exploitation (ILO 2015, Mapp 2019), child marriage (Kakar 2019, UNODC 2020b), child labour (Puente Aba 2019), domestic servitude (OSCE 2010), criminal activities (Europol 2014, YJLC 2019, Europol 2018, The Children’s Society et al. 2018), illegal adoption (Loibl 2019, Cantwell 2017, ISS 2016) and organ removal (Bagheri 2016, UNODC 2015).

⁸⁰ The information on more vulnerable groups of children was compiled from both of the references used for the table and the CTDC global dataset, available at www.ctdatacollaborative.org/

Appendix II | International Legal Instruments Related to Child Trafficking

Convention / Protocol	Date of adoption	Ratification date / Law no.	Articles related to child trafficking
1900 – 1950			
International Convention for the Suppression of the White Slave Traffic ⁸¹	1910	Not in effect	
International Convention for the Suppression of the Traffic in Women and Children ⁸²	1921	Not in effect	
Forced Labour Convention (No. 29) ⁸³	06.06.1930	23.01.1998 / 4333	All
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others ⁸⁴	02.12.1949	Not signed	Art.17 (protection en route) Art.20 (measures to prevent persons seeking employment from prostitution)
1950 - 2000			
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery ⁸⁵	07.09.1956	27.12.1963 / 361 ⁸⁶	Art.1/d (institutions and practices similar to slavery)
European Convention on the Legal Status of Migrant Workers ⁸⁷	24.11.1977	25.12.1979 / 2257	Art.12 (family reunion) Art.13 (housing) Art.14 (training)
Convention on the Civil Aspects of International Child Abduction ⁸⁸	25.10.1980	22.11.2007 / 5717 ⁸⁹	All
Convention on the Rights of the Child (CRC) ⁹⁰	20.11.1989	11.12.1994 / 22138 ⁹¹	All
International Convention on the Protection of the Rights of All Migrant Workers and Member of their Families ⁹²	18.12.1990	26.04.2001 / 4662 ⁹³	Art.44 (family reunion) Art.45 (training)
Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention) ⁹⁴	29.05.1993	14.01.2004 / 5049 ⁹⁵	All

81 treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-9&chapter=7&clang=_en

82 treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-9&chapter=7&clang=_en

83 www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312174

84 www.ohchr.org/en/professionalinterest/pages/traffickingpersons.aspx

85 treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XVIII-4&chapter=18&Temp=mtdsg3&clang=_en

86 www.resmigazete.gov.tr/arsiv/11599.pdf

87 rm.coe.int/1680077323

88 www.hcch.net/en/instruments/conventions/full-text/?cid=24

89 www.resmigazete.gov.tr/eskiler/2007/12/20071204-5.htm

90 www.ohchr.org/en/professionalinterest/pages/crc.aspx

91 www.resmigazete.gov.tr/arsiv/22184.pdf

92 treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-13&chapter=4&lang=en

93 www.tbmm.gov.tr/kanunlar/k4662.html

94 www.hcch.net/en/instruments/conventions/full-text/?cid=69

95 www.tbmm.gov.tr/kanunlar/k5049.html

Convention / Protocol	Date of adoption	Ratification date / Law no.	Articles related to child trafficking
Worst Forms of Child Labour Convention (No. 182) ⁹⁶	17.06.1999	25.01.2001 / 4623	All
2000 +			
Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography ⁹⁷	25.05.2000	09.05.2002 / 4755	All
Optional Protocol to the CRC on the Involvement of Children in Armed Conflict ⁹⁸	25.05.2000	16.10.2003 / 4991	All
International Covenant on Economic, Social and Cultural Rights ⁹⁹	15.05.2000	04.06.2003 / 4867 ¹⁰⁰	Art.10 (protection from economic and social exploitation)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Palermo Protocol) ¹⁰¹	15.11.2000	30.01.2003 / 4804 ¹⁰²	All
Council of Europe Convention on Action against Trafficking in Human Beings ¹⁰³	16.05.2005	30.01.2016 / 6667	Art.4 (definitions) Art.5 (prevention of trafficking in human beings) Art.6 (measures to discourage the demand) Art.10 (identification of victims) Art.11 (protection of private life) Art.12 (assistance to victims) Art.14 (residence permit) Art.16 (repatriation and return of victims) Art.24 (aggravating circumstances) Art.28 (protection of victims) Art.30 (court proceedings) Art.33 (measures relating to endangered or missing persons)
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) ¹⁰⁴	25.10.2007	13.08.2010 ¹⁰⁵	All

96 www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C182

97 www.ohchr.org/en/professionalinterest/pages/opscrcr.aspx

98 www.ohchr.org/en/professionalinterest/pages/opaccr.aspx

99 www.ohchr.org/en/professionalinterest/pages/cescr.aspx

100 www.tbmm.gov.tr/komisyon/insanhaklari/pdf01/83-93.pdf

101 treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XVIII-12-a&chapter=18&clang=_en

102 www.tbmm.gov.tr/kanunlar/k4804.html

103 rm.coe.int/168008371d

104 www.coe.int/en/web/conventions/full-list/-/conventions/treaty/201

105 www.resmigazete.gov.tr/eskiler/2011/09/20110910-4-1.pdf

Appendix III | Council of Europe Recommendations Related to Child Trafficking

Council of Europe Parliamentary Assembly Recommendations	
1065 (1987)	Traffic in children and other forms of child exploitation
1099 (1996)	Sexual exploitation of children
1211 (1993)	Clandestine migration: traffickers and employers of clandestine migrants
1212 (2000)	Rape in armed conflicts
1215 (2000)	The campaign against the enlistment of child soldiers and their participation in armed conflicts
1307 (2002)	Sexual exploitation of children: zero tolerance
1325 (1997)	Traffic in women and forced prostitution in Council of Europe member states
1561 (2002)	Social measures for children of war in south-eastern Europe
1579 (2007)	Prostitution- which stance to take?
1596 (2003)	Situation of young migrants in Europe
1601 (2003)	Improving the lot of abandoned children in institutions
1624 (2008)	Preventing the first form of violence against children: abandonment at birth
1703 (2005)	Protection and assistance for separated children seeking asylum
1778 (2007)	Child victims: stamping out all forms of violence, exploitation and abuse
1828 (2008)	Disappearance of newborn babies for illegal adoption in Europe
Council of Europe Committee of Ministers Recommendations	
R (79) 17	Protection of children against ill-treatment
R (85) 4	Violence in the family
R (85) 11	Victim's position in the framework of criminal law and procedure
R (87) 21	Assistance to victims and the prevention of victimisation
R (90) 2	Social measures concerning violence within the family
R (91) 11	Sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults
R (93) 2	Medico-social aspects of child abuse
R (96) 8	Crime policy in Europe in a time of change
R (97) 13	Intimidation of witnesses and the rights of the defence
R (2000) 11	Action against trafficking in human beings for the purpose of sexual exploitation
R (2001) 16	Protection of children against sexual exploitation
Rec (2002) 5	Protection of women against violence
CM/Rec (2007) 9	Life projects for unaccompanied migrant minors
CM/Rec (2008) 4	Strengthening the integration of children of migrants and of immigrant background
CM/Rec (2009) 10	Integrated national strategies for the protection of children from violence

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This report was produced with the financial support of the European Union and the Council of Europe. The views expressed herein can in no way be taken to reflect the official opinion of either party.

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