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## **GRETA**

Group of Experts on Action  
against Trafficking in Human Beings

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### **Reply from Türkiye to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties**

### **Second evaluation round**

**Reply submitted on 2 June 2023**

## A. Follow-up questions

### 1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

As the Counter-Smuggling of Migrants and Border Gates Department of the Turkish National Police, looking at the types of exploitation which constitute human trafficking in Türkiye, it is observed that sexual exploitation ranks first as in previous years, followed by exploitation of labour. However, especially in the post-pandemic process, it is understood that victims are obtained by using online platforms and that the offence is committed in places that are more difficult to detect, such as entertainment venues, beauty centres, private homes and hotels, and also that Türkiye is used as a transit country to deliver foreigners in Türkiye to Middle Eastern countries for the purposes of domestic services, elderly and child care or sexual exploitation.

Relevant cases include:

- Local/foreign women are forced to bonded prostitution by human traffickers who firstly meet and make friends with these women through social media platforms (Facebook, Instagram and dating sites, etc.), build trust and then deceive them with attractive job offers and by making false promises (including but not limited to being waitress, cleaner, hotel attendant, babysitter, beauty expert, working abroad, getting married or education opportunities) through persuasive discourse and advertisements, cover their travel expenses to convince them to come to Türkiye or to the city where they are located,
- Irregular migrants who illegally entered Türkiye are forcibly detained by human traffickers who deceive them with the promise of sending them abroad, take their money and valuables, and demand money from their families and subject them to bondage,
- Traffickers are usually married to foreign women, while single traffickers live in the same house with a foreign woman/women and present them as their wives or girlfriends, and use these women to deceive other women from their countries of origin and exploit them for prostitution,
- Traffickers change their residence addresses frequently within the same region, they accommodate women under their care in other houses rented near their own residence addresses and also change these houses frequently,
- Traffickers use phone lines that were not registered in their names but in the name of foreign persons, and use these phones to share dating posts on escort websites in order to obtain customers for their prostitution activities,
- In general, traffickers do not have any assets registered in their names, they do not deposit money obtained through the commission of an offence in their bank accounts, they do not have accounts in banks or do not keep large amounts of money in their accounts, they usually register assets they obtain through criminal acts in the names of their relatives,
- They tell victims that they have good relations with law enforcement personnel, although it is not the case, and that the law enforcement would not help them if they made a complaint, and they use this discourse as a means of threat and pressure, they go to gendarmerie or police stations under various pretexts and unnecessarily in order to show victims that they have close relations with the law enforcement personnel and to leave such an impression,

- Since 2021, Gendarmerie General Command has performed (22) operations and saved (23) child victims, and legal action has been taken for (143) human traffickers within the scope of the project “Terrorist Organisation Committing the Offence of Human Trafficking” that we launched to prosecute members of PKK/YPG terror organisation exploiting children as well as their collaborators also for “trafficking” offence, which is defined under Article 80 of Turkish Penal Law.

Examining statistics of Presidency of Migration Management (PMM), it is observed that although sexual exploitation ranks first among all types of exploitation, the ratio of labour exploitation, which ranks second, to the total number of victims has increased in recent years [(25.6%) in 2019, (25.9%) in 2020, (38.7%) in 2021, (39.9%) in 2022]. Analysing the distribution of nationalities, it is observed that the ratio of Syrian [(17.2%) in 2019, (56.4%) in 2020, (32.9%) in 2021, (33.3%) in 2022] and Turkish Republic citizens [(0.9%) in 2019, (3.9%) in 2020, (11%) in 2021, (10.7%) in 2022] to the total number of victims has increased in recent years.

Thanks to training and awareness activities carried out under the coordination of PMM, there has been a significant increase in the number of Turkish national victims identified in Türkiye in the last 3 years. In 2019, 2 women of Turkish nationality were identified, one for sexual exploitation and the other for labour exploitation. In 2020, 11 Turkish nationals were identified as victims of human trafficking. Of the identified victims, 9 were women and 2 were men, and these victims were between the ages of 5 and 50. In addition, 7 victims were victims of sexual exploitation, 3 of labour exploitation and 1 of forced begging. In 2021, 42 Turkish citizens were identified as victims of human trafficking. Of the identified victims, 33 were women, 9 were men, 24 were victims of sexual exploitation, 11 were child soldiers, 3 were victims of forced marriage, 2 were victims of labour exploitation and 2 were victims of forced begging. The age range of identified victims is between 4 and 70. In 2022, 33 Turkish citizens were identified as victims of human trafficking. Of the identified victims, 20 were women and 13 were men, 15 were child soldiers, 7 were victims of sexual exploitation, 7 were victims of labour exploitation, 2 were victims of forced marriage, 1 was victim of child sales and 1 was victim of forced begging. The age range of identified victims is between 2 and 40.

**- any changes in your country’s laws and regulations relevant to action against THB;**

In 2022, there were no amendments to the law on trafficking in human beings or that may affect the issue of trafficking in human beings.

The regulations on human trafficking in the Turkish Penal Code No. 5237, Criminal Procedure Code No. 5271, Law No. 6458 on Foreigners and International Protection and Presidential Decree No. 63 on Supporting Victims of Crime are given below.

**I- According to Article 80 with title line “Trafficking in Human Beings” of the Turkish Penal Code No. 5237,**

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

(2) Consent of the victim is invalid if acts forming the offence are committed for the purposes set out in the first paragraph.

(3) In cases where those who have not attained the age of eighteen are recruited, abducted, taken or transferred from one place to another or accommodated for the purposes specified in the

first paragraph, the perpetrator shall be sentenced to the penalties specified in the first paragraph, even if none of the instrumental acts of the crime have been committed.

(4) Security measures shall also be imposed on legal entities for these offenses.”

## **II- Criminal Procedure Code No. 5271**

### **1-According to Article 100 with the title line “Reasons for Arrest”,<sup>1</sup>**

“(1) An arrest warrant may be issued for a suspect or defendant if there is concrete evidence indicating the existence of a strong suspicion of an offence and a reason for arrest. Arrest cannot be ordered if it is not proportionate to the importance of the case, the expected punishment or security measure.

(2) The following may be a reason for arrest:

a) If there are concrete facts that raise suspicion that the suspect or defendant will flee, hide or escape,

b) If acts of the suspect or defendant raise strong suspicion of,

1. Destroying, concealing or altering evidence,

2. Attempting to coerce witnesses, victims or others,

(3) In the presence of strong grounds for suspicion based on concrete evidence that the following offences have been committed, there may be reasons for arrest:

a) Pursuant to .....

set out in the Turkish Penal Code dated 26.9.2004 and numbered 5237,

...

2. Smuggling of migrants and trafficking in persons (Articles 79, 80)

...”

### **2- According to Article 128 with the title line “Forfeiture of immovables, rights and receivables”**

“(1) In cases of the presence of strong grounds for suspicion based on concrete evidence that the offence subject to investigation or prosecution has been committed and the assets have been obtained from these offences, the following assets shall be forfeited:

a) Immovable properties,

b) Land, sea or air transport vehicles,

c) All kinds of accounts in banks and other financial institutions,

d) All kinds of rights and receivables held by real or legal persons,

e) Negotiable instruments,

f) Partnership interests in which suspect/defendant is partner,

g) Safe deposit box balance,

h) Other assets.

Forfeiture procedure may be made even if these immovable properties, rights, receivables and other assets are in the possession of a person other than the suspect or defendant. In order to

<sup>1</sup> On 6 December 2019, pursuant to point (2) which was added to subparagraph (a) of paragraph 3(a) of Article 100 of the Criminal Procedure Code (CPC), it is stipulated that a reason for arrest may be deemed to present if there is strong suspicion that the offence of trafficking in human beings has been committed. With this regulation, the offence of trafficking in human beings has been added among the catalogue crimes.

issue a forfeiture order under this article, a report on the value obtained from such offence shall be drawn up by Banking Regulation and Supervision Agency, Capital Markets Board of Türkiye, Financial Crimes Investigation Board, Undersecretariat of Treasury and Public Oversight, Accounting and Auditing Standards Authority, where relevant. This report shall be prepared within three months at the latest. When special reasons require, this period may be extended by two months.

(2) Provision of the first paragraph:

a) As defined in the Turkish Penal Code;

...

2. Smuggling of migrants and trafficking in human beings (Articles 79, 80) and trading of organs or tissues (Article 91), (24)

...

shall be applied.

(3) Forfeiture order regarding the immovable property shall be executed by annotating it in the land registry.

(4) Forfeiture order issued on land, sea and air transport vehicles shall be executed by annotating the registry in which these vehicles are registered.

(5) Forfeiture order regarding all kinds of accounts in banks or other financial institutions shall be executed by immediately notifying relevant bank or financial institution through technical means of communication. The relevant order shall also be notified to relevant bank or financial institution. After the forfeiture order has been issued, any actions taken on the accounts to nullify this order shall be invalid.

(6) Order of seizing partnership shares in any company shall be executed by immediately notifying the relevant company management and trade registry directorate where the company is registered by technical means of communication. The relevant order shall also be notified to the relevant company and the trade registry directorate.

(7) Order of seizing rights and receivables shall be executed by immediately notifying the relevant real or legal person by technical means of communication. The relevant order shall also be notified to the relevant real or legal person.

(8) In case of violation of the requirements of forfeiture order issued in accordance with the provisions of this Article, provisions of Article 289 of the Turkish Criminal Code entitled “Abuse of custodial duty” shall apply.

(9) Only a judge may decide on forfeiture pursuant to the provisions of this Article and on the appointment of a trustee pursuant to paragraph ten.

(10) A trustee, if required, may be appointed to manage the immovable property, rights and receivables seized pursuant to this article. In this case, the provisions of Article 133 shall apply by analogy.”,

**3- According to Article 133 with the title line “appointment of trustee for company management”,**

“(1) In the event that there are strong grounds for suspicion that the offense is committed within the framework of activities of a company and these grounds are necessary to reveal the material truth, the judge or court may appoint a trustee for the conduct of the company's affairs during the investigation and prosecution process. In the appointment decision, it shall be clearly stated that the validity of decisions and transactions of the management body is made subject to the approval of the trustee or that the power of the management body or administrative powers to

manage partnership shares or securities are fully vested in the trustee. The decision on the appointment of the trustee shall be announced in the trade registry gazette and through other appropriate channels.

(2) The fee determined for the trustee by the judge or court shall be covered by company budget. However, if it is decided that prosecution for the offence subject to investigation or prosecution is not required or acquittal decision is taken, the entire amount of money covered by the company budget as remuneration shall be paid by the State Treasury, together with legal interest.

(3) Relevant parties may apply to the competent court against actions of the appointed trustee in accordance with provisions of the Turkish Civil Code dated 22.11.2001 and numbered 4721 and the Turkish Commercial Code dated 29.6.1956 and numbered 6762.

(4) Provisions of this Article may only be applied in relation to the offences listed below.

a) Pursuant to the Turkish Penal Code,

1. Smuggling of migrants and trafficking in human beings (Articles 79, 80),

...

(5) Claims for damages arising out of acts and transactions of trustees appointed pursuant to this Article shall be brought against the government in accordance with Articles 142 to 144. The government shall recourse the compensation it has paid to the trustees, who have abused their duties by acting contrary to the requirements of their duties, within one year.”,

#### **4- According to Article 135 with the title line “Detection, interception and recording of communication”**

“(1) If, during the investigation and prosecution of an offence, there are strong grounds for suspicion based on concrete evidence that an offence has been committed and there is no other means of collecting evidence, the communications of the suspect or defendant via telecommunication (...) may be intercepted, recorded and signal information may be evaluated with the order of a judge or, in cases where delay is detrimental, a public prosecutor. The public prosecutor shall immediately submit his/her decision to the judge for approval and the judge shall decide on this matter within twenty-four hours, at the latest. In case the time limit expires or the judge rules otherwise, injunction shall be immediately revoked by the public prosecutor.

(2) While making a request, any document or report indicating the owner and, if known, the user of the line or means of communication for which an injunction will be issued pursuant to this Article shall be attached.

(3) Communication of the suspect or defendant with persons who may refrain from testifying shall not be recorded. In the event that this is realised after the recording has taken place, the recordings shall be destroyed immediately.

(4) The order issued pursuant to the provision of the first paragraph shall specify the type of offence charged, the identity of the person against whom injunction is to be applied, the type of communication means, the code enabling the detection of telephone number or communication connection, the type, scope and duration of injunction. An injunction may be issued for a maximum of two months; this period may be extended for one more month. However, if deemed necessary in relation to offences committed within the framework of the activities of an organisation, the judge may decide to extend the duration of any injunction for an additional period of not more than one month at a time and not exceeding three months in total.

(5) In order to apprehend the suspect or defendant, the location of mobile phone (...) may be determined upon the order of a judge or, in cases where delay is detrimental, a public prosecutor. The order on this matter shall specify (...) mobile phone number and the duration of the detection procedure. The detection procedure may be carried out for a maximum of two months; this period may be extended for one more month.

(6) Detection of the suspect's and defendant's communication via telecommunication shall be made based on the order of a judge or, in cases where delay is detrimental, a public prosecutor at the investigation stage, or the court decision at the prosecution stage. The decision shall specify the type of offence charged, the identity of the person against whom the injunction is to be applied, the type of communication means, the code enabling the detection telephone number or the communication connection and the duration of the injunction. The public prosecutor shall submit his/her order to the judge for approval within twenty-four hours and the judge shall render his/her decision within twenty-four hours at the latest. In case the time limit expires or the judge decides otherwise, the records shall be destroyed immediately.

(7) Decisions and actions taken pursuant to the provisions of this article shall be kept confidential for the duration of the injunction.

(8) Provisions on interception, recording and evaluation of signal information under this Article may only be applied in relation to the offences listed below:

a) Pursuant to the Turkish Penal Code;

1. Smuggling of migrants and trafficking in human beings (Articles 79, 80) and trading of organs or tissues (Article 91),

...

(9) Except for the principles and procedures set out in this article, no one may intercept or record communication of another person via telecommunication.",

**5- According to Article 40 with the title line “Monitoring with technical devices”,**

“(1) If there is strong suspicion that the below listed offences have been committed and there are no other means of collecting evidence, the activities and the workplace of the suspect or the accused may be monitored in public places, or it may be subject to audio-visual recording by means of technical devices:

a) Pursuant to the Turkish Penal Code;

1. Smuggling of migrants and trafficking in human beings (Articles 79, 80) and trading of organs or tissues (Article 91),

...

(2) A decision for monitoring by means of technical devices may be taken by the judge or where a delay is detrimental by the public prosecutor. The decisions taken by the public prosecutor shall be submitted to the judge for approval within twenty four hours. Upon expiry of this period or if the judge denies approval, the injunction shall be revoked by the public prosecutor.

(3) A decision for monitoring by means of technical devices can be taken for a maximum of three weeks; however this period can be extended for once. However, if deemed necessary in relation to offences committed within the framework of the activities of the organisation, in addition to the above-mentioned periods, the judge may decide to extend such periods, but not more than one week at a time and not exceeding four weeks in total. In the event that a secret investigator is appointed together with the measure of monitoring with technical devices, periods specified in this paragraph shall be increased by one fold.

(4) The evidence obtained cannot be used for purposes unrelated to the investigation or the prosecution of the offence in question; if in terms of prosecution it is no longer needed, then such evidence shall immediately be destroyed under the supervision of the public prosecutor.

(5) The provisions of this article cannot be implemented in the dwelling of the person.”,

**6- According to Article 248 with the title line “Coercive Forfeiture and Guarantee Paper”,**

“(1) In order to ensure that the fugitive defendant appear in court, the defendant’s properties, rights and claims may be forfeited by court decision in proportion to the purpose and a trustee shall be appointed as necessary for administration. The decision of forfeiture and appointment of a trustee shall be notified to the defendant’s attorney.

(2) Provision of the first paragraph;

a) As defined in the Turkish Penal Code;

...

2. Smuggling of migrants and trafficking in human beings (Articles 79, 80)

...

shall be applied on the above-mentioned case.

(3) The provisions on forfeiture shall apply to the protection of forfeited goods, rights and receivables. Judge of criminal court of peace or the court may decide to announce the summary of decisions regarding the measures in a newspaper.

(4) When the fugitive is caught or surrenders himself/herself, a decision shall be taken to lift the forfeiture.

(5) Pursuant to Article 100 and subsequent articles, a criminal judge of peace or a court may order the arrest of a fugitive in his/her absence.

(6) When a criminal judge of peace or a court decides on forfeiture, provided that it is determined fugitive's legally dependent relatives may fall into poverty due to the measures taken, the judge or the court shall authorise the trustee to provide assistance from the forfeited assets in an amount in proportion with their social status in order to ensure their subsistence.

(7) The provision of Article 246 shall also be applied for fugitives.

(8) These decisions may be objected.”,

**III- According to Article 7 with the title line “Services to be provided to vulnerable groups” included in Presidential Decree No. 63 on the Support for Victims of Crime,**

“(1) In case of the application by children included in the judicial system and victims of crimes against sexual inviolability or domestic violence, terrorism and human trafficking offences, an individual assessment is conducted by judicial support officers working within the directorate in order to provide services covered in this article.

(2) Considering personal traits of victims, women, the elderly and the disabled in particular, the nature and gravity of the offence, and the circumstances in which the offence was committed, and taking into account the personal characteristics of the victim, the nature and gravity of the offence, and the circumstances in which the offence was committed, an assessment may also be conducted in accordance with the first paragraph for victims who are more affected by the offence and who are understood to be in need of protection through a preliminary assessment.

(3) Services to be provided through the judicial support officer to victims who are identified as vulnerable as a result of individual assessment are as follows:

a) At the request of the victim, the public prosecutor or the judge, explaining the setting, the persons concerned, and the process in order to reduce the level of anxiety before the victim is heard.

b) Informing the public prosecutor or judge about taking necessary measures to ensure that the victim can express himself/herself comfortably and being present when the victim is heard.

c) Preparing a social investigation report upon the request of the public prosecutor or judge.

ç) Proposing to the public prosecutor or judge that the statement and declaration procedures are carried out in the judicial interview room.



d) Referring victims in need of treatment or rehabilitation.

e) Implementing case management in services for victims who are assessed to need effective support during the judicial process.

(4) Victims who continue to need support after the completion of the investigation or prosecution process are referred to relevant institutions.

(5) Victims including children, women, elderly and disabled persons in need of protection and who apply to the directorate are reported to provincial directorates of the Ministry of Family and Social Services or social service centres.

(6) Necessary measures shall be taken for the victims for whom a protective and supportive measure decision cannot be taken, upon notification of the law enforcement or the Chief Public Prosecutor's Office or ex officio by the chief administrative officer.

(7) If deemed necessary, services under this article may also be provided to victims of criminal offences.”

**IV- Articles 48, 49 and 55 of Law No. 6458 on Foreigners and International Protection are regulations regarding combatting trafficking in persons and protection of victims.**

- **the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;**

With the Presidential Decree No. 85 of 29.10.2021 amending the Presidential Decree No. 4, Directorate General of Migration Management was transformed into the Presidency of Migration Management. Thus, status of the institution has been upscaled. Within the scope of this amendment, Coordination Commission on Combating Trafficking in Persons was transformed into Coordination Board for Combating Human Trafficking.

In addition, while only Victim Protection Working Group was available under the Department within the body of the Directorate General, Working Group on Anti-Trafficking and Cooperation and Working Group on Victim Protection were established. Thus, it is aimed to increase the quality of service by conducting separate activities on victim protection in order to carry out activities such as training, awareness-raising and coordination. In this regard, it is planned to increase the number of expert staff working within the Department.

As also mentioned above, according to Article 5 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims “*A Commission is established pursuant to Article 117 of the Law in order to make efforts on the prevention of the crime of trafficking in human beings and on the formulation of policies and strategies to combat this crime, to prepare an action plan, to ensure coordination between public institutions and organisations, international organisations and non-governmental organisations.*” With the amendment in the Presidential Decree No. 4 (the Presidential Decree No. 85), the relevant Commission was transformed into the Coordination Board for Combating Human Trafficking.

With the Decision No. 2020/1.2 of Coordination Commission on Combating Trafficking in Persons<sup>2</sup> meeting held on 10 December 2020 with the aim of monitoring and evaluating Türkiye's activities in the field of combating human trafficking by an independent and impartial institution, strengthening national referral mechanism, and accelerating Türkiye's fight against human trafficking, Human Rights and Equality Institution of Türkiye was established as the National Rapporteur Institution to monitor and evaluate the field of anti-trafficking. In this context, the Decision taken at the Coordination Commission meeting in 2020 is as follows:

*“2020/1.2- Designation of Human Rights and Equality Institution of Türkiye as the National Rapporteur institution to examine and report on the activities carried out in the field of combating trafficking in human beings.”*

The most important reason for the designation of Human Rights and Equality Institution of Türkiye, which is among natural members of the Coordination Commission, as the national rapporteur is that it is an independent institution with administrative and financial autonomy, a special budget and public legal personality to fulfil the duties specified in the law, as stated in the first paragraph of Article 8 of the Law No. 6701 on Human Rights and Equality Institution of Türkiye.

In this context, reports are prepared and shared with relevant authorities and the public by Human Rights and Equality Institution of Türkiye (HREIT) in order to conduct an objective assessment on the monitoring and evaluation efforts on the implementation of anti-trafficking activities of public institutions and organisations, including the implementation of the National Action Plan on Combating Trafficking in Human Beings, the identification of deficiencies in relevant legislation, and the formulation of comprehensive recommendations.

In this framework, a working group consisting of 5 people was established within the body of HREIT, and this working group started their activities in 2021. National Report of Türkiye on Combating Trafficking in Human Beings prepared within the framework of duties and authorities of the National Rapporteur Institution was approved by the decision of Human Rights and Equality Board of Türkiye. The report will be shared with the public and relevant authorities in the future.

- **an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).**

In Türkiye, national action plans to combat trafficking in human beings were adopted and implemented in 2003 and 2009. These action plans included foreseen measures, developing legislation on trafficking in human beings, establishing a hotline to prevent trafficking in human beings, establishing a shelter for victims of trafficking, ensuring voluntary and safe return of victims, raising awareness, and training.

Efforts have been initiated for the third national action plan planned to be issued by PMM, and it is expected that the field work activities included in some projects that are being carried out or planned to be operational will support the national action plan.

In this context, in cooperation with PMM, International Centre for Migration Policy Development (ICMPD), with the funding from the United Kingdom, implemented “Research on Trafficking in Human Beings Based on Child Trafficking and Labour Exploitation in Türkiye to Support PMM's

<sup>2</sup> With the amendment made by the Presidential Decree No. 85, the said Commission was transformed into the Coordination Board for Combating Human Trafficking.

Decisions and Evidence-Based Policy Making Process in Türkiye's Fight against Trafficking in Human Beings” (Research on Anti-Trafficking in Human Beings) Project between 1.09.2020 and 31.03.2022. As an additional activity to support Türkiye's third national action plan preparations; good practice reports on the functioning of National Referral Mechanisms of eight European countries (Netherlands, UK, Italy, France, Germany, Romania, Greece, Sweden) were prepared and submitted to PMM. In addition, within the scope of the same project, a field and desk research titled Research on Child Trafficking and Human Trafficking Based on Labour Exploitation in Türkiye (İstanbul, Hatay, Gaziantep, Şanlıurfa, Kilis, Adana, İzmir, Konya and Bursa) was conducted.

Another research to be benefited from started in April 2021 within the scope of Migrants’ Presence Monitoring Programme (MPM) and in cooperation with PMM and the United Nations Migration Agency (IOM). As of October 2022, the reporting phase of this research was completed. The research in question was prepared to include labour exploitation, sexual exploitation and forced marriage modules specific to the province of Istanbul.

Within the scope of the Project “Strengthening the human rights protection of migrants and victims of human trafficking in Türkiye”, which was carried out in cooperation with PMM and the Council of Europe, desk research on Child Trafficking and Protection of Children, Analysis of Gaps in Investigation and Prosecution of Human Trafficking Cases in Türkiye and Human Trafficking Trends in Türkiye: Analysis and Recommendations for Action were conducted and reports were prepared.

At the same time, it is planned to hold workshops and meetings with expert groups of relevant institutions for the preparation of the draft third national action plan within the scope of EU Project on Technical Assistance for Combating Trafficking in Human Beings in Türkiye, implementing partner of which is IOM, which entered into force on 2 December 2022.

Human Rights Action Plan (Action Plan) issued by the Ministry of Justice was announced on 2 March 2021 and includes 9 Objectives, 50 Targets and 393 Activities under 11 Basic Principles.

The Presidential Circular No. 2021/9 on the implementation process was published in the Official Gazette dated 30 April 2021, and the two-year Implementation Schedule, including the aspects of periods for the implementation of activities, responsible institutions, budget and monitoring, reporting and evaluation, was announced on the website of the Ministry of Justice.

In order to increase public knowledge and awareness, an Action Plan-specific website (<https://insanhaklarieylemplani.adalet.gov.tr>) was created in Turkish and English languages, and the text and implementation schedule of the Action Plan as well as the Turkish and English<sup>3</sup> texts of the Presidential Circular were made available to all stakeholders and the public. In addition, French and Arabic translations of the Action Plan were also produced and made available on the website. Again, up-to-date information on activities implemented by responsible institutions is shared on the website. On the other hand, a separate section was created and activated on the website for individuals and organisations to submit their opinions and suggestions during the implementation process of the Action Plan.

It is envisaged that the budget for objectives and activities related to the goals set out in the Action Plan shall be displayed in annual budgets of the relevant and responsible institutions, and accordingly, the responsible institutions shall use the funds allocated for the objectives and activities envisaged in their annual budgets for the realisation of these objectives and activities.

In order to effectively implement and monitor the Action Plan, a “Monitoring and Tracking System” has been set up electronically for the purpose of reporting by the responsible institutions

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<sup>3</sup>[https://insanhaklarieylemplani.adalet.gov.tr/resimler/Action\\_Plan\\_on\\_Human\\_Rights\\_and\\_Implementation\\_Schedule.pdf](https://insanhaklarieylemplani.adalet.gov.tr/resimler/Action_Plan_on_Human_Rights_and_Implementation_Schedule.pdf)

through 4-month periodical data entry method, and access to the system has been provided through the above-mentioned website.

On the other hand, a “Human Rights Action Plan Follow-up Board” has been established within the Ministry of Justice to coordinate and follow up activities envisaged in the Action Plan in order to ensure that relevant activities are implemented effectively and completed within the period specified in the Implementation Schedule.

Activities included in the Action Plan have been concluded within the foreseen schedule. Some of these have been implemented through legislative work prepared within the scope of judicial reform packages, some through amendments to secondary legislation, and some through administrative acts.

Within the scope of the Action Plan, activities foreseen within the framework of the goals of “Rehabilitation of Foreigners under International Protection or Temporary Protection and Strengthening of their Access to Justice” and “Combating Human Trafficking in an Effective Manner” under the objective of “Protecting Vulnerable Groups and Strengthening Social Welfare” are listed below:

**Within the scope of the Goal No. 8.5 on “The Rehabilitation of Foreigners under International Protection or Temporary Protection and Strengthening of Their Access to Justice”:**

“8.5.a Strategies will be developed toward meeting the basic needs, such as health, accommodation and education, of foreigners under international protection or temporary protection and victims of human trafficking; in this scope, joint efforts will be conducted with non-governmental organisations in order to facilitate their social adaptation.

8.5.b An effective remedy of application will be introduced to examine complaints concerning the conditions of accommodation at removal centres.

8.5.c Secondary legislation work concerning alternative measures to “administrative detention” will be conducted and these measures will be implemented effectively.

8.5.d. Measures necessary will be taken in order to facilitate the practical access of the foreigners, who are within the scope of the Law on Foreigners and International Protection, to an attorney and to ensure completion of proceedings within a reasonable time.

8.5.e. The forms concerning the rights of suspects, accused persons and victims that are prepared for foreigners will be translated into widely-spoken languages and provided to the persons concerned.

8.5.f. A database of offences committed against foreigners under international protection or temporary protection will be created.”

**Within the scope of the Goal No. 8.6 on “Combating Human Trafficking in an Effective Manner”:**

“8.6.a. The criminal provisions and penalties related to human trafficking will be reviewed in accordance with the Council of Europe Convention on Action against Trafficking in Human Beings and the recommendations of GRETA.

8.6.b. Regular trainings will be offered to the judges, prosecutors and law enforcement officers assigned with offences related to human trafficking and a set of guiding principles will be drafted in regard to such offences.

8.6.c. Measures necessary will be taken effectively for the protection of victims of human trafficking and witnesses thereto; the effectiveness of the inspections against unregistered employment will be increased in order to prevent people from becoming victims to human trafficking.

Efforts on the realisation of activities according to the Implementation Schedule are being carried out effectively by the responsible institutions.”

## B. Cross-cutting questions

### Gender equality (Articles 1.1.b, 5.3 and 17)

#### 2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

Law No. 6284 to Protect Family and Prevent Violence against Women aims to regulate the procedures and principles regarding the measures to be taken for the protection of women, children, family members and victims of unilateral stalking who have been subject to or at the risk of being subject to violence and for the prevention of violence against these persons. In this context, foreign nationals who have been subject to violence in Türkiye without any discrimination based on language, race, colour, sex, political opinion, philosophical belief, religion, sect, nationality, marital status and similar reasons may also benefit from the protection provided by this Law.

**Violence Prevention and Monitoring Centres (ŞÖNİM)** are social service organisations that *“provide empowering and supportive counselling, guidance, referral and monitoring services for the prevention of violence and the effective implementation of protective and preventive measures, employ adequate and necessary personnel and preferably female personnel, and operate on the basis of 24/7 service principle”*.

Located in 81 provinces, these centres provide psychosocial support, legal support, educational and professional support, health support, economic support, counselling, guidance, and referral services, and follow-up and monitoring of measures for victims of violence within the scope of Law No. 6284.

Currently, 82 Violence Prevention and Monitoring Centres (ŞÖNİM) provide services in 81 provinces. A second ŞÖNİM was opened in Mersin province, increasing the number of ŞÖNİMs to 82, and it is planned to open a second ŞÖNİM in 7 more provinces in order to provide services more effectively in the upcoming period. Efforts to improve the institutional capacity of ŞÖNİMs are ongoing.

*“ŞÖNİM Service Standards Guide”* has been prepared at 82 ŞÖNİMs in 81 provinces in order to determine standard practices. The Guide includes physical, managerial and professional standards based on the principles of confidentiality, security and empowerment. In addition, *“ŞÖNİM Self-Assessment Guide”* covering internal and external evaluation in our residential service organisations has been prepared.

In cases of violence against women, it is important to identify the risk correctly and to manage the identified risk effectively. Within the scope of developing **Risk Analysis and Management Module**, which will increase the quality of services by integrating a risk-oriented approach into services provided by the women's service units of the Ministry of Family and Social Services, efforts have been made to develop a system covering *risk management* to ensure a valid and reliable *risk assessment* based on scientific evidence and social service intervention planning in accordance with the identified risk level. Improvement works for the effective use of this module in women's service units by the relevant Ministry and activities for its integration with law

enforcement units are ongoing. With the Risk Analysis and Management Module, it is predicted that the chain of correct detection - qualified intervention - effective service will be strengthened and a starting point and roadmap based on scientific evidence will be provided for our services.

Within the body of Social Service Centres established to provide services in cooperation with public institutions and organisations in order to ensure social service intervention and follow-up at district level, anti-violence contact points have been established in 397 Social Service Centres, and services including guidance, counselling and referral services, especially psycho-social support, are provided and measures for victims of violence are followed-up and monitored within the scope of Law No. 6284.

### **Alo 183 Social Support Hotline**

“Alo 183 Social Support Hotline”, which operates under the Ministry of Family and Social Services, functions as a psychological, legal and economic counselling hotline for women and children who have been subject to or are at risk of being subject to violence and who need support and assistance, it informs them about their rights and where they can apply.

As of March 2020, a **prioritisation process** was initiated on Alo 183 Social Support Hotline, taking into account the increase in calls received due to the pandemic. Victims of violence who call the Social Support Hotline can reach relevant support staff by pressing "0" without waiting in any queue.

“ALO 183 Social Support Hotline” has enabled to provide services to citizens through WhatsApp application as of May 2020 and BIP application as of the beginning of 2021. Thus, relevant support staff can be **reached 24/7 from the contact number “0 501 183 0 183”**.

### **Women’s Emergency Support (KADES) Mobile Application**

Efforts are underway within the Turkish National Police under the Ministry of Interior to generalise the practice of electronic handcuff throughout the country.

In cooperation with the Ministry of Interior and the Ministry of Family and Social Services, **Women's Emergency Support (KADES) Application** was developed and became operational as of 24 March 2018 in order to ensure that victims of violence have quick and effective access to law enforcement.

In order to enable foreign Turkish citizens residing in Türkiye to use KADES application effectively, to facilitate access to the application and to make the application accessible, the interfaces were translated and updated in 5 languages, namely Arabic, Farsi, French, English and Russian, and as of 28 June 2022, it has been translated into Kurdish, German, Uzbek, Kyrgyz and Spanish languages and now it provides access in 11 languages in total. In addition, foreign women who are not citizens of the Republic of Türkiye were enabled to use the application by registering with their passport or serial number of the document with which they entered Türkiye.

### **Non-discrimination (Article 3)**

#### **3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?**

According to Law No. 6701 on Human Rights and Equality Institution of Türkiye, discrimination on 15 grounds, namely sex, race, colour, language, religion, belief, sect, philosophical and political opinion, ethnic origin, wealth, birth, marital status, health status, disability and age, are prohibited. According to Article 9 of the aforementioned law regulating the duties of the institution, the agency

is authorised to examine, investigate, and decide on violations of non-discrimination and monitor relevant results ex officio or upon application.

In case of violation of the prohibition of discrimination, the agency may impose administrative fines on public institutions and organisations, professional public organisations, natural persons and private legal entities responsible for such violation. In 2023, according to the revaluation rate, the upper limit is 89,571.00 TL and the lower limit is 11,931.00 TL.

Law No. 6284 to Protect Family and Prevent Violence against Women aims to regulate the procedures and principles regarding the measures to be taken for the protection of women, children, family members and victims of unilateral stalking who have been subject to or at the risk of being subject to violence and for the prevention of violence against these persons. In this context, foreign nationals who have been subject to violence in Türkiye without any discrimination based on language, race, colour, sex, political opinion, philosophical belief, religion, sect, nationality, marital status and similar reasons may also benefit from the protection provided by this Law. Within the scope of Regulation on the Opening and Operation of Women's Guesthouses, all women who have been subject to or are at the risk of being subject to violence and their accompanying children are admitted to these guesthouses without any discrimination.

#### **4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?**

Within the scope of subparagraphs (ç)<sup>4</sup> and (ğ)<sup>5</sup> of the first paragraph of Article 54 of Law No. 6458 on Foreigners and International Protection, it is stipulated that foreigners who are brought to removal centres with a deportation decision shall be interviewed as possible victims of human trafficking, according to Article 18 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims. In addition, within the scope of the relevant article of the aforementioned Law, interviews are conducted with each foreigner who is brought to the removal centre with a deportation decision about them, in order to learn about their pre-travel, during-travel situations and post-travel plans since they are in a vulnerable situation. During these meetings, human trafficking interviews are also conducted with potential victims.

Irregular migrants who are identified as victims of human trafficking and who wish to benefit from victim support programme are issued a residence permit especially designated for victims of human trafficking in order to ensure their legal stay in Türkiye. The residence permit for victims of human trafficking is regulated in Articles 48 and 49 of Law No. 6458. Article 48 of the law stipulates that *“(1) A residence permit valid for thirty days may be granted by governorates to foreigners, where there is strong suspicion that the foreigner is, or in the future will be, a victim of human trafficking, so that they can recover from the effects of their experiences and decide whether or not to cooperate with the competent authorities.*

*(2) Conditions attached to the issuing of residence permits shall not apply to residence permits for victims of human trafficking.”*

Within the scope of Article 55 of the same law, it is stipulated that victims of human trafficking benefitting from victim support process shall not be subject to deportation procedure.

In addition to the above-mentioned points, issues that are the basis for the qualification of foreign victims of human trafficking as victims (forced prostitution, working without permission, exceeding

<sup>4</sup> Those who illegally earn their living during their stay in Türkiye

<sup>5</sup> Those who are identified to work without a work permit

visa/residency period, etc.) are not considered as grounds for deportation, and relevant restrictions, administrative detention and deportation orders, if any, are lifted.

Duties of the Department of Judicial Support and Victim Services as well as Directorates of Judicial Support and Victim Services (ADMs)<sup>6</sup>, which were established to provide various services to victims in courthouses, under the Ministry of Justice are included. With the establishment of this organisation and the development of victim-oriented practices in Türkiye, several efforts are made in order to strengthen the rights of victims in the criminal justice system, including access to justice, legal aid, information and support, to establish and increase the effectiveness of units that will provide support in the judicial process, and to eliminate the secondary victimisation of victims in the judicial process. In this context, directorates of judicial support and victim services have been established in courthouses in order to provide various services to victims, particularly information and guidance. Directorates of judicial support and victim services, which are planned to be expanded throughout the country, are units where experts are assigned to inform victims about their rights, guide them in line with their needs and provide special services to vulnerable groups. In these directorates, activities are carried out in order to strengthen the access to justice of the persons involved in the judicial process, and various services are provided to vulnerable groups such as children, women, elderly, disabled, **refugees, migrants, victims of human trafficking**, who are found to be more affected by the offence due to their individual traits. In addition, services such as taking various measures to prevent victims in vulnerable groups from experiencing recurrent victimisation and communicating this situation to judges and prosecutors, being accompanied by experts to ensure that they understand the court process and reduce their anxiety levels during court hearings, following up those who are understood to require psycho-social support after the judicial process, and referring them to relevant institutions are provided. In this context, directorates of judicial support and victim services (ADMs) are currently operating in 167 courthouses in order to effectively inform victims of crime and refer them to institutions where they can receive services, to support victims after the offence committed, to provide psycho-social support services to victims of crime in the judicial process and to carry out activities especially for the prevention of secondary victimisation of victims.

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<sup>6</sup> Information, referral and psycho-social support services are provided to victims and persons in need of judicial support through offices established within the directorates. Information and Referral Office provides information and referral services, which are among the most important services for victims, in a systematic and effective manner for all victims of crime. Officials working in this office inform victims about the judicial process, their rights and obligations. Victims are also informed about public institutions and non-governmental organisations providing services to them. In addition to this, victims who are affected by the offence they have been subject to, who need support and who are considered to be in need of individual assessment are referred to "Vulnerable Group Support Office" by Information and Referral Office. In information and referral offices, victims of crimes, witnesses and even parties to the case are informed about judicial processes, thus their anxiety levels can be reduced and practices can be performed to increase their confidence in justice, especially for those who come into contact with the judicial process for the first time. Vulnerable Group Support Office is an office where experts take the initiative in service provision and that introduces new services and concepts such as individual assessment, judicial support plan and case management into the judicial process. After the individual assessment process, a judicial support plan, which includes recommendations on measures to be taken and services to be provided, is prepared by judicial support officers and submitted to relevant public prosecutor's office or court. With Criminal Justice Support Office, expert support previously provided only to juvenile and juvenile high criminal courts has been expanded to cover all criminal courts and public prosecutor's offices. In this office, experts are assigned to conduct a preliminary interview to explain victims the setting, relevant persons involved and the process in order to reduce their level of anxiety before their testimony is taken and to make them feel more comfortable while giving their statement, to accompany victims while their testimony is taken, and to give their professional opinion by drawing up a social investigation report, which includes recommendations regarding measures to be taken in order to prevent secondary victimisation or delinquency of victims or children, if required. With Civil Justice Support Office, expert support previously provided only for family courts has been expanded to cover all civil courts requiring such service. It is among the duties of judicial support officers working in this office to meet with parties and relevant persons for discussing cases such as divorce, custody, establishment of personal relationship, adoption, etc., where expert support is needed, and to prepare a social investigation report on the subject, which is requested by civil courts as well as family courts in particular, by conducting a social setting analysis, if appropriate. In addition, judicial support officers conduct a preliminary interview to explain children the setting, relevant persons involved, and the process in order to reduce their anxiety level before their testimony is taken in cases heard in civil courts, especially in family courts and civil courts of first instance that that conduct proceedings in the capacity of family courts, and to make them feel more comfortable while giving their statement, accompany children while their testimony is taken, and give their professional opinion about children, if required. In Legal Assistance Office, assistance in collecting relevant information and documents is provided to persons in need of legal assistance upon their request and they are referred to legal assistance services. By using standardised legal assistance application forms in these offices, it has been made easier for financially disadvantaged persons to apply for legal assistance in relation to legal disputes in the field of private law. With Office of Child Delivery and Procedures for Establishing Personal Relationship with Child, judgements and cautionary decisions issued by courts regarding child delivery and establishing personal relationship with child are carried out by experts with a child-friendly method. With this new victim-oriented structure, it is aimed to ensure that victims can receive psycho-social support throughout the judicial process, to minimise the effects of offence in the judicial process, to prevent their further disturbance, and to increase trust in justice.



**5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?**

If victims, who are defined as victims of human trafficking, are under the age of 18 or are citizens of the Republic of Türkiye over the age of 18, victim support programme is offered by the Ministry of Family and Social Services. If the aforementioned victim is a foreign male over the age of 18, victim support programme is offered by PMM. Although a shelter for victims of human trafficking, which has a capacity of 12 people, was opened in Kırıkkale to serve male victims, this shelter currently serves female victims due to the insufficient number of male victims included in the victim support programme<sup>7</sup>. In this context, effective support is provided within the scope of cooperation with civil society organisations and international organisations for the support programme to be offered to adult foreign male victims.

**Training of relevant professionals (Articles 10 and 29)**

**6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.**

PMM provided training to 269 people in 2019, 1,566 people in 2020, 1,921 people in 2021 and 2,127 people in 2022. Provincial Directorates of Migration Management (PDMM) provided training to 7,522 people in 2021. This group includes public institutions' staff (deputy governors, judges-prosecutors, experts, labour inspectors, supervisors, civil servants, interpreters, sociologists, social workers, interviewers, etc.) and civil society organisations' staff. Compulsory trainings, including the topic titles of the concept of the offence of trafficking in human beings, its place in international and national legislation, the approach within the scope of 4Ps in combating human trafficking and indicators for identifying victims of human trafficking, have been performed. Trainings are financed by PMM and/or within the scope of the projects being carried out. In addition, training activities are also financed by public institutions and civil society organisations working in the field of combating human trafficking. There is a positive correlation between training activities and the number of potential victims reached.

The project "Increasing the Capacity of Professional Staff Working in the Field of Women in Combating Trafficking in Human Beings" was implemented between 01.04.2019 and 04.06.2020 with the technical support of the International Centre for Migration Policy Development (ICMPD) and the Ministry of Family and Social Services as the beneficiary. In this project, it was aimed to inform and raise awareness of professional staff working in the field of women's services within the scope of prevention of crime and protection of victims in Türkiye's fight against trafficking in human beings, to provide them information about indicators for the identification of victims, and to improve cooperation and coordination with relevant institutions. Within the scope of the project, a

<sup>7</sup> 12 victims identified in 2019 were adult males and no victim requested to benefit from victim support programme, 3 victims identified in 2020 were adult males and none of them requested to benefit from victim support programme, 30 victims identified in 2021 were adult males and 2 victims requested to benefit from such programme, while 34 of victims identified in 2022 were adult males and 3 victims requested to benefit from this support programme.

total of 248 staff, 197 in 2019 and 48 in 2020, working at Violence Prevention and Monitoring Centres (ŞÖNİM) and Women's Guesthouses received basic training.

In addition, within the scope of the “Research Project on Trafficking in Human Beings Based on Child Trafficking and Labour Exploitation in Türkiye”, basic trainings on combating trafficking in human beings, including national and international legislation on combating trafficking in human beings, victim profile, case analysis, approach to the victim, psycho-social support, victim interview support and guesthouse experiences, were held. A total of 36 professionals from ŞÖNİM and women's guesthouses affiliated to provincial directorates in Ankara, Hatay, Muğla, Antalya, Kırıkkale attended trainings held between 29 November and 1 December 2021, provincial directorates in Istanbul, Gaziantep, İzmir, Aydın between 2 and 4 December 2021, and provincial directorates in Adana, Çanakkale, Iğdır, Hakkâri, Kilis, Mersin, Şanlıurfa and Tekirdağ between 2 and 4 March 2022.

Within the scope of international cooperation, trainings on combating trafficking in human beings have been provided to stakeholder institutions’ staff, legislative works have been carried out on this issue, and institutional capacity building and awareness raising activities have been implemented. Within the scope of the “Project for Strengthening the Human Rights Protection of Migrants and Victims of Human Trafficking in Türkiye”, which was implemented within the framework of the “Horizontal Facility for the Western Balkans and Türkiye” programme of the European Union and the Council of Europe in cooperation with the Western Balkans and Türkiye, in 2022, training on Trafficking of Human Beings Based on Labour Exploitation in Türkiye was provided to labour inspectors in cooperation with the Council of Europe. Subject titles of trainings conducted by the Department for Guidance and Inspection under the Ministry of Labour and Social Security have been determined according to the results and risks that emerge as a result of inspections carried out in the workplaces. Trainings are organised for labour inspectors at various intervals according to the results obtained from determined situations.

Decision of the Coordination Commission on Combating Human Trafficking numbered 2019/1.3 is “Establishment of special lawyer groups to follow up the cases of victims within the Bar Associations (Union of Turkish Bar Associations, Related Bar Associations)”.

Decision 2020/16 of the Commission of 24.02.2020 concerning providing legal aid to victims of human trafficking and providing training to officials to be appointed pursuant to the Criminal Procedure Law by special lawyer groups trained in this field was communicated to all Bar Associations by the Union of Turkish Bar Associations.

“Support to the Improvement of Legal Aid Practices for Access to Justice Project (SILA Project)” and “the Project on the Promotion of Access to Justice by Refugees, Asylum Seekers and Temporary Protection Beneficiaries in Türkiye” are the projects that have been completed and sustained by the Union of Turkish Bar Associations.

Within the scope of “the Project on the Promotion of Access to Justice by Refugees, Asylum Seekers and Temporary Protection Beneficiaries in Türkiye”, which was conducted by the Union of Turkish Bar Associations and the United Nations High Commissioner for Refugees and Asylum Seekers (UNHCR), Law Clinics were established in Şanlıurfa, Gaziantep, Hatay, Kilis and Malatya and they have been continuing their activities. Legal support is also provided to victims of human trafficking at these Law Clinics and field works of these clinics are shared with public institutions and organisations.

Under “Trafficking in Human Beings” component of the “Project for Strengthening the Human Rights Protection of Migrants and Victims of Human Trafficking in Türkiye”, which was implemented within the framework of the “2019-2022 Horizontal Facility for the Western Balkans

and Türkiye Programme” – a joint initiative of the European Union and the Council of Europe – a 2-day training was held at the Union of Turkish Bar Associations (TBB) between 8 and 9 June 2022. Within the scope of the same project, trainings were organised in the provinces of Kayseri, Elazığ, and Giresun.

Translation support hotline in Arabic and Farsi, which was established by the Union of Turkish Bar Associations (TBB) in cooperation with the United Nations High Commissioner for Refugees (UNHCR) to provide translation support for legal aid applications and during interviews in lawyers' offices, is now operational. We also participated as a panellist in the 2022 National Summit on Combating Trafficking in Human Beings held on 28 July 2022 with the participation of relevant public institutions and organisations, international organisations and civil society organisations on the occasion of 30 July World Day Against Trafficking in Persons in cooperation with Human Rights and Equality Institution of Türkiye and the United Nations High Commissioner.

As the Counter-Smuggling of Migrants and Border Gates Department of the Turkish National Police, we regularly provide training activities for the staff working in the headquarters as well as branch directorates in order to make them aware of the changing methods of committing offence and to adapt them to innovations in technology/investigation techniques, and to specialise in the fight against crime. These activities are financed by the relevant department, and the participation of experts and trainees in training activities carried out by national/international institutions is also ensured.

Justice Academy of Türkiye carries out both pre-vocational and vocational training activities for judges and prosecutors in accordance with its own legislation. Vocational training of judges and prosecutors is carried out in line with the annual training plan. This training plan is prepared by considering the demands of judges and prosecutors, legislative amendments, and case law of the Supreme Court. Vocational training for judges and prosecutors is regulated as both a right and a duty in line with the provisions of Law No. 2802 on Judges and Prosecutors. In this context, judges and prosecutors who will participate in vocational training are determined by the Council of Judges and Prosecutors (CJP) by taking their requests into consideration. However, it is also possible for judges and prosecutors to be determined as vocational training participants by the CJP without their request. The funding required during the execution of vocational training activities is covered from the Academy's budget. In line with these principles, two trainings on “offences of trafficking in human beings and smuggling of migrants” were held in 2022. Two trainings on the same subject are planned to be organised in 2023.

Two trainings were organised by Human Rights and Equality Institution of Türkiye (HREIT) in order to raise competence and awareness among its staff.

### ***1. Training on Combating Trafficking in Persons was Held***

Training on combating trafficking in persons was organised by the Presidency of Migration Management with the contributions of the United Nations Migration Agency (IOM) for the staff of Human Rights and Equality Institution of Türkiye for the purpose of the performance of the duty of National Rapporteur. Human rights and equality experts, assistant experts and other institution staff attended the training held in two groups between 26 and 27 January and between 28 and 29 January 2021.

### ***2. Training on Human Rights and Migration was Held***

The Council of Europe Ankara Programme Office organised “Human Rights and Migration Training” for HREIT staff on 23-24 June 2022 and 18-19 August 2022 in Ankara. 70 personnel participated in the training.

Within the scope of the training, presentations on National and International Legal Framework for Migrants, Prohibition of Torture, Degrading or Inhuman Treatment or Punishment, Principle of Non-Refoulement (Push Back), Right to Liberty and Security, Administrative Detention Conditions, Deportation and Administrative Detention in the Implementation of Law No. 6458 on Foreigners and International Protection, Protection of Private and Family Life in the Context of Migration were delivered.

In 2022, in cooperation with UNHCR and PMM, and by using UNHCR resources, two Training of Trainers activities were conducted for the staff of PMM and Provincial Directorates on the identification and protection of victims of human trafficking, in addition to trainings conducted in the previous year. 37 experts and assistant experts from 34 different PDMMs and 7 representatives from different units of PMM (Department of Protection of Victims of Human Trafficking, Directorate General of Combating Irregular Migration and Deportation Procedures, and Department of Training) attended these trainings. The aim of the training, which covered subject titles such as Türkiye's activities on combating trafficking in human beings and protection of victims, procedures carried out for victims of human trafficking, interview techniques, information on country of origin in the context of trafficking in human beings, national voluntary and safe return mechanism, investigation and prosecution procedures of the offence of trafficking in human beings, and techniques and methods of adult education, was to increase technical capacity of the participants in this field, to create a pool of trainers within the institution, and to ensure sustainability of the technical capacity.

In order to measure the difference between current knowledge of training participants before the training and their post-training achievements, a pre-test and a post-test were carried out in both trainings. Comparing pre-test and post-test results, it was observed that the average knowledge level in the first training increased from 55.4% to 71.8%, and the average knowledge level in the second training increased from 58% to 71.3%.

In cooperation with CARE International and Gaziantep PDMM, awareness raising trainings were organised for various professional groups, university students and many institutions in order to raise awareness on combating trafficking in human beings. Although participation in these trainings is voluntary, this training was held compulsory for public officers working in Oğuzeli Removal Centre. While determining the focus group to participate in the training, professionals working on the site and individuals under the risk of human trafficking were prioritised. In these trainings, detailed information on trafficking in human beings was given, indicators for identifying victims of human trafficking were mentioned, and the legal dimension was explained. These trainings were supported with case studies and question and answer sessions. Kilis PDMM participated in the fourth Kilis Migration Management Meeting organised by Kilis Law Clinic, where the staff of civil society organisations working with refugees were informed about the indicators of human trafficking and the role of PDMM in preventing human trafficking. These trainings were funded by the European Union and UN organisations. Civil society organisations also provided logistic support during the trainings conducted in cooperation with civil society.

In provincial migration boards held four times a year under the coordination of governorates with PMM's aim of ensuring coordination in provinces and assessing the needs, in provincial coordination commission for combating human trafficking, and in workshops and symposiums held, the need for trainings for combating trafficking in human beings is determined by taking the opinions of actors in the field, public institutions, civil society organisations, and other relevant actors. The Ministry of Family and Social Services and provincial organisations also conduct assessments in coordination meetings organised by their relevant units.

As ICMPD, training needs of relevant staff are determined in coordination with PMM's Department of Protection of Victims of Human Trafficking.

Within the framework of objectives and potential of the projects carried out in relation to trafficking in human beings, trainings are held by determining staff categories, the number of staff to participate, and the content of training. Just before each training activity, a pre-test is conducted to measure the change in knowledge level of participants. Likewise, after the training is completed, a post-test is applied and a general evaluation is carried out by means of feedback forms. Subsequently, information obtained through these forms is analysed and reported. These reports are shared with relevant department. Different training contents planned to be organised by ICMPD in the next period are implemented by considering the analyses provided by these reports.

Funding for all training activities is provided by donor agencies through projects. Most of the trafficking-related projects implemented by ICMPD in Türkiye have been funded by the Embassy of the United Kingdom in Ankara.

The names of the projects implemented between 2017 and 2022, their general objectives, implementation periods and the details of trainings carried out under each project are as follows:

- In cooperation with PMM, ICMPD, with funding from the United Kingdom, conducted the “Research on Combating Trafficking in Human Beings” between 1 September 2020 and 31 March 2022. The following trainings were organised within the scope of the project.

**1st Training:**

Target Audience/Participating Organisations: PMM Experts/Assistant Experts, occupational staff from institutions/organisations affiliated to General Directorate on the Status of Women and General Directorate of Child Services under the Ministry of Family and Social Services, working in the field of women and children.

Number of participants: 51

**2nd Training:**

Target Audience/Participating Organisations: PMM Experts/Assistant Experts, occupational staff from institutions/organisations affiliated to General Directorate on the Status of Women and General Directorate of Child Services under the Ministry of Family and Social Services, working in the field of women and children.

Number of participants: 52

**3rd Training:**

Target Audience/Participating Organisations: PMM Experts/Assistant Experts, occupational staff from institutions/organisations affiliated to General Directorate on the Status of Women and General Directorate of Child Services under the Ministry of Family and Social Services, working in the field of women and children.

Number of participants: 63

- The SHIFT Project “Enhancing Occupational Staff Capacity of the Ministry of Family, Labour and Social Services Working in the Field of Woman on Fight Against Human Trafficking” was implemented in cooperation with General Directorate on the Status of Women under the Ministry of Family, Labour and Social Services, by ICMD through the funding of the United Kingdom between 1 April 2019 and 31 August 2020. The following trainings were organised:

**1st Basic Training:**

It was held with 62 participants in total, 40 of them were occupational staff at local level.

**2nd Basic Training:**

It was held with 60 participants in total, 39 of them were occupational staff at local level.

**3rd Basic Training:**

It was held with 63 participants in total, 41 of them were occupational staff at local level.

**4th Basic Training:**

It was held with 59 participants in total, 39 of them were occupational staff at local level.

**5th Basic Training:**

It was held with 62 participants in total, 38 of them were occupational staff at local level.

**6th Basic Training:**

It was held with 62 participants in total, 40 of them were occupational staff at local level.

**Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)**

**7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.**

In all inspections conducted by the Department for Guidance and Inspection under the Ministry of Labour and Social Security, child labour is identified as a priority risk group, and complaints and tips regarding child labour are evaluated and included in the scope of inspection as a priority.

Since 2017, activities have been carried out with UNICEF to support institutional capacity building activities for the Department of Guidance and Inspection to strengthen the links between mechanisms of labour inspection, social protection, and inspection and training of professional institutions in order to ensure more effective monitoring of child labour. Within the scope of this Work Programme, field survey activities are carried out in cooperation with private sector representatives (TESK, chambers and unions of tradesmen) and public institutions and organisations (Governorates, Municipalities, Ministry of National Education, Ministry of Family and Social Services, Revenue Administration) in order to identify child labour in small and medium-sized workplaces, which is defined as the worst form of child labour in industry. Field survey activities were carried out in auto industrial sites, furniture manufacturing workplaces and garment manufacturing workplaces where child labour is considered to be intensive.

All children (apprentices/children and young workers) identified within the scope of the survey activities are reported to relevant provincial directorates of national education in order to monitor their school attendance, and to provincial directorates of family and social services in order for them to be evaluated within the scope of social protection, and results of these notifications are requested to be shared.

In addition to the above-mentioned activities, child labour is identified as a priority risk group in all inspections carried out by the Department of Guidance and Inspection, and complaints and tips regarding child labour are evaluated and included in the scope of inspection as a priority. In addition, provincial directorates of national education are notified in order to refer children to education.

In addition, as a result of the inspections carried out, administrative fines are requested to be imposed on workplaces that violate the provisions of Article 71 “Age of Employment and Prohibition of Employment of Children” of the Labour Law No. 4857 and the “Regulation on Rules and Procedures relating to Employment of Child and Young Workers” issued based on this article.

According to Article 6/ğ of the Regulation on Labour Inspection, labour inspectors have the authority to request prevention of these workers from working with a letter to be sent to relevant local authority in case of any violation of the legislation regarding the age, gender and health status of employees/workers in workplaces. In this framework, if it is detected that a child under the age of 15 is employed in the workplace in violation of the legislation necessary measures are taken to prevent the child from working and to guide him/her to education and social services.

Inspection activities are of great importance in the fight against unregistered employment. Inspections conducted by the Social Security Institution (SSI) are divided into two parts as scheduled and unscheduled inspections. Scheduled inspections are conducted according to workplaces/sectors identified to be under risk, using the risk analysis method. Apart from these, within the scope of unscheduled tips and complaints, if citizens who suspect that they are employed without insurance report this situation to the SSI in any way, the issue is primarily evaluated and then necessary investigations are carried out immediately.

For those foreign nationals who are found to be employed without a work permit during any local inspection or record review conducted by Social Security Supervisors, due action shall be taken in accordance with relevant provisions of the International Labour Force Law No. 6735. Provincial Directorates of Labour and Employment Agency shall be informed with a copy of the inspection report (workplace inspection report or record review report).

Again, those who are not classified as foreigners under temporary protection within the scope of Law No. 6735 and who cannot submit any documents, and those who are found to have entered the country illegally are reported to law enforcement officers during the inspection.

Within the scope of the first paragraph of Article 17 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims, the provision “The law enforcement agency contacts the Department in cases that can be considered within the scope of the offence of trafficking in human beings such as forced labour, prostitution, forced service, forced marriage, benefiting from organs and tissues, child labour, recruitment of children for crime, child begging and adoption of children during the operations carried out” is in effect. At the same time, within the scope of the national referral mechanism, a human trafficking interview is conducted with the child by PDMM staff upon notification of child trafficking reported from anywhere.

Protective and supportive injunctions are taken for children who are identified as victims of child trafficking within the scope of Child Protection Law No. 5395. Services for child victims in need of protection and care are provided by the Ministry of Family and Social Services.

**8. What practical measures are taken to reduce children’s vulnerability to trafficking and create a protective environment<sup>8</sup> for them, including through:**

- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;**
- b. raising awareness of THB through education;**
- c. training professionals working with children.**

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<sup>8</sup> The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children’s rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children’s rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children’s life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

The “Project for strengthening the human rights protection of migrants and victims of human trafficking in Türkiye” was carried out in cooperation with PMM and the Council of Europe in order to effectively prevent trafficking in human beings and to improve the protection of human rights in terms of migration in Türkiye. Having started on 1 January 2020, the project was completed on 31 December 2022.

Within the scope of the project, during the period between June and August 2022, 195 occupational staff working in Specialist Children's Home Sites and ÇOKİMs (Child Protection First Response and Evaluation Units) received training on “Improving the Identification, Referral and Protection of Victims of Child Trafficking in Türkiye” in the provinces of Ankara, Antalya, Bursa, and Gaziantep.

Within the scope of the Project, online HELP Courses on “Migrant and Refugee Children” and “Child Friendly Justice” were also held and 120 staff members working in central and provincial organisations of the Ministry of Family and Social Services participated in these courses.

Training programmes within the scope of the project, which aims interdisciplinary approach and intervention, have contributed to the services carried out by our staff working one-to-one with all children in need of protection, especially children who are affected by crime, children who are inclined to involve in criminal activity, and unaccompanied children.

In the process of identifying those with special needs living under International Protection and Temporary Protection status, foreigners who are suspected victims of human trafficking may also be encountered. Especially negative attitudes, traditions, behaviours and practices related to the rights of children and cases of abuse are frequently encountered. During protection desk interviews, as encouraged by UNICEF, interviews with both adult individuals who have already undertaken the care and responsibility of children and who are their legal representatives, and with children who are the subject of the relevant issue are conducted on the basis of confidentiality in order to create a protective environment concept, taking into account the developmental periods and processes of children. Interviewing staff receive training on techniques of interview with both vulnerable groups and children. If any negative situation is encountered, children are interviewed separately so that they can express themselves comfortably. Although the main purpose of these special needs assessment interviews is not to identify victims of human trafficking, if during the interviews there is a suspicion that the foreigner/child may be a victim of human trafficking, the file is transferred to relevant unit to conduct a more detailed examination for the identification of victims of human trafficking. Every action taken involving an element of crime and every evaluation made regarding both victims of human trafficking identified in line with statements made in relevant interviews and individuals defined as children by our laws within the framework of Türkiye's legal regulation is reported to relevant authorities of Türkiye by the staff of the provincial directorate where this evaluation is made, taking into account the best interests of the child.

Professionals working with children have been attending training and awareness-raising activities on trafficking in human beings conducted by UNHCR and PMM, and most of the trainings conducted by UNHCR in 2022 for the employees of different units and provincial directorates of PMM included the issue of trafficking in human beings and aimed to raise awareness on the identification and protection of victims of human trafficking.

ICMPD organised basic level human trafficking trainings for the staff of affiliated institutions of General Directorate of Child Services under the Ministry of Family and Social Services. In addition, within the scope of the “Research on Combating Trafficking in Human Beings” Project, which was carried out between 1 September 2020 and 31 March 2022, field research on child trafficking was conducted in nine provinces.

According to Article 15 of the Population Services Law, every child born alive in Türkiye must be reported to the civil registry office within thirty days of birth. In this context, birth notification is mandatory for every child born within the borders of the Republic of Türkiye, regardless of whether



he/she is a foreigner or a Turkish citizen, and birth notification document is one of the basic documents required in all kinds of transactions of foreign children related to migration (residence, temporary protection, international protection, etc.).

According to the contribution of Care International, Gaziantep PDMM has always prioritised birth registration of children under temporary and international protection status, in line with the principle of the child's best interests as set out in international and national conventions. For example, during the COVID-19 pandemic period and after the earthquakes of 6 February 2023, newborn registrations were prioritised, and registrations were made even without an appointment. Similarly, hospital births have always been encouraged. Awareness-raising trainings on trafficking in human beings were organised for civil society and security officers working with children. Kilis PDMM, like most PDMMs, has always prioritised new-born registration. In addition, with UNHCR's advocacy, registration of new-borns is also requested at Directorates of Population and Citizenship, with a view to providing an internationally recognised birth registration certificate (Formula A) upon request to the notifying person upon receipt of a birth report from the hospital. In addition, Kilis PDMM abandoned its previous practice and accepted a single mother to register her newborn alone without a partner. Thus, statelessness is prevented.

As the International Migration Association (UGDER), we are carrying out psycho-social support activities with migrant women and children in Altındağ (Örnek Neighbourhood), where Syrian migrants intensively live in Ankara. In relevant parts of these activities, we focus on agendas related to the place and importance of children in the family, issues that need to be considered in order to prevent children from becoming possible victims, and especially raising awareness of migrant women (mostly mothers) on this issue.

We have initiated these activities in Ankara/Altındağ as of February 2023. Vulnerability and fragility of these groups has been an important determining factor in these programmes that we have started to carry out for migrant families who had to migrate to Ankara from the earthquake zones after the Kahramanmaraş-based earthquake that occurred on 6 February 2023. During our activities that we have carried out with these groups having a higher risk of being potential victims, we conduct interviews with groups of 20 migrant women every two weeks. Simultaneously, children of migrant women participating in our programmes and the staff of our association organise play hours and carry out various activities.

Again, in connection with these activities, a number of events were organised for migrant children in February and March 2023, and activities were organised with approximately 60 migrant children accompanied by professional staff.

While carrying out these activities, UGDER also organises various in-house trainings in order to increase the level of knowledge of both its own team and volunteer team involved in the activities and to take more professional steps in the field. Within the scope of these trainings, it organises online and face-to-face seminars and receives guidance from professionals (psychologists, pedagogues, child development specialists) who work closely with children.

In addition, within the scope of these psycho-social support activities carried out specifically for migrant women and children, cooperation with expert psychologists who carry out professional activities in the field of trafficking in human beings is also executed in the form of service procurement.

IOM implemented the United Nations Joint Programme on Prevention of Child, Early and Forced Marriage (CEFM) in Türkiye with UNICEF, UNFPA, UN Women and UNHCR during 2018-2021. During the project, IOM supported the development of a thematic paper on child, early and forced marriage and its links to trafficking in human beings. The paper included descriptions and analyses of international and national legislation, as well as analyses of existing data sources on CEFM among migrant and refugee populations in Türkiye and other countries to assess prevalence, risk factors and links to other vulnerabilities, including trafficking in human beings. Under the same

project, IOM developed training materials for ITM practitioners and conducted trainings, including CSO members and public officials, to increase their capacity to identify and guide potential victims of human trafficking and CEFM. Under the same project, IOM appointed mobile teams to make migrant communities sensitive on prevention and mitigation of CEFM risks. Social cohesion and awareness raising activities were also organised for children and juveniles.

In addition, in 2021, IOM conducted research focusing on the dynamics of trafficking in human beings among the migrant population in Istanbul, through Migrant Monitoring Matrix experts and in cooperation with PMM.

**9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?**

If nationality of the victim rescued by the law enforcement is Turkish, fingerprints are used, and if the victim is a foreigner, in the absence of fingerprints, photographs or an identity document on the person, the age and identity of the victim is verified firstly on the basis of his/her declaration and subsequently by contacting authorities of relevant country.

Unless they are taken under the effective care of a responsible person, children who come to Türkiye without the accompaniment of an adult responsible for them by law or custom, or children who remain unaccompanied after entering Türkiye, and who are suspected to be victims of human trafficking are referred to relevant units for age verification according to rules and procedures indicated in Article 6 of the Unaccompanied Minors Directive of the Ministry of Family and Social Services of 20 October 2015.

In addition, in case of doubt, bone age can be assessed for persons identified as victims of human trafficking. Persons who declare that they are children are provided with protection and care services at the Child Protection First Response and Evaluation Units (ÇOKİMs) until the age verification is completed.

According to Article 24 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims, “(1) *Victims who are being examined for being a child shall be considered as children until this examination is completed.* (2) The principle of the best interests of the child shall be observed in the identification process of child victims. A psychologist or social worker shall be present at the interviews with children.”

**10. What steps are taken in your country to ensure that the rights of the child and his/her best interests<sup>9</sup> are duly taken into consideration, in particular when it comes to:**

- a. identification of child victims of trafficking;**
- b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;**
- c. locating the child’s family;**
- d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;**
- e. access to appropriate and secure accommodation, education and health care;**
- f. issuing residence permits for child victims of trafficking;**

<sup>9</sup> “The best interests of the child” means that any situation should be looked at from the child’s own perspective, seeking to take the child’s views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

- g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;**
- h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;**
- i. special protection measures for children.**

In the interviews conducted with victims during human trafficking investigations executed by the Counter-Smuggling of Migrants and Border Gates Department of the Turkish National Police, in-house psychologists and sociologists are consulted when necessary, taking into account the psychological trauma the person is going through, and also, if victim is a child, experienced staff of the relevant unit, who have completed necessary training, are assigned to interviews to be conducted with children, and the duration of the child's stay in the custody of the police is kept as short as possible and the child is delivered to relevant units after necessary procedures are completed.

Gendarmerie General Command requests civil registry records of the victims of human trafficking of Turkish nationality from directorates of population for the purpose of age assessment. If the victim is a foreigner, civil registry and age information of the victim of concern is requested from relevant country's delegations such as its embassies/consulates in Türkiye.

Unless they are taken under the effective care of a responsible person, children who come to Türkiye without the accompaniment of an adult responsible for them by law or custom, or children who remain unaccompanied after entering Türkiye, and who are suspected to be victims of human trafficking are referred to relevant units for age verification according to rules and procedures indicated in Article 6 of the Unaccompanied Minors Directive of the Ministry of Family and Social Services of 20 October 2015.

With regard to child victims of trafficking, provisions set forth in Article 24 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims shall apply.

Where the age of a person subject to trafficking in human beings is uncertain and there are reasons to believe that the person is a child, that person is treated as a child until the age is assessed.

Identification and age assessment procedures of the child who has been subject to trafficking or any other criminal offence in Türkiye and whose relevant situation has been determined by the administration are carried out in coordination with PMM. Registration of the minor, who is understood to be a child as a result of the assessment is taken into the scope of unaccompanied minors in the absence of his/her legal representative by provincial directorate of migration management authorities, and due procedures are followed. Afterwards, Provincial Directorate of Family and Social Services is notified in accordance with the Child Protection Law No. 5395. At this point, access to basic services such as appropriate and safe accommodation, education and health is provided within the framework of measures deemed appropriate by Provincial Directorate of Family and Social Services. Similarly, counselling and information services in a language that the child can understand, free legal assistance before, during and after legal proceedings, including compensation claims, are carried out in coordination with PDMM and Provincial Directorate of Family and Social Services. Confidentiality is emphasised during all procedures, and identity information is not shared with persons who are not related to the subject. Throughout all these processes, the principle of "the best interest of the child", which is one of the most fundamental principles of the Child Protection Law No. 5395, is observed.

Child protection services carried out by the Ministry of Family and Social Services are implemented within the scope of the Child Protection Law No. 5395 and the Social Services Law No. 2828, in line with the principle of the best interests of the child in accordance with the United Nations

Convention on the Rights of the Child. Necessary legal and administrative measures are taken to protect all rights of the child and all children benefit equally and free of charge from education, health, social assistance and other services regardless of race, language, religion, sect or ethnic difference.

Within the scope of Article 69 of the Presidential Decree No. 1 and the Social Services Law No. 2828, children who cannot be cared for by their families are primarily provided with protection and care services in Children's Homes, which are home-type care institutions.

Child victims of trafficking benefit from protection, care and other services without discrimination within the framework of the relevant legislation.

Children taken under protection and care are placed in an appropriate child care institution, taking into account their individual needs, differences, age, gender and developmental characteristics.

It is ensured that children, who are at risk of being drawn into crime, who are victimised, about whom care and protection decision is taken since they encounter social threats on streets, are temporarily provided care and protection in specialist child care institutions in order to ensure that they return to their families and immediate environments or make them ready for another social service model after due interventions are made, considering their psycho-social and developmental characteristics. Although human trafficking victimisation is not an area of specialisation, it is ensured that the child is placed in specialised institutions depending on the reason for victimisation.

Foreign children who come to Türkiye or are found to be unaccompanied after entering Türkiye and referred to institutions affiliated to the Ministry of Family and Social Services are admitted to our institutions specialised in the field of unaccompanied minors after bone age assessment, health report, international protection certificate, and identification procedures are followed. In order to ensure family integrity of children under protection and care who have been separated from their families during or after migration, family tracing and family reunification activities are carried out in cooperation with the Turkish Red Crescent. Adoption procedures are followed within the framework of the Hague Convention.

In order to increase capacity in the identification and assessment of the best interests of the child and to strengthen the application of relevant procedural safeguards, UNHCR provides support to different units of PMM through the organisation of trainings and the development of guidance documents. In this context, in 2021, UNHCR and PMM updated the “Guidelines on Interview Techniques in the Context of Trafficking in Human Beings”, including principles and techniques for specific groups such as children, and 2,000 copies were distributed to 81 PDMMs. The aim of the Guideline is to ensure that appropriate techniques are applied in interviews with victims of human trafficking and that a victim-centred approach is followed.

**11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?**

The assessment of special needs of unaccompanied minors under International Protection and Temporary Protection status is carried out by PDMM. If it is suspected that the minor may be a victim of trafficking during special needs assessment interviews, the child in question is referred to relevant unit within PDMM.

In this regard, in all procedures to be followed regarding the minor in question, by adhering to the principle of the best interest of the child, PDMM and Provincial Directorate of Family and Social Services work in coordination and in this way, prevention of the disappearance of the minor is ensured.

During the procedures of children who request voluntary return alone, the consent of mother, father or guardian who has the right of custody is required. If there is a situation that prevents the legal representative from fulfilling his/her duty and a trustee has been appointed to the child by the courts, the voluntary return procedures are carried out by the trustee. Otherwise, voluntary/non-voluntary return procedures are not carried out for any child who does not have a legal representative/appointed trustee in Türkiye.

If unaccompanied minors entering Türkiye are identified to be at risk, protective and supportive measures are implemented within the scope of the Child Protection Law No. 5395, thus it is ensured that no child is left at risk.

It is aimed to ensure that unaccompanied minors taken under protection and care primarily benefit from family-oriented services. In cases where this is not possible, children aged 0-12 are taken under care in Children's Homes and Children's Homes Sites, which are home-based care institutions, and children aged 13-18 are taken under care in specialist Children's Homes Sites.

Children who arrive in Türkiye or who are determined to be unaccompanied after entering Türkiye and referred to institutions affiliated to the Ministry of Family and Social Services are admitted to our institutions specialised in the field of unaccompanied minors after bone age assessment, health report, international protection document, and identification procedures are completed. In order to ensure the family integrity of children under protection and care who have been separated from their families during or after migration, follow-up of their families and family reunification activities are carried out in cooperation with the Turkish Red Crescent. Adoption procedures are carried out within the framework of the Hague Convention.

**12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?**

Child Support, Development and Education Programme (ÇODEP) is implemented for healthy development– in cognitive, emotional, and psychological terms – of all children under protection in children's homes and children's home sites.

It is ensured that trauma and behaviour disorders of children under protection and care are healed, which result from being drawn into crime, being victims of crime, and facing social threats on streets, that positive behavioural change in relation to crime and substance addiction in children is achieved, and socialisation and regular life skills are acquired by children. Anka Child Support Programme consists of Individual Risk Assessment Form (BİRDEF), Group Studies, Individual Counselling, Family Studies, Supportive Environment Components, Approach Principles for Supportive Personnel and Institutional Approach in Crisis Intervention components aiming at multidimensional approach and intervention. The programme aims to harmonise children with their families and social environment by taking into account their individual differences and needs. Anka Child Support Programme consists of Individual Risk Assessment Form (BİRDEF), Group Studies, Individual Counselling, Family Studies, Supportive Environment Components, Approach Principles for Supportive Staff and Institutional Approach in Crisis Intervention components, which aim a multidimensional approach and intervention. The programme aims to adapt children to their families and social environment, considering their individual differences and needs.

**C. Questions related to specific articles**

**Definitions (Article 4)**

**13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.**

**According to Article 80 with the title line “Trafficking in Human Beings” of the Turkish Penal Code No. 5237:**

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

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

(3) Where a person under 18 years of age is procured, kidnapped, harboured or transported from one place to another for the purposes described in paragraph one, the offender shall be sentenced to the penalty described in paragraph one, notwithstanding the fact that no means instrumental to the offence has been resorted to.

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

As obvious, the offence of trafficking in human beings is regulated in Article 80 of the Turkish Penal Code No. 5237.

The offence of trafficking in human beings involves the recruitment, abduction, transportation or transfer, or accommodation of women, children or other persons to achieve their consent for the purpose of forced labour, forced servitude, forced prostitution, slavery or similar practices, or the removal of organs.

Any person who brings a person into the country or take a person out of the country, who procures, kidnaps, harbours or transports a person from one place to another by the use of threat, pressure, force or violence, employing deceit, abusing his influence or obtaining a consent by exploiting control over another or the desperation of such other, for the purpose of forcing them into prostitution or to work, provide a service, harvest their organs or to subject them to slavery shall be sentenced for the offence of trafficking in human beings.

The offence of trafficking in human beings is a crime that can be committed with special intent. The specific intent or motive, the moral element of the offence, is expressed in Article 80 of the aforementioned Law as “for the purpose of forced labour, servitude, prostitution or slavery or the removal of organs”.

In order for the offence to be committed, the perpetrator must act for the purposes specified in a limited manner in the text of the article. These acts are actually acts that provide material benefit to the perpetrator. However, for the completion of the offence, whether the perpetrator receives material benefit or not is irrelevant.

The offence of human trafficking is committed by using certain instrumental acts. In other words, some instrumental acts must be committed in order to commit the main offence. The instrumental acts in the offence of human trafficking are threat, pressure, force or violence, obtaining a consent by abusing his influence or by deceit, or by exploiting control over another or the desperation of such other.

Third paragraph of the aforementioned article regulates child trafficking as a special form of trafficking in human beings. Children under 18 years of age may be procured, kidnapped, harboured or transported from one place to another for the purposes of forcing them into prostitution or to work, provide a service, harvest their organs or to subject them to slavery. In such cases, the perpetrator shall be sentenced pursuant to the first paragraph of Article 80 of the Turkish Penal Code, although acts of threat, pressure, force or violence, abuse of influence, deceit, or exploitation of control over another or the desperation of such other are not committed.

The offence of human trafficking, including forced labour, is regulated in Article 80 of the Turkish Penal Code No. 5237. Pursuant to Article 279 of the aforementioned law, public officials are obliged to report the offences they learn or detect in relation to their duties. In all inspections conducted by the Department of Guidance and Inspection under the Ministry of Labour and Social Security, labour inspectors control whether there are indicators of forced labour in workplaces. If any inconvenience is detected, labour inspectors notify relevant public prosecutor's offices.

Since people are not aware of their rights and the law, they may see themselves as involved in a crime or as part of a crime, and therefore they may be hesitant to ask for help or to tell the authorities about incidents they have experienced. This situation makes it difficult to detect cases.

**14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.**

Within the scope of Article 3 of the Law No. 6458, persons with special need, out of those applicants and international protection beneficiaries, are defined as unaccompanied minors, disabled persons, elderly persons, pregnant women, single mothers or fathers with accompanying children or persons who have been subjected to torture, rape or other serious psychological, physical or sexual violence; however, in practice, possible victims of human trafficking and victims are also considered as persons with special needs. Within the scope of Article 67, it is regulated that persons with special needs shall be given priority with respect to rights and actions referred to in this law. Article 75 of the law stipulates that in the interviews to be conducted with persons with special needs, special circumstances of these persons shall be taken into consideration and a psychologist, child development specialist or social worker, or their parents or legal representative shall be present during the interview of the minor.

In addition, economic status of families has an impact on children and relatively poorer families and their children are considered vulnerable. Especially children of economically weak families are considered more vulnerable in terms of being victims of trafficking in human beings due to the possibility that they may be more open to types of exploitation such as child marriage, child labour and forced begging.

**15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.**

**I- According to Article 41 titled "Protection of the Family, and Children's Rights" of the Law No. 2709, the Constitution of the Republic of Türkiye:**

"The family is the foundation of Turkish society and based on the equality between the spouses.

The State shall take the necessary measures and establish the necessary organisation to

protect peace and welfare of the family, especially mother and children, and to ensure the instruction of family planning and its practice.

Every child has the right to protection and care and the right to have and maintain a personal and direct relation with his/her mother and father unless it is contrary to his/her high interests.

The State shall take measures for the protection of the children against all kinds of abuse and violence.”

## **II- Within the scope of Turkish Civil Code No. 4721 of 22/11/2001:**

### **1- According to Article 124 titled “I. Age”**

“A man or woman shall not get married unless they turn eighteen.

However, the judge may allow a man or woman having turned seventeen to get married under exceptional circumstances or for a very important reason. If possible, parents or guardians of the people in question shall be heard.”,

### **2- According to Article 125 titled “II. Mental competence”,**

“Those without mental competence shall not get married.”,

### **3- According to Article 126 titled “1. About minors”,**

“Minors shall not get married without permission of their legal representatives.”,

### **4- According to Article 127 titled “2. About the person under legal disability”,**

“The person under legal disability shall not get married without permission of their legal representatives.”,

### **5- According to Article 128 titled “3. Applying to court”,**

“The judge may allow a minor or person under legal disability having applied to the court to get married after hearing the legal representative not giving permission without a justified ground.”,

### **6- According to Article 129 titled “I. Kinship”,**

“Marriage is prohibited between the following:

1. Between kinship in the direct line, between siblings, between uncle, aunt and their nephews and nieces,

2. Although kinship by marriage is terminated, between one of the spouses and the other one’s ascendants and descendants,

3. Between the adoptive parent and adopted child or between one of them and descendants and spouse of the other.”,

### **7- According to Article 134 of “I. Application authority”,**

“Man and woman to marry each other apply together to marriage registry office in the domicile of one of the parties.

Marriage officer is the mayor when there is municipality or other officer to be assigned with this task, in villages it is the head of the village.”,

### **8- According to Article 142 titled “2. Form of the ceremony”,**

“The marriage officer asks the parties the same question, that is, whether they are willing to marry each other. Upon hearing affirmative answers, the marriage shall be enacted. The officer shall declare the marriage to be enacted as per law with the consent of both parties.”,

### **9- According to Article 145 titled “I. Grounds”,**

“Marriage shall be void with absolute nullity in the following circumstances:



1. One of the spouses is already married at the time of marriage,
2. One of the spouses does not have mental competence due to a persistent reason,
3. One of the spouses has mental illness to the degree that it poses an obstacle to marriage,
4. There is consanguinity between the spouses to the degree that it poses an obstacle to marriage.”,

**10- According to Article 148 titled “1. Temporary deprivation of mental competence”,**

“The spouse temporarily deprived of mental competence at the time of marriage can sue for annulment of marriage.”,

**11- According to Article 149 titled “2. Lapse”,**

“One of the spouses can sue for annulment of marriage in the following circumstances:

1. If the person is mistaken into consenting to the marriage even though they didn’t have an intention to marry at all or didn’t intend to marry with the person in question,
2. If the person married by being mistaken about a certain trait of their spouse, the absence of which can make the life unbearable.”,

**12- According to Article 150 titled “3. Deception”,**

“One of the spouses can sue for annulment of marriage in the following circumstances:

1. If the person consented to marriage by being deceived about their spouse’s honour and dignity by their spouse directly or by someone else within their spouse’s knowledge,
2. If a disease that can pose a severe danger for the plaintiff’s or their descendants’ health was concealed.”,

**13- According to Article 151 titled “4. Intimidation”,**

“The spouse that consented to marriage by being intimidated with an immediate and severe danger to their own life or that of their relatives, their health or honour and dignity can sue for annulment of marriage.”,

**14- According to Article 305 titled “I. General conditions”,**

“Adoption of a minor shall be contingent on the fact that the adopter has taken care of the minor and provided the minor with education for one year.

It is necessary that adoption be in the best interests of the minor in any circumstances and interests of other children of the adopter not be prejudiced in an inequitable manner.”,

**15- According to Article 308 titled “IV. Consent and age of the minor”,**

“It is necessary that the adopted child be at least eighteen years younger than the adopter.

The minor with mental competence shall not be adopted without consent.

The minor under guardianship can be adopted through permission of guardianship authorities regardless of whether the minor has mental competence.”,

**16- According to Article 309 titled “1. Form”,**

“Adoption shall necessitate consent of the mother and father of the minor.

Consent shall be granted verbally or in written and be written down in the minutes in the court where the minor or his/her mother and father has domicile.

The consent granted shall be valid even if adopters or their names have not been determined or their names have not been specified yet.”,

**17- According to Article 310 titled “2. Time”,**

“Consent shall not be given until six weeks have passed as of the birth of the minor.

Consent can be withdrawn within six weeks through the same procedures as of the date when it was written down in minutes.

Consent granted again after withdrawal shall be final.”,

**18- According to Article 311 titled “a. Conditions”,**

“Consent of the mother or father shall not be sought for in the following circumstances:

1. If it is unknown who he/she is or where he/she resides or if he/she permanently lacks mental competence,

2. If he/she does not undertake due diligence for the minor.”,

**19- According to Article 312 titled “b. Decision”,**

“If the minor is placed in an institution to be adopted in the future and consent of the mother or father is lacking, upon request of the adopter or intermediary institution for adoption and before placement of the minor as a rule, the court where the minor resides shall decide whether to seek for the said consent or not.

In other circumstances, decision about this matter shall be made at the time of adoption procedures.

In the case that consent of the mother or father is not sought for as they do not undertake due diligence for the minor, he/she shall be notified of the decision about this issue in written.”,

**20- According Article 313 titled “B. Adoption of persons of age and under legal disability”,**

“Through express assent of descendants of the adopter a person of age or under legal disability can be adopted in the following circumstances.

1. If the person in question is in constant need of help due to a physical or mental disability and has been cared for by the adopter for at least five years,

2. If the person in question was cared for as a minor for at least five years and provided with education by the adopter,

3. If there are other valid grounds and the person to be adopted has lived for at least five years together with the adopter as a family.

A married person can only be adopted with the consent of his/her spouse.

Other provisions regarding adoption of minors shall apply mutatis mutandis.”,

**21- According to Article 316 titled “II. Inquiry”,**

“The decision regarding adoption shall be made only after a thorough inquiry is made about all kinds of conditions and circumstances of essence, and the adopted child and the adopter are heard and experts’ opinions are received when necessary.

The inquiry should especially focus on clarifying personalities of the adopted child and adopter, their mutual relationship, the ability of the adopter to educate, reasons for adoption and developments as for family relations and care relations.

If the adopter has descendants, their opinions and stance on adoption shall also be appraised.”,

**III- Within the scope of the Regulation on Marriage Procedures, which is published in the Official Gazette numbered 18921 and dated 7/11/1985;**

### **1- According to Article 14 titled “Capacity and Conditions of Marriage”,**

“Men and women who have reached the age of eighteen and are not put under guardianship by the court marry without the consent or permission of another. In addition:

a) Men and women who have reached the age of seventeen can marry with parental consent, or if there is a guardian, with the consent of the guardian or the guardianship in case of the absence of a parent,

b) Men and women who have reached the age of sixteen can marry with the approval of a judge.

However, those who lack mental competence and minors who have reached the age of fifteen cannot get married, even if they are considered as adolescents by the court.

The judge may, after hearing the legal representative who refuses to approve of the marriage without any valid ground, authorise the marriage of the minor or restricted person who applies for it.”,

### **2- According to Article 15 titled “Impediments to Marriage”,**

“Impediments to marriage are indicated below:

a) Kinship;

1- Marriage between kinship in the direct line, between siblings, between uncle, aunt and their nephews and nieces,

2- Although kinship by marriage is terminated, marriage between one of the spouses and the other one’s ascendants and descendants,

3- Marriage between the adoptive parent and adopted child or between one of them and descendants and spouse of the other is prohibited.”,

b) Being married;

A person who appears married according to the civil registry cannot remarry. If, at the time of application, the previous marriage has been terminated by death, divorce or a court judgement for any reason, the marriage barrier is removed. However, despite this, remarriage cannot be performed unless this situation is registered in the family registry.

c) In the case that legal waiting period for women is not completed;

A woman who has been divorced, whose marriage has been annulled or whose husband has died may not remarry until three hundred days have passed from the date of divorce or annulment of marriage or the date of death of her husband. However, if the woman gives birth before the expiry of the period of three hundred days or if the court decides to shorten or abolish this period, the waiting period shall be cancelled for the woman.

d) Disappearance;

e) Lack of medical report/official medical board report;

The spouse of the person whose absence has been decided cannot remarry unless the court decides on the annulment of the marriage.

In case a health report is not obtained in accordance with rules and procedures stipulated in the Regulation on Marriage Examination, which was put into force by the Decree of the Council of Ministers dated 17/08/1931 and numbered 11682 on the basis of the General Hygiene Law dated 24/04/1930 and numbered 1593, marriage cannot be performed.

People with mental illness shall not get married unless it is clear that there is no medical prejudice to their marriage as approved by an official medical board report.”,

### **3- According to Article 27 titled “Publicity, Procedure and Form of Marriage”,**

“The absence of guests does not mean that the marriage is not public.

Marriage cannot be performed by proxy.

The marriage officer shall ask each man and woman separately whether they wish to marry each other in the presence of parties and witnesses at the predetermined place and time. Upon the affirmative answer of each of them and the verification that these answers have been heard by two witnesses, the officer declares loudly that the marriage has been performed in accordance with the law, the register of marriage is signed by the parties and the witnesses, and lastly the officer signs the marriage register by putting the date and time.

The deaf and mute individuals may answer through sign language. If the marriage officer deems necessary, he/she may request the mediation of a person who understands the sign language in advance. In this case, the parties are obliged to have an intermediary. If the deaf and mute persons can read and write, their declarations shall be accepted in writing.

If foreigners do not speak Turkish, the marriage officer may use an interpreter who speaks this language, provided that it is the first official language of the states recognised by the Turkish state. This interpreter shall be provided by the parties in advance at the venue of the ceremony.”,

### **4- According to Article 28 titled “Conditions for Witnesses”,**

“In order to be a witness, it is necessary to be of full age and competent and to recognise the person to whom the witness testifies.

Those who appear to be incompetent in terms of their appearance and who do not recognise the party to be married cannot act as witnesses.

The witness testifies that the declaration of the will to marry has been freely made, that the identity of the person he/she witnesses is true and that the marriage has taken place.”,

### **5- According to Article 29 titled “The Marriage Officer’s abstaining from Performing Marriage Ceremony”,**

“If it is clearly understood from the behaviours of one of the parties that he/she is in a state of mind that prevents the free expression of his/her will at the time of the marriage, the marriage officer may postpone the marriage by notifying the parties of this situation.”,

### **6- According to Article 34 titled “Marriage Procedures for Foreigners”,**

“Foreign men and women who marry before the competent Turkish authorities shall be issued a family certificate and, upon their request, a multilingual marriage certificate.

If these foreigners are nationals of a state which is a member of the International Commission on Personal Status, this marriage shall be registered in accordance with Convention No. 3 on the International Exchange of Information signed in Istanbul in 1958 and the necessary card shall be filled in and sent to the civil registry office of the birthplace of the foreigner.

If one of the parties to the marriage is a foreigner, the above paragraph shall also apply.”,

## **IV- Within the scope of the Turkish Penal Code No. 5237;**

### **1- According to Article 80 with the title line “Trafficking in Human Beings”,**

“(1) Any person who procures, kidnaps, harbours or transports a person from one place to another or brings a person into the country or take a person out of the country, by the use of threat, pressure, force or violence, employing deceit, abusing his influence or obtaining a consent by exploiting control over another or the desperation of such other, for the purpose of forcing them into prostitution or to work, provide a service, harvest their organs or to subject them to slavery or any

similar practice shall be sentenced to a penalty of imprisonment for a term of eight to twelve years and a judicial fine up to ten thousand days.

(2) Consent of the victim is invalid if acts forming the crime are committed for the purposes set out in the first paragraph.

(3) In cases where those who have not attained the age of eighteen are recruited, abducted, taken or transferred from one place to another or accommodated for the purposes specified in the first paragraph, the perpetrator shall be sentenced to the penalties specified in the first paragraph, even if none of the instrumental acts of the crime have been committed.

(4) Security measures shall also be imposed on legal entities for these offences.”,

## **2- According to Article 103 with the title line “Child molestation”,**

“(1) Any person who abuses a child sexually is sentenced to an imprisonment from eight years to fifteen years. If the said sexual abuse ceases at the level of sexual importunity, the term of imprisonment shall be from three years to eight years. If offender is a child, the penalty to be imposed shall not be less than ten years in case of an abuse, and less than five years in case of importunity. If offender of the offence ceased at the level of importunity is a child, commencement of an investigation and prosecution depends on the complaint of the victim’s parents or guardian. Sexual molestation covers the following acts:

a) All kinds of sexual attempt against children who are under the age of fifteen or against those attained the age of fifteen but lack the ability to understand the legal consequences of such act,

b) Sexual behaviours committed against other children by force, threat, fraud or another reason affecting the willpower.

(2) (Amended on 24 November 2014-by article 13 of the Law No. 6763) In case of performance of sexual abuse by inserting an organ or instrument into a body, the offender is sentenced to a term of imprisonment no less than sixteen years. If the victim is a child, the penalty to be imposed shall not be less than eighteen years.

(3) If the offence is committed;

a) by participation of more than one person in the offence,

b) by using the advantage of the environment where people have to live together collectively,

c) against a person with whom he or she has third degree blood relation or kinship, or by stepfather, stepmother, half-sibling or adopter,

d) by his/her guardian, tutor, instructor, caregiver, custodial parents or by those who provide him/her with healthcare or are under an obligation to protect, look after or supervise him/her,

e) by undue influence based on public office or employment relationship, the punishment to be imposed according to the above subparagraphs is increased by one half.

(4) In cases where the sexual abuse is conducted against the children identified under subparagraph (a) of the first paragraph by use of force or threat, or against the children identified under subparagraph (b) therein by use of arms, the punishment to be imposed according to the above paragraphs is increased by one half.

(5) In case of use of force and violence during sexual assault in such a way to result in serious consequences of intentional injury, the offender is additionally punished for intentional injury.

(6) In case of vegetative state or death of a person as a result of the offence, the offender is sentenced to aggravated life imprisonment.”,

As known, the Turkish Civil Code regulates provisions on adoption and marriage. In this context, in case of a forced marriage, it will be possible to apply for the annulment of the marriage within the scope of the law. On the other hand, the issue of forced marriage may cause the offence in Article 103 of the Turkish Penal Code No. 5237 with the title line "Child molestation" and the provisions of participation may come to the fore for the perpetrators (the parents of the child and the person to whom the child is married).

On the other hand, Article 80 of the Turkish Criminal Code with the title line "Trafficking in human beings" states that Any person who procures, kidnaps, harbours or transports a person from one place to another or brings a person into the country or take a person out of the country, by the use of threat, pressure, force or violence, employing deceit, abusing his influence or obtaining a consent by exploiting control over another or the desperation of such other, for the purpose of forcing them into prostitution or to work, provide a service, harvest their organs or to subject them to slavery or any similar practice shall be sentenced to a penalty of imprisonment for a term of eight to twelve years and a judicial fine up to ten thousand days. Again, in the preamble of Article 80, it is stated that the material elements stipulated by the article are the procurement, abduction, transport or transfer from one place to another or harbouring of women, children or other persons. However, it is indicated that these acts shall be carried out with the purpose of forcing persons to perform forced labour, compelling them to perform certain services, subjecting them to slavery or similar practices, or consenting to the giving of some of their bodily organs.

Forcing a child to cohabit or have sexual intercourse under the name of marriage may be an act of enslavement depending on the circumstances of the concrete case. A similar situation also applies to illegal adoption. Therefore, although it is considered that the perpetrators who brings a person into the country or take a person out of the country, who procures, kidnaps, harbours or transports a person from one place to another must be held responsible for the offence of trafficking in human beings, it is thought that it would be more appropriate to obtain the opinions of implementing units since the issue is practical.

In the event that a child is given to a person for the purpose of satisfying sexual desires, before reaching the age of marriage as stipulated in the Turkish Civil Code No. 4721, either through religious marriage or by the decision of his/her parents without his/her consent, ostensibly under the name of official marriage or without any ceremony, this action can be considered as "subjection to slavery, forced labour, sale of children" within the scope of international conventions, since it results in the transfer of the child to a person with or without consideration under the decision and acts of others. In this respect, persons who have influence over the child who engage in such behaviour are responsible as joint perpetrators for both trafficking in human beings and sexual exploitation offences committed by transferring and transporting the child to satisfy the sexual desires of a third party. Forcing a child to live together or have sexual intercourse under the name of marriage is an act of enslavement. However, it may be appropriate to add a provision to Article 80 in order to end the hesitations in this regard and to protect our children effectively.

If there is a deficiency or hesitation in the protection of children against this ill conduct of their relatives in particular, making legal arrangements is not only a requirement of the international conventions to which Türkiye is a party, but also an obligation to put an end to the sexual abuse of our children under the name of "marriage".

The Court of Cassation has ruled that the parent who authorises the illegal marriage of the minor should be held responsible as an assistant to sexual abuse. Again, for example, according to the decision of the 14th Criminal Chamber of the Court of Cassation dated 09.03.2017 and numbered 7401/1238, in the case where the defendant agreed to give his daughter, who was under the age of fifteen at the time of the offence, to the other defendant for the purpose of marriage, he even took his daughter to meet with the other defendant, and then they went to the bank together to get money

from the other defendant, but the other defendant took the victim without his knowledge and committed sexual abuse first in Gaziantep and then in Izmir for about 3 months, as it is understood that the defendant participated in the offence with the reference to subparagraph (c) of the second paragraph of Article 39 of the Law No. 5237 by facilitating the execution of the offence before the commission of the offence, it was ruled that the decision of acquittal was reversed due to the decision of acquittal on written grounds that did not comply with the occurrence, instead of being punished in accordance with the second and sixth paragraphs of Article 103 and the first paragraph of Article 43 of the Law No. 5237.

In the decision of the 14th Criminal Chamber of the Court of Cassation dated 23.01.2014 and numbered 9515/803, it was required to reverse local court's acquittal decision, which rules acquittal of defendants in writing instead of their convictions, regarding the case where the defendant made an agreement with the other defendant Gülbay, the mother of Hüseyin, in return for bride price, and the victim, who was registered on 04.04.1995, was unofficially married to the defendant Hüseyin without her consent on 06.05.2006, and the defendant Hüseyin committed qualified sexual abuse to more than one victim during this period of cohabitation.

In such cases, since it is not possible to obtain the child without the criminal contribution of parents, and as they transfer their children to be subject to slavery, and transport them from one place to another and deliver them, it is considered that they should be held responsible for both trafficking in human beings and sexual abuse offences within the scope of joint perpetrators.

Although "illegal adoption" is not regulated as an optional act in Article 80 of the Law No. 5237, this act is sanctioned with the offence of "altering the lineage of a child" under Article 231 of the Law No. 5237. According to the practice of the Court of Cassation, the lineage is the foundation of the family and the family is the foundation of the society. In the correct determination of the lineage, there is both individual benefit for the persons concerned and general benefit for the society. The perpetrator of the offence in the deliberate alteration of the child's lineage may be anyone, including the child's real mother and father. Decisions of the Court of Cassation regarding this type of offence are presented below.

## **Precedents**

According to the provision in the first paragraph of Article 231 of the Law No. 5237, "Any person who alters or conceals the lineage of a child shall be sentenced to a penalty of imprisonment for a term of one to three years," since the offence will occur by altering or concealing the lineage, the acts of the defendant, who works as a midwife in Nazilli State Hospital Maternity Clinic . . . and the defendant ..., who retired from the same hospital, were involved in the offence of taking the live male child of .... who is out of the case and gave birth in the hospital on 15/06/2010 with the consent of .... and giving him to persons whose clear identity and address information cannot be determined are resulted in concealing the lineage of the child, the witness statements were established by the national criminal bureau forensic video expert report and the scope of the whole file, and it was decided to acquit the defendants without paying regard to the fact that conviction of the defendants for the imputed offence must be ruled... (1st Criminal Chamber of the Court of Cassation - Decision: 2018/373).

As explained in the verdict of the Criminal General Assembly of the Court of Cassation with the decision number 2015/286 and file number 2015/412 of 29.09.2015, the decision regarding the defendant's act consisting of issuing a birth notification form on 28.07.2011 as if his child ..., born from his wife to whom he was not legally married, was born from his legally married wife .... by registering the child to the civil registry at the same time and issuing a birth certificate as well as the

defendant's act of directly applying to the civil registry and making a false statement and registering the child based solely on this statement (no other forged documents were used during the registration) was reversed since it does not pay regard to the fact that the defendant's act is universally within the scope of the offence of altering the lineage set forth in Article 231 of the Turkish Penal Code Law No. 5237, and in addition, the defendant's act also constitutes the offence of forgery of official documents (21st Criminal Chamber of the Court of Cassation – Decision: 2017/1154).

**16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?**

**I- According to Article 41 titled "Protection of the Family, and Children's Rights" of the Law No. 2709, the Constitution of the Republic of Türkiye:**

"The family is the foundation of Turkish society and based on the equality between the spouses.

The State shall take the necessary measures and establish the necessary organisation to protect peace and welfare of the family, especially mother and children, and to ensure the instruction of family planning and its practice.

Every child has the right to protection and care and the right to have and maintain a personal and direct relation with his/her mother and father unless it is contrary to his/her high interests.

The State shall take measures for the protection of the children against all kinds of abuse and violence."

**II- Within the scope of Turkish Civil Code No. 4721 of 22/11/2001;**

**1-According to Article 335 titled "I. Conditions",**

"The child who is not of age is under custody of mother and father. Custody shall not be relieved of mother and father without a legal ground.

If the judge does not deem appointment of a guardian necessary, children of age who are under legal disability shall also remain under custody of mother and father."

**2- According to Article 348 titled "1. In general terms",**

"If other measures taken to protect the child are inconclusive or if it is established beforehand that these measures are inadequate, the judge shall decide on revocation of custody in the following circumstances:

1. Inexperience, illness of mother and father, being somewhere else or a similar reason causing mother and father not to fulfil his/her duties of custody properly.

2. Mother and father not taking care of their child adequately or heavily neglecting their obligations towards him/her.

If both mother and father are relieved of custody, a guardian shall be appointed for the child.

Unless otherwise specified in the decision, revocation of custody shall include all the children present and to be born."

**3- According to Article 403 titled "C. Guardian and curator",**



“The guardian shall be liable to protect all the interests of the minor or person under legal disability under guardianship regarding their personality and asset and to represent them in legal transactions.

Curator shall be appointed to undertake certain work or to manage the assets.

Provisions of this law regarding guardian shall also apply to curator unless otherwise specified.”,

**4- According to Article 404 titled “A. Being a minor”,**

“Each minor not under custody shall be taken under guardianship.

Registrars, administrative authorities, notaries and courts who become aware of such a circumstance necessitating guardianship shall be obliged to notify the guardianship board of this situation.”,

**5- According to Article 426 titled “I. Representation”,**

“The guardianship board shall appoint a representative curator ex officio or upon request of the concerned in the following circumstances or other circumstances specified by law:

1. If a person of age is unable to do his/her own urgent work or appoint a representative due to a disease, being somewhere else or a similar reason,
2. If interests of the legal representative and those of the minor or person under legal disability are conflicting,
3. If there is an obstacle in the way of the legal representative fulfilling his/her duties.”,
- 4- According to Article 445 titled “a. In general terms”,

“If the person under guardianship is a minor, the guardian shall be obliged to take the necessary measures to ensure care and education of the minor.

Without prejudice to provisions of power of guardianship authorities, the guardian shall have parental authority to that end.”,

**III- Within the scope of the Turkish Penal Code No. 5237;**

**1- According to Article 80 with the title line “Trafficking in Human Beings”,**

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

(2) Consent of the victim is invalid if acts forming the crime are committed for the purposes set out in the first paragraph.

(3) In cases where those who have not attained the age of eighteen are recruited, abducted, taken or transferred from one place to another or accommodated for the purposes specified in the first paragraph, the perpetrator shall be sentenced to the penalties specified in the first paragraph, even if none of the instrumental acts of the crime have been committed.

(4) Security measures shall also be imposed on legal entities for these offences.”,

**2-According to Article 229 with the title line “Begging”,**

“(1) Any person who uses a child or person with physical or mental impairments as a means for begging shall be sentenced to a penalty of imprisonment for a term of one to three years.

(2) The penalty to be imposed shall be increased by one half, where the offence is committed by blood relatives or in-laws including third degree or a spouse.

(3) The penalty to be imposed shall be increased by one fold where the offence is committed within the framework of the activities of a criminal organisation.”,

In the verdict of the 8th Criminal Chamber of the Court of Cassation with the file number 2008/4555 and decision number 2008/7998, it was ruled that since the defendant took 8 victims, aged between 10 and 14, from Ömerli district of Mardin and brought them to Istanbul about a month before the date of the incident, forced them to work on the streets of various parts of the city in jobs such as selling tissue paper and mussels, weighing, and sheltered all of the children in inhumane conditions in a single room of his house, the defendant's act of taking the victims from their places to Istanbul and bringing them to Istanbul and sheltering them for the purpose of forced labour constitutes the offence of human trafficking regulated in Article 80 of the Turkish Penal Code No. 5237, and the application of the second paragraph in Article 117 of the Turkish Penal Code No. 5237 is irrelevant, since the offence is not within the scope of this provision, due to the fact that the qualification of the crime is mistaken without considering that the consent of the victims or their families will not affect the occurrence of the crime in accordance with paragraphs 2 and 3 of the said article.

The Court of Cassation considers acts such as forced begging or theft of children within the scope of “forced labour” in terms of the offence of trafficking in human beings. The use of children as a means of begging is foreseen as an independent offence in Article 229 of the Turkish Penal Code, and this type of offence regulates a stage after human trafficking. Therefore, procurement, abduction, transfer or harbouring of a child for begging (this situation can be considered within the scope of forced labour, servitude, and enslavement) can be considered within the scope of human trafficking. If a child in this position is forced to beg, it is considered that the perpetrator should be punished separately for both the offence of trafficking in human beings and the offence of begging, depending on the circumstances of the concrete case, but it is considered that it would be more appropriate to obtain the opinion of the implementing units since the issue is practical.

According to Article 80 of the Turkish Penal Code, the provision of trafficking in human beings is stipulated as below: “Any person who procures, kidnaps, harbours or transports a person from one place to another or brings a person into the country or take a person out of the country, by the use of threat, pressure, force or violence, employing deceit, abusing his influence or obtaining a consent by exploiting control over another or the desperation of such other, for the purpose of forcing them into prostitution or to work, provide a service, harvest their organs or to subject them to slavery or any similar practice shall be sentenced to a penalty of imprisonment for a term of eight to twelve years and a judicial fine up to ten thousand days.” However, the offence of forced begging is not clearly included. However, Article 90 of the Constitution of the Republic of Türkiye regulates that the ratification of treaties concluded with foreign states and international organisations on behalf of the Republic of Türkiye shall be subject to adoption by the Grand National Assembly of Türkiye by a law approving the ratification. It is also regulated that in the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail. The Council of Europe Action Convention was incorporated into our domestic law by the Grand National Assembly of Türkiye on 20 January 2016 with the Law No. 6667 on Ratification. Accordingly, the provisions of the Convention are also taken into consideration by PDMM when defining victims of human trafficking.

In 2020, nearly 70 children, who were assessed as possible victims as a result of law enforcement operations, were interviewed as victims of human trafficking. As a result of the interviews, it was understood that children were illegally brought to Türkiye from Syria with family members such as brothers and uncles by smugglers, children did not attend school, most of them stayed in the same

house under inappropriate conditions and children were employed, and consequently, all of the children were defined as victims of human trafficking.

**17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.**

It is sufficient that the offence of human trafficking is committed for the purposes specified in Article 80 of the Turkish Penal Code. These purposes do not have to be achieved for the offence to be completed. Such purposes of the perpetrator constitute the essence that distinguishes human trafficking from other offences. In the first paragraph of the article, it is emphasised that the perpetrator must act with the purpose of forced labour, service, prostitution or captivity, or to ensure the harvesting of body organs. In other words, the offence is a crime that can be committed with special intent. It is sufficient for the perpetrator to act with this purpose, and if the purpose is realised, other offences may also occur according to the circumstances of the concrete event. Although the text of the article does not include a purpose such as "for the purpose of causing a crime to be committed", when the decisions of the Court of Cassation are examined, it is seen that these acts are evaluated within the scope of forced labour and forced labour. Nevertheless, it is considered that it would be more appropriate to obtain the opinion of the implementing units since the issue is practical.

**Prevention of THB (Article 5)**

**18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.**

In 2019, 2 public spots were broadcasted on national channels by PMM for combating trafficking in human beings and a total of 5,883 people were trained between 2019 and 2022. 30,544 printed visual materials were distributed between 2019 and 2022. As a result of the training and awareness-raising activities, it is considered that the increase in the number of referrals of both other public institution personnel and non-governmental organisations to PDMM is reflected in the number of interviews. In 2019 3,738, in 2020 4,919, in 2021 8,077, and in 2022 21,236 possible victims of human trafficking were interviewed.

On 23 February 2023, a programme on "Children Victims of Human Trafficking" was broadcasted on "Gendarmerie Hour" on Police Radio by the staff of the Department of Combating Trafficking in Human Beings under the Directorate of Combating Smuggling of Migrants and Trafficking in Human Beings.

National Report of Türkiye on Combating Trafficking in Human Beings was prepared in order to monitor and evaluate the implementation of anti-trafficking activities of public institutions and organisations, including the implementation of National Action Plan on Combating Trafficking in Human Beings by HREIT, to identify gaps in the relevant legislation and to make an objective assessment of the formulation of comprehensive recommendations. In the report, it was observed that no impact analysis of the activities carried out by relevant authorities in the field of combating trafficking in human beings was conducted.

Representatives of UNHCR and PMM visited 10 provinces to observe provincial practices in combating trafficking in human beings and protecting victims and to raise awareness in the field. Within the scope of these visits, coordination meetings were held with the participation of representatives of relevant public institutions and organisations and civil society organisations.

Within the same scope, contributions were made to the meetings of Provincial Coordination Commission for Combating Human Trafficking in three provinces. These meetings provided the opportunity to discuss the procedures in the provinces for the detection, identification and protection of victims of human trafficking, deficiencies and needs in the field, as well as good practices, and contributed to raising awareness among relevant institutions.

In addition, on 30 July World Day against Trafficking in Human Beings, National Summit on Combating Trafficking in Human Beings was held in cooperation with UNHCR, PMM, and the Human Rights and Equality Institution of Türkiye (HREIT). Providing a platform for sharing different perspectives and experiences gained in Türkiye, the Summit brought together 130 experts from public institutions, judges, prosecutors, academics, practitioners, international organisations, and civil society organisations working in this field to benefit from recommendations for strengthening prevention and prosecution mechanisms, improving the protection of victims' rights and supporting partnerships in the field.

Within the scope of awareness raising activities to prevent trafficking in human beings, "Information Booklet on Combating Trafficking in Human Beings and Protection of Victims" prepared by PMM was updated and 7,500 copies were sent to PDMMs in 81 provinces and PMM.

A "pre-test" and "post-test" were created by our experts to measure the increase in knowledge and awareness before and after the capacity building and awareness raising activities we have been carrying out as the Association for the Promotion of Equal Lives and Sustainable Development (ESDER). We use these two tests to measure the impact of our activities by presenting them to the participants before and after our activities. We measure and evaluate the impact analysis both at individual and collective level. In order to avoid paper waste and to make the test more accessible, the tests are conducted online through different programmes (Google Forms, Survey Monkey, etc.).

In recent years, Care International has started to work in cooperation with all relevant public institutions, civil society organisations and international organisations in the areas of prevention, protection, prosecution and cooperation in combating trafficking in human beings. Within the scope of the prevention programme, trainings are provided to relevant public institution officials in order to raise awareness among law enforcement officers, judges, prosecutors and other relevant authorities. In this context, judges and prosecutors have received training on combating trafficking in human beings within the scope of Action Plan on Human Rights established under the leadership of the Ministry of Justice. The Presidency of Migration Management has carried out activities to raise awareness on the issue both among its own staff and in cooperation with local organisations. Under the protection programme, the Republic of Türkiye takes action through PMM's victim protection and voluntary return programmes. Within the scope of the technical cooperation programme, the Republic of Türkiye uses every means possible for victim identification by carrying out the fight against trafficking in human beings in the field by operating a coordination mechanism between international organisations, public institutions, civil society organisations, and local administrations. In this context, the Republic of Türkiye has taken important steps in the fight against trafficking in human beings with the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings, which are the two most important regulations in the field of combating trafficking in human beings, as well as important national regulations.

According to Care International, it is of vital importance to improve the capacity of public institutions to prevent and detect trafficking in human beings. In this process, the Ministry of Interior and related institutions within the Ministry, the Ministry of Family and Social Services, the Ministry of Justice, bar associations, municipalities, civil society and universities have been actively

involved in the process and have made significant progress in raising awareness on combating trafficking in human beings.

Although a direct monitoring and evaluation report on these activities carried out in this context is not available, Human Rights and Equality Institution of Türkiye (HREIT), together with its duty as the “National Rapporteur on Combating Trafficking in Human Beings”, was designated as National Rapporteur to investigate and report activities carried out in the field of trafficking in human beings, pursuant to the decision no. 2020/1.2 taken at the meeting of the Coordination Commission on Combating Trafficking in Human Beings on 10.12.2020, which was established in accordance with the Council of Europe Convention on Action against Trafficking in Human Beings, which was ratified by Law No. 6667 dated 30/01/2016, and Article 5 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims, which entered into force after being published in the Official Gazette dated 17/03/2016 and numbered 29656.<sup>10</sup>

After the awareness-raising session organised jointly with CARE Türkiye in Gaziantep, participants were asked if the session was beneficial. Following this evaluation, it was decided to organise two sessions for professionals working with vulnerable groups in Gaziantep and Şanlıurfa provinces.

**19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.**

As Counter-Smuggling of Migrants and Border Gates Department of the Turkish National Police, we are financing our investigations on trafficking in human beings, and cash and in-kind assistance is provided to be used in such investigations.

As mentioned in the first question, studies have been initiated for the third national action plan within the scope of trafficking in human beings, and it is expected that the field work activities in some projects that are being carried out or planned to be operational will support the national action plan.

In the “Research on Trafficking in Human Beings Based on Child Trafficking and Labour Exploitation in Türkiye to Support PMM’s Decisions and Evidence-Based Policy Making Process in Türkiye’s Fight against Trafficking in Human Beings” (Research on Anti-Trafficking in Human Beings) Project, which has been implemented in cooperation with PMM and ICMPD, as an additional activity to support Türkiye’s third national action plan preparations, good practice reports on the functioning of National Referral Mechanisms of eight European countries (Netherlands, UK, Italy, France, Germany, Romania, Greece, Sweden) were prepared and submitted to PMM. In addition, within the scope of the same project, a field and desk research titled Research on Child Trafficking and Human Trafficking Based on Labour Exploitation in Türkiye (İstanbul, Hatay, Gaziantep, Şanlıurfa, Kilis, Adana, İzmir, Konya and Bursa) was conducted.

Another research to be benefited from started in April 2021 within the scope of Migrants’ Presence Monitoring Programme (MPM) and in cooperation with PMM and the United Nations Migration Agency (IOM). As of October 2022, the reporting phase of this research was completed. The research in question was prepared to include labour exploitation, sexual exploitation and forced marriage modules specific to the province of Istanbul.

Within the scope of the Project “Strengthening the human rights protection of migrants and victims of human trafficking in Türkiye”, which was carried out in cooperation with PMM and the Council of Europe, desk research on Child Trafficking and Protection of Children, Analysis of Gaps in Investigation and Prosecution of Human Trafficking Cases in Türkiye and Human Trafficking

<sup>10</sup> <https://www.tihk.gov.tr/pages/insan-ticaretiyle-mucadele-ulusal-raportorlugu>

Trends in Türkiye: Analysis and Recommendations for Action were conducted in 2021, and due reports were prepared.

ICMPD, in cooperation with the Department of Protection of Victims of Human Trafficking within the body of PMM, prioritises emerging research areas and conducts its research under projects. The projects are funded by international donor organisations.

In support of the third national action plan, ICMPD completed both field and desk research between 2020 and 2022, as detailed below. These studies were submitted to the relevant department of PMM to contribute to the policy development process. In particular, the findings of the field research were presented on different platforms at the request of the relevant department.

Desk research: In support of Türkiye's third national action plan, the project analysed eight European countries (UK, Netherlands, Germany, France, Romania, Greece, Italy, and Sweden) with a focus on National Referral Mechanisms and prepared reports on good practices.

Field research: Research on trafficking in human beings based on child trafficking and labour exploitation, focusing on both Syrians under Temporary Protection (SuTPs) and Turkish citizens in 9 selected pilot provinces (Istanbul, Hatay, Gaziantep, Şanlıurfa, Kilis, Adana, Izmir, Konya, and Bursa) contributed to the knowledge base for policy formulation and decision-making on Türkiye's fight against trafficking in human beings.

Thematic research analyses risk factors, types of trafficking, profiles of victims as well as profiles of traffickers and their modus operandi in relation to child trafficking and trafficking in human beings for labour exploitation among SuTPs and Turkish nationals and focuses on the agricultural and industrial sectors in the research's pillar of trafficking in human beings for labour exploitation.

In the research phase of the project, 4 field visits were made in 2021 and field visits sustained in the remaining 5 provinces in 2022. Sub-divisions of the field visits are as follows:

- Bursa (8-11 November 2021): 27 key participants from 14 organisations were interviewed. In total, 2 Focus Group Discussions were conducted with 10 Syrian men.
- Konya (22-25 November 2021): 20 key participants from 11 organisations were interviewed. 2 Focus Group Discussions were held with 5 Syrian men and 5 Syrian women.
- Gaziantep (13-16 December 2021): 18 key participants from 11 organisations were interviewed. 2 Focus Group Discussions were held with 6 Syrian men and 7 Syrian women.
- Kilis (20-23 December 2021): 18 key participants from 12 organisations were interviewed. In total, 1 Focus Group interview was conducted with 5 Syrian men and 4 Syrian women.
- İstanbul (17-21 January 2022): 21 key informants from 11 organisations were interviewed. Two Focus Group Discussions were conducted with a total of 11 Syrians (6 men and 5 women).
- Hatay (31 January-3 February 2022): 22 key informants from 11 organisations were interviewed. Three Focus Group Discussions were conducted with Syrian and Turkish citizens, two with Syrians (3 men and 6 women) and one with 6 Turkish citizens (3 men and 3 women),
- Şanlıurfa (8-11 February 2022): 19 key informants from 13 organisations were interviewed. 1 Focus Group Discussion was conducted with a total of 13 Syrians (7 men and 6 women).
- İzmir (20-24 February 2022): 26 key informants from 15 organisations were interviewed. 2 Focus Group Discussions were conducted with Syrian and Turkish citizens, one with 10 Syrians (5 men and 5 women) and one with 8 Turkish citizens (4 men and 4 women).
- Adana (28 February-3 March 2022): 23 key informants from 14 organisations were interviewed. 3 Focus Group Discussions were held with 20 Syrians (10 men and 10 women).

Findings from the field visits were analysed and the final report and recommendations were prepared in English and Turkish and submitted to PMM.

In 2022, UNHCR and PMM started to work on the development of a Standard Operating Procedures document in order to uniformise the work and procedures carried out for the identification and protection of victims of human trafficking across the country and to provide guidance to migration experts carrying out these procedures. In this context, the draft text, which includes procedures and principles on preliminary determination, interview, assessment, identification, notification and objection procedures, residence rules, referral to support services, case management and coordination for victims of human trafficking, was discussed in meetings held with the participation of relevant personnel from PDMMs and efforts to improve the text with opinions and suggestions provided by expert staff continued throughout the year.

There are projects and activities funded by the allocated share in the budgets of public institutions and the projects implemented in cooperation with international donors, CSOs and UN agencies. For example, in 2022, in 9 provinces (Istanbul, Hatay, Gaziantep, Şanlıurfa, Kilis, Adana, Bursa, Konya, and Izmir) identified for fieldwork by ICMPD and PMM, project researchers Dr. Nihal Eminoğlu and Mr. Mehmet Yeğin conducted interviews with national and international civil society organisations and many sectors were included in the research. In addition, awareness-raising activities were also carried out through social media.

Within the framework of the UN Joint Programme on Prevention of Child, Early and Forced Marriage in Türkiye, a thematic paper on child, early and forced marriage and its links to trafficking in human beings was prepared in 2020. The paper included descriptions and analyses of international and national legislation, as well as analyses of existing data sources on CEFM among migrant and refugee populations in Türkiye and other countries to assess prevalence, risk factors and links to other vulnerabilities, including trafficking in human beings.

Under the same project, IOM developed training materials for ITM practitioners and conducted trainings, including CSO members and public officials, to increase their capacity to identify and guide potential victims of human trafficking and CEFM. Under the same project, IOM appointed mobile teams to make migrant communities sensitive on prevention and mitigation of CEFM risks. Social cohesion and awareness raising activities were also organised for children and juveniles.

As the International Migration Association (UGDER), we can work in close communication with the Department of Protection of Victims of Human Trafficking within the body of PMM, within the scope of our awareness-raising activities in the fight against trafficking in human beings. In this context, we are in close cooperation with PMM in our awareness-raising activities on the offence of human trafficking and combating this crime, which we carry out especially for university students.

Our association organises trainings with the participation of local and migrant students studying in Ankara, and students have the opportunity to receive awareness-raising trainings at the centre of our association and we also organise online seminars with broad participation.

Since the beginning of 2023, our trainings and seminars, which we have been organising at regular intervals at the centre of our association or online, have been attended by various groups, especially university students, youth workers who are active in the field of migrants, and academics.

While organising such educational activities within our association, PMM provides expert support and shares experiences with us in the field of Combating Human Trafficking. In the curriculum preparations of these trainings and programmes, a human rights-based ground is prepared in which core (absolute) rights are highlighted, and in this direction, contribution to the process of raising awareness in the fight against human trafficking is made.

As UGDER, we also share the outputs of our awareness-raising activities that we have been implementing in cooperation with university students with PMM, which is the leading institution responsible for developing policies in this field.

In addition, Ankara Social Sciences University, Harran University, Kastamonu University, Ankara Yıldırım Beyazıt University and other universities in various regions of Türkiye were interviewed and a consensus was reached in principle to cooperate in our awareness raising trainings in the process of combating human trafficking. However, due to the earthquake on 6 February 2023, the disaster of the century, these trainings have not yet been implemented since university education in Türkiye has been suspended.

**20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?**

In the first paragraph of Article 7 of Law No. 6458 on Foreigners and International Protection, it is regulated that “*The following foreigners are considered inadmissible travellers and shall be refused to enter into Türkiye.*”

*a) Those who do not hold a passport, a travel document, a visa or, a residence or a work permit or, such documents or permits have been obtained deceptively or, such documents or permits are false;*

*b) Those whose passport or travel document expires sixty days prior to the expiry date of the visa, visa exemption or the residence permit.*

Thus, it is intended to prevent such persons to become irregular migrants.

With the humanitarian residence permit, refugee, conditional refugee and subsidiary protection statuses regulated in Articles 46, 61, 62, 63 of the same law, the stay of persons who will be subject to persecution, torture, inhuman treatment or death penalty if they are returned to their country of origin is legitimatised in line with the sensitivities of such persons, and their access to various rights in line with their status is ensured and supported.

With respect to persons who are defined as victims of human trafficking among foreigners coming to Türkiye within the scope of visa exemption, a preliminary permission condition is imposed by entering data about these persons when they depart from Türkiye for their countries or a safe third country by benefitting from the voluntary and safe return programme. With this practice, such persons' entry into the country is subject to preliminary evaluation and it is intended to prevent them from entering the country by contacting their traffickers again or from being victimised again in the country by creating any suspicious situation.

**21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:**

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;**

As the Counter-Smuggling of Migrants and Border Gates Department of the Turkish National Police, we evaluate that thanks to the widespread use of the internet with the development of technology and therefore the integration of the social media into our lives, criminal organisations use these channels effectively and seek to procure victims from these channels. As a result of internet and social media analyses, it is seen that there are many advertisements and publications related to human trafficking and trading of organs and tissues. Relevant department identifies persons who place these advertisements, seeks to reach their connections, investigates their criminal background, analyses all the information obtained, sends it to relevant provincial unit, and initiates necessary judicial proceedings. In addition, information transmitted by foreign liaison officers within the scope of cooperation or tips sent directly to our department, as well as the information obtained by the department together with detailed examination and research carried out by the



department from open and closed sources are also shared with foreign liaison officers, and consequently a report is submitted to relevant provincial unit for investigation and prosecution and the matter is followed up.

As the Ministry of Health, works and procedures are carried out in accordance with the provisions of the Law No. 2238 on Organ and Tissue Procurement, Storage, Vaccination and Transplantation and the Regulation on Organ Transplantation Services of 09/12/2022.

- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;**

General Directorate of Health Services within the body of the Ministry of Health is in charge.

- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.**

Security measures are taken by the Ministry of Interior. The Ministry of Health General Directorate of Health Services carries out training activities for health professionals and the public in accordance with the provisions of the Regulation on Organ Transplantation Services dated 09/12/2022.

The Ministry of Justice Department of Forensic Support and Victim Services has prepared a Guide on Approach to Victims in order to be used as a guide and to raise awareness among practitioners, especially law enforcement, health and judicial staff, who provide services to victims of crime. This guide aims to collect the basic approach standards and principles for victims of crime in a single document, to guide service providers who are in contact with victims of crime in their practices, and to support them to demonstrate a respectful and sensitive approach to the rights of victims.

Within the scope of the offence of trafficking in human beings defined in Article 80 of the Turkish Penal Code, the expression “harvesting body organs” is included, and definitions of victims are made in this regard. In the content of the trainings on human trafficking, the provision of organs and tissues is brought to the attention of people among the forms of such crime. Regarding this form of exploitation, which is more difficult to identify than other forms of exploitation, 1 victim was identified in 2020 and 2 victims were identified in 2022.

### **Measures to discourage the demand (Article 6)**

**22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:**

- a. educational programmes;**
- b. information campaigns and involvement of the media;**
- c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);**
- d. involvement of the private sector.**

In 2022 and 2023, in order to raise awareness of the staff within the scope of combating different forms of exploitation of human trafficking by the Gendarmerie General Command, “Meeting on Interinstitutional Coordination and Consultation on Investigation and Prosecution of the Offence of

Human Trafficking” was held at Palan Hotel in Erzurum between 23 and 25 February 2022. The Ministry of Justice, Supreme Court of Appeals Prosecutor's Office, Erzurum Chief Public Prosecutor's Office and Judges, Representatives of the Council of Europe (Project Coordinators), Erzurum Provincial Directorate of Security, Turkish National Police, 15 staff members from Erzurum Provincial Directorate of Migration Management, and 2 staff members from the Directorate of Combating Smuggling of Migrants and Trafficking in Human Beings as representatives of the Gendarmerie General Command, and a total of 61 Gendarmerie staff members attended this meeting.

Within the scope of the “Project on strengthening the human rights protection of migrants and victims of human trafficking in Türkiye”, which was implemented in cooperation with the Council of Europe, a total of 85 Gendarmerie staff participated “Training to Identify, Protect and Effectively Assist Victims of Human Trafficking” in İzmir, İstanbul, Gaziantep and Bursa in 2022.

Between 21 and 25 March 2022, a total of (100) Gendarmerie staff, including (43) officers and (57) sergeants, received training on “Increasing the Effectiveness of Combating Human Trafficking” via Gendarmerie Distance Education Gateway (JUZEK) within the scope of distance education.

On 15 April 2022, a total of 847 Gendarmerie staff, including military staff from the Departments/Units/Divisions against Domestic Violence and Children under the Provincial Gendarmerie Command and Command Team for Public Order, received training on “Increasing Awareness in Combating Human Trafficking” via VKS at Beştepe-Atalay meeting hall.

Within the scope of the “Project on Strengthening the Institutional Capacity of Gendarmerie General Command in the Field of International Protection and Mixed Migration”, which was implemented in cooperation with UNHCR, during “Basic Training on International Protection and Migration Management”, which was held between 23 and 25 May 2022 in Side district of Antalya, training on combating trafficking in human beings was provided to a total of 32 Gendarmerie staff.

On 23 September 2022, “Training on Raising Awareness in the Fight against the Offence of Trafficking in Human Beings” was provided online to a total of 601 Gendarmerie staff [(41) officers, (425) sergeants, (94) gendarmerie experts, (40) gendarmerie experts and (1) public officer)], including staff from the Departments/Units/Divisions against Domestic Violence and Children under the Provincial Gendarmerie Command and Command Team for Public Order and Crime Investigation Teams.

Within the scope of the “Project on Strengthening the Institutional Capacity of Gendarmerie General Command in the Field of International Protection and Mixed Migration”, which was implemented in cooperation with UNHCR, during “Basic Training on International Protection and Migration Management”, which was held online on 4 October 2022, “training on methods used by traffickers and investigation rules and procedures for the offence of trafficking in human beings, and law enforcement procedures” was provided to a total of 80 Gendarmerie staff.

With the aim of informing and raising awareness among staff within the scope of the fight against trafficking in human beings:

- Guide on Interviews with Victims of Human Trafficking,
- Indicators of Trafficking in Human Beings and Methods of Approach to Victims,
- Migrant Smuggling and Human Trafficking Visual Communication Brochure, and
- Brochure on Rights of Foreigners and Procedures (in Arabic, Farsi, Russian, Ukrainian, English, French, Chinese and Turkish languages) were prepared and a total of 51,000 copies were sent to Provincial Gendarmerie Commands in 81 provinces.

In addition, in order to visually explain the offence of human trafficking and forms of exploitation in trainings, (3) animated films on forced labour/service and forced prostitution have been prepared

and are displayed to the staff during trainings. These films are also published digitally on the corporate platform.

“Brochure on Migrant Smuggling and Human Trafficking Methods” was prepared to address the stories of irregular migrants and victims of human trafficking and the methods used, and was sent to the Directorate of Training and Education and published in the electronic library of the Gendarmerie General Command.

On 14 September 2022, (39) Gendarmerie staff received training on “Combating Migrant Smuggling and Trafficking in Human Beings, Works and Procedures Regarding Foreigners” during the “Gendarmerie Station Command Course” held at the Presidency of Gendarmerie and Coast Guard Academy.

On 28 September 2022, (29) Gendarmerie staff received training on “Combating Migrant Smuggling and Trafficking in Human Beings, Works and Procedures Regarding Foreigners” during the course of the District Gendarmerie Command held at the Presidency of the Gendarmerie and Coast Guard Academy.

Training is provided to unit staff on combating migrant smuggling and trafficking in human beings, and on work and procedures regarding foreigners by the Directorate of Combating Smuggling of Migrants and Trafficking in Human Beings and provincial units. In this context, a total of (16,589) staff received in-house training.

On 23 February 2023, a programme on “Children Victims of Human Trafficking” was broadcast on “Gendarmerie Hour” on Police Radio by the staff of the Department of Combating Trafficking in Human Beings under the Directorate of Combating Smuggling of Migrants and Trafficking in Human Beings.

Within the scope of 2023 Professional Development Plan, Training on “Increasing Effectiveness of Combating Human Trafficking” was provided to a total of (30) staff [(5) officers, (22) sergeants, and (3) expert gendarmerie] assigned in provinces with high probability of encountering human trafficking offences, at Gendarmerie General Command Beştepe Headquarters between 10 and 14 April 2023.

PMM provided training to 269 people in 2019, 1,566 people in 2020, 1,921 people in 2021 and 2,127 people in 2022. PDMM provided training to 7,522 people in 2021.

Department of Legal Support and Victim Services under the Ministry of Justice, in cooperation with UNDP and UNHCR, implemented the “Project for Facilitating Refugees' Access to Justice” between September 2018 and December 2019 in order to strengthen refugees' access to justice and to increase the capacity of justice institutions. Within the scope of this project, 7 pilot regions were identified and a needs assessment report was prepared by conducting study visits to these regions and interviewing the institutions in contact with refugees. Following this needs assessment, training programmes were conducted for other actors in the process, particularly judges and public prosecutors. In these training programmes, special topics such as refugee law and the approach to refugee victims were also included. Within the scope of the project, 210 judges and public prosecutors, 70 lawyers and 165 experts were trained. Approximately 1,200 refugees were informed about the Turkish legal system and victim rights in the judicial process.

***Online HELP Training Courses on “Asylum and the European Convention on Human Rights” and “Combating Trafficking in Human Beings” and “Alternative Measures to Detention”***

HELP training courses on “Asylum and the European Convention on Human Rights”, “Combating Trafficking in Human Beings” and “Alternative Measures to Detention” were held for professional

groups such as Judges and Prosecutors, Lawyers, staff of the Presidency of Migration Management, who are directly or indirectly involved in the field of combating human trafficking and protection of victims.

The table showing professional groups, participant numbers and training subjects is given below.

2017-2022 Data	ASYLUM AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS	COMBATING TRAFFICKING IN HUMAN BEINGS	ALTERNATIVE MEASURES TO DETENTION
Judge-Prosecutor	86	83	58
Lawyer	1420	46	130
Staff of PMM	60	-	54
Staff of Gendarmerie Academy	-	51	-
HREIT staff	-	-	60

In this context, HELP training courses were organised for the aforementioned professional groups and necessary information on the activities carried out within the scope of combating human trafficking was provided through these trainings.

The Department of Guidance and Inspection under the Ministry of Labour and Social Security organises training programmes on forced labour based on labour exploitation in order to deter the demand that encourages forms of exploitation.

Prevention of trafficking in human beings can only be possible by recognising and increasing awareness of this type of crime. As a matter of fact, one of the most important steps of preventive activities is the training of professionals. Although it has certain prevalence, the offence of human trafficking is one of the crimes that is difficult to be visible due to its nature. Trafficking in human beings can occur in a wide range of areas, from health to labour, and can also be disguised as the motive of other crimes. Considering this nature of the offence, it should be essential to carry out intensive educational activities in order to ensure prevention. In our country, intensive trainings are carried out especially within the framework of projects in the fight against trafficking in human beings. Human Rights and Equality Institution of Türkiye also carries out migration trainings in the context of both combating human trafficking and human rights.

In addition, within the scope of awareness-raising measures in the fight against trafficking in human beings, it is important to inform target group at risk of becoming a victim about the fact that trafficking in human beings is a crime by using materials in appropriate languages, to carry out public awareness campaigns, and to conduct information activities on the fact that victims of human trafficking can request protection.

HREIT, which has the mandate and authority of the national rapporteur on combating trafficking in human beings, in cooperation with PMM and UNHCR, organised the “National Summit on Combating Trafficking in Human Beings” on 28 July 2022 in Ankara on the occasion of 30 July World Day against Trafficking in Persons.

The Summit participants included experts and officials from HREIT, PMM, ministries, Gendarmerie General Command, Coast Guard Command, Turkish National Police, Court of Cassation, Union of Turkish Bar Associations and United Nations High Commissioner for Refugees, as well as representatives from international organisations and civil society organisations. The Summit, which brought together experts from public institutions and organisations, judges and prosecutors, academics, practitioners, international organisations and civil society organisations working in this field, discussed proposals for strengthening prevention and prosecution mechanisms in the fight against trafficking in human beings, improving the protection of victims' rights, and supporting partnerships in the field.

Speeches delivered at the National Summit on Combating Trafficking in Human Beings were transcribed by HREIT and collected into a book.

ESDER aims to improve the capacities of institutions from different sectors (public, private, civil society) by signing protocols and especially by providing training programmes on combating human trafficking. By signing protocols with 5 different institutions as of March 2023, it has organised capacity building activities on different forms of exploitation of trafficking in human beings (sexual exploitation, forced labour, forced marriage, etc.) and has contributed to raise awareness of institutions and field workers about this issue and to master the national guidance mechanism. It continues to actively increase the number of institutions and organisations it works with.

ESDER aims to reach as wide an audience as possible by sharing posts on combating human trafficking on its social media accounts (Website, Instagram and LinkedIn) and supporting these posts on a paid basis.

ESDER draws particular attention to the importance of private sector in combating trafficking in human beings. In general, while projects and activities carried out in the field of combating human trafficking aim to strengthen the capacity of public sector, international organisations, civil society and academia, ESDER considers the participation of private sector in this process very important. In particular, ESDER experts are currently preparing a report and training module on the use of standards (voluntary sustainability standards) in the private sector (especially in the textile sector) within the scope of combating trafficking in human beings.

The International Migration Association (UGDER) actively uses social media accounts within the scope of measures to deter demand in human trafficking. On these accounts, informative posts on raising awareness about the offence of human trafficking and combating this crime, the destructive power of this crime on society and victims, human rights violations arising from this crime and social and individual consequences of these violations, which may result in violation of the right to life, as well as traumas of victims exposed to this crime, are shared. In addition, promotional posts on many other activities carried out within the Association are also shared in order to popularise these social media accounts.

In addition, informative handbooks and brochures available at the Association's headquarters are also provided to participants during awareness-raising trainings and other activities carried out by the Association.

Also, the academic development of volunteers within the Association, most of whom are university students, is encouraged in the field of Combating Trafficking in Human Beings, and it is ensured that they use deterrent information and posts in their own social relations.

According to Care International, Türkiye is implementing all of the above-mentioned preventive measures to deter the demand that encourages different forms of exploitation. For example, in the context of combating trafficking in human beings, trainings are organised for public institutions, national and international civil society organisations, businesses operating in organised industrial zones, and informative materials are distributed. In addition, awareness-raising activities are carried

out in various channels through social media. In addition, the penalty for the offence of migrant smuggling was aggravated by an amendment to the penal code. At the same time, in order to prevent forced labour, unregistered employment was struggled, regular inspections were carried out at workplaces, penalties were aggravated for employers employing uninsured workers, and incentives were provided to workplaces employing vulnerable groups.

**23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.**

“National Guiding Principles on Working Life”, which was prepared with the contributions of all relevant stakeholders under the coordination of the Ministry of Labour and Social Security General Directorate of Labour, was published by taking into account the UN “Guiding Principles on Business and Human Rights” document and labour legislation. Consisting of 11 basic principles, the Guiding Principles include basic principles on issues including child labour, forced labour, occupational health and safety and trade union rights.

On the other hand, within the scope of goal 8.7, which is one of the UN Sustainable Development Goals set with the aim of eliminating poverty at the global level, protecting the environment and ensuring that all people live in peace and prosperity, activities to end forced labour, modern slavery, human trafficking and child labour have been carried out, and Türkiye continues to work within the framework of policies and programmes specified in these areas.

In this context, Türkiye has made a declaration of intent to be one of the guiding countries actively involved in the Alliance 8.7, which was established within the scope of UN Sustainable Development Goal 8.7 under the secretariat of the Ministry of Labour and Social Security. As one of the important steps to be taken towards becoming a guiding country, it is planned to organise a national strategic workshop with the participation of all relevant stakeholders working on child labour, modern slavery, forced labour and human trafficking. As a result of this workshop, a national roadmap will be created. In this context, policies and commitments will be included in order to prevent human rights violations in product supply chains.

Pursuant to Law No. 4857, labour inspectors carry out the inspection of the compliance of working life with the legislation. In the event that a situation contrary to the legislation is detected, an administrative fine is requested to be imposed.

In addition, pursuant to Article 15(6) of the Implementing Regulation on the International Labour Force Law No, no work permit applications, including extension applications on behalf of foreigners who work or will work in areas that are or may be subject to human trafficking, shall not be made in Türkiye. Work permit applications on behalf of these foreigners shall be made through the Turkish mission in the country where they are citizens or legally reside. In this context, no applications, including work permit extension applications of foreigners who will work in the entertainment sector, shall made in Türkiye, and these applications must be made to the Turkish consulate in their own country or in the third country where they are legally present.

In all inspections carried out by the Directorate of Guidance and Inspection under the Ministry of Labour and Social Security, labour inspectors examine workplaces for indicators of forced labour. If any situation is detected, labour inspectors notify relevant public prosecutor's offices. Again, in all inspections carried out by the Directorate of Guidance and Inspection, child labour is identified as a priority risk group, and complaints and tips regarding child labour are evaluated and included in the scope of inspection as a priority.

Pursuant to Article 7 of the Labour Law No. 4857, labour inspectors can carry out inspections on temporary employment relationship and job placements made through private employment agencies. In addition, various training activities and meetings were carried out both within the aforementioned Presidency and with national and international institutions and organisations in the previous year for the purposes of labour inspection, supervision of temporary employment agencies, or prevention of forced labour or servitude.

Inspection activities are of great importance in combating unregistered employment. Inspections are divided into two parts as scheduled and unscheduled. Programmed inspections are carried out according to the workplace/sector determined to be risky using the risk analysis method. Apart from these, if citizens who suspect that they are employed without insurance within the scope of tips and complaints without a programme report this situation to the Social Security Institution in any way, the issue is primarily evaluated and necessary investigations are carried out immediately.

For those foreign nationals who are found to be employed without a work permit during any local inspection or record review conducted by Social Security Supervisors, due action shall be taken in accordance with relevant provisions of the International Labour Force Law No. 6735. Provincial Directorates of Labour and Employment Agency shall be informed with a copy of the inspection report (workplace inspection report or record review report).

Provincial Directorates of Labour and Employment Agency are authorised and responsible for issuing permits and licences for intermediary and temporary employment relationship authority of temporary employment agencies (private employment agencies), renewal of permits and authorisations, monitoring, inspection, imposition of administrative fines and cancellation of permits and authorisations.

Examination, supervision and inspection of activities of temporary employment agencies (private employment agencies) as well as their temporary employment relationship are carried out by the labour inspectors of the Ministry, in accordance with the provisions of examination, supervision and inspection in the Law No. 4857. In case a matter requiring administrative action is detected based on the report prepared by the labour inspectors after the inspection, action is taken by the provincial directorates.

Again, those who are not classified as foreigners under temporary protection within the scope of Law No. 6735 and who cannot submit any documents, and those who are found to have entered the country illegally are reported to law enforcement officers during the inspection.

### **Border measures (Article 7)**

**24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:**

- a. identification of possible victims of THB in the context of border control;**
- b. identification of possible perpetrators of THB offences;**
- c. gathering of first-line information from victims and perpetrators;**
- d. identification of vulnerable persons in need of international protection among possible victims of trafficking.**

As the Counter-Smuggling of Migrants and Border Gates Department of the Turkish National Police, our risk analysis units at our border gates are meticulously carrying out examinations on the possibility that people may be victims of human trafficking or linked to other crimes.

Protection of the borders of the Republic of Türkiye is the responsibility of the Land Forces Command (KKK). In case of illegal border crossings and irregular migration movements occurring at our borders, persons apprehended by the units of KKK are handed over to the Gendarmerie units. After being interviewed by the Gendarmerie, apprehensions of irregular migrants are registered by PDMM for international protection procedures.

Priority is given to medical, nutrition and accommodation procedures of women and children in vulnerable and fragile situations, and in cases that may be considered within the scope of human trafficking offence as a result of interviews and examinations, PDMM is contacted and Public Prosecutor is informed to identify possible perpetrators, and action is taken according to the public prosecutor's instructions.

As known, victims of human trafficking are defined by expert staff of PDMMs. In 81 provinces, there are 162 anti-trafficking experts, including at least 1 permanent and 1 substitute expert. They can also work in irregular migration, residence and international protection units. At the same time, anti-trafficking experts or expert staff working in the international protection unit are provided with training on the link between combating trafficking in human beings and international protection, in cooperation with UNHCR. In 2021, 81 expert staff received this training. Therefore, if the person is considered to be in need of international protection in case of identification of a possible victim of human trafficking, or if it is suspected during the international protection application process that the person is a possible victim of human trafficking, such person is referred to the relevant units.

In 2022, UNHCR and the Gendarmerie General Command continued their long-standing cooperation to improve the capacity of gendarmerie staff. In the trainings organised within the scope of this cooperation, the topics of human trafficking and international protection were included, and it was aimed to strengthen the procedures for the identification of victims of human trafficking and international protection needs, as well as referral to the Presidency of Migration Management. In addition, the link between international protection and trafficking in human beings was addressed during trainings of trainers focusing on the identification and protection of victims of human trafficking organised in cooperation with PMM, and also in the Standard Operating Procedures document, the preparation of which started in 2022.

**25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?**

In 2019, 30 drivers and 30 airport ground handling staff were trained on combating human trafficking. On 2 December 2022, trainings for public sector, private sector and civil society employees were planned within the scope of the EU Support in Combating Trafficking in Human Beings in Türkiye Project under IPA II.

**26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.**



As the Counter-Smuggling of Migrants and Border Gates Department of the Turkish National Police, meetings are held with relevant law enforcement units within the scope of preventing the offence of human trafficking, and the information obtained is shared and analysed. Since the offence in question can be committed transnationally and Türkiye is a target country in terms of human trafficking, operational information exchanges and meetings are held with the police liaison officers of the source country authorities in Türkiye, and necessary contacts are also established by our internal affairs consultancies in the relevant countries, when necessary.

Judicial and administrative procedures of persons apprehended by the border units of the Land Forces Command within the scope of illegal border crossing are carried out by the units of the Gendarmerie General Command. In this context, liaison and coordination is established with relevant units of the Land Forces Command and the Turkish National Police.

A joint contact centre has been established in order to strengthen cooperation and improve information exchange between the police and customs units of Türkiye, Bulgaria and Greece in the field of combating irregular migration, drug crimes, organised crime, and other serious crimes. Representatives of the Directorate General of Provincial Administration, Turkish National Police, Gendarmerie General Command and Edirne Governorate take part in the joint contact centre on behalf of our country.

Turkish National Police, Gendarmerie General Command, and Coast Guard Command participate in Coordination Board for Combating Human Trafficking, which convenes annually under the chairmanship of the National Coordinator, and representatives of institutions responsible for border controls such as Provincial Directorate of Security and Provincial Gendarmerie Command participate in Provincial Coordination Commission for Combating Human Trafficking. In addition, apart from Board and Commission meetings, representatives of these institutions are invited to the meetings on human trafficking, which are held locally or at the centre. In 2020, technical meetings were held in Manisa, in 2021 in Şırnak, Siirt, Batman and Istanbul, and in 2022 in Erzurum, Düzce, Bolu, Bingöl and representatives of these institutions were invited.

According to the Decision No. 1 of Coordination Board for Combating Human Trafficking taken at the meeting held on 14.12.2021, it was concluded that *“Board member institutions should designate 1 (one) permanent and 1 (one) substitute anti-trafficking liaison officer in the headquarters and all provinces where they are organised; the name, surname, title and contact information of the designated persons should be notified to the Presidency of Migration Management until the end of 2021”*. In this context, liaison officers have been designated in order for the staff directly in charge both at the central and local levels to communicate.

## **Identification of the victims (Article 10)**

**27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.**

The national referral mechanism, the workflow of which is included in Annex 1, has been actively implemented since the establishment of PMM (in 2014).

Co-operation at national level is ensured through the national referral mechanism. Accordingly, anyone who declares to be a victim or who is aware of the offence of trafficking in human beings can report this situation to YİMER 157 emergency hotline, Chief Public Prosecutor's Office or law enforcement (in writing, verbally or electronically). Tips and complaints submitted to PMM, PDMMs, and emergency hotlines shall be immediately reported to the Chief Public Prosecutor's Office or law enforcement. Tips or complaints submitted to governorates or district governorates

are delivered to relevant Chief Public Prosecutor's Office. Civil society organisations shall notify PDMMs, the Chief Public Prosecutor's Office or the law enforcement agencies about the offence of trafficking in human beings. A report is prepared on verbal complaints and tips, and the report is sent to the Chief Public Prosecutor's Office as quickly as possible. Public institutions and organisations that have a high probability of encountering a victim of human trafficking shall report such person they suspect to be a victim to the emergency hotlines and also to PDMMs, the Chief Public Prosecutor's Office, or the law enforcement agencies immediately.

Potential victims of human trafficking are interviewed by the expert staff working in PDMMs. The process starts with the identification of victims of human trafficking and continues with the victim's acceptance of any of support services including voluntary and safe return or victim support programmes. In this field, according to Articles 23 and 24 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims, Turkish citizen victims and other victims, regardless of nationality, are identified by PDMM. Support services for identified Turkish citizens and children are provided by relevant units of the Ministry of Family and Social Services, while support services for foreign victims of human trafficking and accompanying children, if any, are provided by specialised shelters within the body of PMM.

**28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?**

Anti-trafficking experts in PDMMs are provided with systematically updated trainings on different forms of exploitation. 561 migration experts in 2021 and 445 migration experts in 2022 were trained on integrating anti-trafficking approaches into crisis interventions, the link between trafficking in human beings and international protection, interview techniques in the context of trafficking in human beings, combating trafficking in human beings and residence permits, and improving the identification, referral and protection of victims of trafficking based on labour exploitation in Türkiye.

For example, a boy, who was sold to be used for the BachBazi tradition in Afghanistan, fled as an adult and came to Türkiye. The person in question was identified as a victim of human trafficking, and benefited from the victim support programme.

**29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.**

According to Article 17 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims, identification of victims of human trafficking is carried out by PDMM. Article 18 of the same Regulation stipulates that persons who are or may be the victims of human trafficking, *regardless of whether they are complainants or not, shall be identified as victims through an administrative action without waiting for the outcome of any investigation and prosecution*. In identifying a person as a victim, his/her statements are essential and no documents, records, etc. are requested for proof.

**30. What measures are taken in your country to encourage self-identification of victims of THB?**

In order to raise public awareness, two public service announcements on child and women exploitation were prepared and broadcast on national channels. In addition, in 2020, a video raising awareness on forced marriage and forced begging was published on PMM's YouTube channel.<sup>11</sup>

In addition, especially on 30 July World Day against Trafficking in Persons, PDMM organises awareness raising activities at local level. Awareness activities include hanging posters in city squares, distributing brochures, making news on human trafficking on local channels or local newspapers, as well as organising trainings in cooperation with universities or civil society organisations.

**31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?**

The identification of persons as victims of human trafficking during the examination of asylum applications or during the return of persons whose applications have been rejected has become possible through the training of staff working in this field. In addition, during the assessment of asylum applications, it is taken into account that persons may be victims of human trafficking. All 81 PDMMs have at least 2 ITM specialists (more than 162 in total across Türkiye). These experts coordinate the identification of and support services for potential victims in their own provinces.

In Türkiye, the identification of victims of human trafficking is carried out by PDMM within the body of PMM. In addition, the coordination of the process regarding the provision of victim support services is also provided by PMM and PDMM.

As mentioned in question 24, if during the identification of a potential victim of human trafficking it is considered that the person needs international protection or if there is a suspicion that the person is a potential victim of human trafficking during the international protection application process (during the evaluation process and afterwards), the person is referred to relevant units.

### **Protection of private life (Article 11)**

**32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?**

Article 20 of the Constitution of the Republic of Türkiye regulates the provisions on the privacy of private life. It is stated in the said article that the privacy of private life cannot be touched and it continues *“Everyone has the right to request the protection of his/her personal data. This right includes being informed of, having access to and requesting the correction and deletion of his/her personal data, and to be informed whether these are used in consistency with envisaged objectives. Personal data can be processed only in cases envisaged by law or by the person’s explicit consent. The principles and procedures regarding the protection of personal data shall be laid down in law.”*

<sup>11</sup><https://www.youtube.com/watch?v=cwEc9a0E6L0>  
<https://www.youtube.com/watch?v=7bWodAyu7EK>  
<https://www.youtube.com/watch?v=O-F1sKAbi3U>

Within the scope of Article 5 of the Law No. 6698 on the Protection of Personal Data, which aims to protect the fundamental rights and freedoms of individuals, especially the privacy of private life, and to regulate the obligations of natural and legal persons who process personal data and the procedures and principles to be followed, the conditions for processing personal data are listed. The relevant article of the law stipulates that it is possible to process personal data without seeking the explicit consent of the data subject if it is mandatory for the data controller to fulfil its legal obligation, if data processing is mandatory for the establishment, exercise or protection of a right, and if data processing is mandatory for the legitimate interests of the data controller, provided that it does not harm the fundamental rights and freedoms of the data subject. In addition, in the first paragraph of Article 279 of the Turkish Penal Code No. 5237, it is stipulated that *“Any public officer who fails to report of an offence (which requires a public investigation and prosecution), or delays in reporting such offence, to the relevant authority, after becoming aware of such offence in the course of his duty, shall be sentenced to a penalty of imprisonment for a term of six months to two years.”* In this regard, except for the responsibility arising from the articles of the relevant law, the personal data of victims are not shared with any person and institution in order to protect their personal lives and identities.

Article 14 of the Regulation on Combating Human Trafficking and Protection of Victims regulates the creation of a database, confidentiality and sharing of personal data as follows.

**“ARTICLE 14 – (1)** *The Presidency requests the collected data of victims, traffickers, the process of trafficking in human beings and the actions taken by the judicial authorities from relevant institutions and organisations. Relevant institutions shall immediately transmit the requested data to the Directorate General.*

*(2) The Presidency may request information, documents and statistics from relevant Ministry, public institutions and organisations during the execution of the works and procedures within the scope of this Regulation. These requests shall be fulfilled without delay.*

*(3) Confidentiality is essential for the collected personal data.*

*(4) It is ensured that terms and definitions related to trafficking in human beings and the criteria used to identify trafficked persons at national level are standardised.*

*(5) Authorities and officials working on the process of combating trafficking in human beings and protecting victims may not disclose any confidential information and documents and personal secrets they have obtained to anyone other than the authorities, and may not use them for their own or third parties' benefit.*

*(6) Personal data relating to the identity and security of the victim may not be disclosed to anyone under any circumstances, except for the identification and tracking of family members...”*

In addition, an example of the clarification text shared by PMM with potential victims of human trafficking prior to the interview is presented in Annex 2 to this Report.

### **Assistance to victims (Article 12)**

**33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:**

- a. funding;**
- b. victim's safety and protection;**
- c. standards of assistance and their implementation in practice;**
- d. access to medical treatment, psychological assistance, counselling and information;**
- e. translation and interpretation, where appropriate?**

Within the scope of the Regulation on Combating Trafficking in Human Beings and Protection of Victims, a person identified as a victim of human trafficking is provided with two support services: voluntary and safe return and victim support programme. Such support can be provided from the national budget or in cooperation with international organisations or civil society organisations. Coordination in both support services is provided by PMM, and cooperation is established with governorates for security measures. For example, in order to follow safe exit procedures, staff working within governorates accompany a victim who will make a voluntary and safe return in cooperation with international organisations, until the border gate. According to Article 30 of the relevant Regulation:

*“... (3) At the end of the support programme in shelters, the transfer of victims to airports for their voluntary and safe return to their country of origin is carried out by shelter staff, in other cases by governorate officials or the officials of institutions or organisations with which a protocol has been signed.*

*(4) If there is an imminent danger to the life or bodily integrity of the person, the accompaniment law enforcement may be requested.*

*(5) Transportation and other expenses are covered by the Directorate or relevant institution or organisation according to the provisions of the protocol.*

*(6) Exit and document control procedures of the victims are completed on the basis of the documents, without taking the victims to the passport control point, and such persons are taken directly to the gate of the aircraft or other means of transport...”.*

In the other case where the victim prefers to be included in the scope of the support programme, Article 25 of the Regulation stipulates that if the victim requests to stay in one of the shelters, the referral procedures shall be coordinated by the governorate. In the event that the victim wishes to benefit from the support offered in the victim support programme in free residence without settling in any of the shelters, the tenth paragraph of Article 21 of the Regulation states that “...in case the victim wishes to stay at an address other than a shelter, an investigation is carried out by the law enforcement agency regarding the specified address and the persons residing at that address, if any, and this investigation is concluded within ten days...”, an investigation is carried out in terms of security, and if it is found to be safe, support services are provided at this address by non-state actors or state actors to meet the needs of the victim.

**34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?**

Articles 48 and 49 of the Law No. 6458 on Foreigners and International Protection contain provisions on the residence permit for victims of human trafficking, its extension and cancellation. According to the relevant articles of the law, the residence permit for victims of human trafficking shall be granted to foreigners who are or may be victims of human trafficking, in order to enable them to recover from the effects of their experiences and to decide whether to cooperate with the authorities or not, and may be extended due to the safety, health or special situation of the victim. However, in practice, for every victim who wants to benefit from the victim support programme, if he/she is an irregular migrant, a victim of human trafficking residence permit is issued, and if he/she has any legal right to stay, the rights offered by his/her legal stay or the rights of the victim of human trafficking residence permit, whichever is in favour of the victim, are provided. In addition, the existence of any legal right of stay of the victim does not prevent the issuance of a residence permit for the victim of human trafficking.

In 2017, Judicial Interview Rooms (AGO) were introduced to ensure that the statements and declarations of victims, witnesses, children drawn into crime, victims of sexual offences and domestic violence offences, victims of human trafficking, as well as other victims in vulnerable groups, are received in a private environment in the presence of experts, since it is considered that it would be inconvenient for victims to come face to face with the perpetrator. Currently, 165 forensic interview rooms are operating in 158 courthouses in 81 provinces across the country. It is now possible for victims of human trafficking to be heard by an expert during the investigation and prosecution stages in the judicial interview rooms, which are special environments where people who are anxious due to the offence committed can receive psycho-social support and give their statements and declarations outside the courtroom with the support of an expert without coming face to face with the defendant.

**35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?**

According to Articles 23 and 24 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims, Turkish citizen victims and other victims, regardless of nationality, are identified by PDMM. Support services for identified Turkish citizens and children are provided by relevant units of the Ministry of Family and Social Services, while support services for foreign victims of human trafficking and accompanying children, if any, are provided by specialised shelters within the body of PMM. Currently, 2 shelters (with a total capacity of 42 persons) are active in Ankara and Kırıkkale, providing services to victims of human trafficking and their accompanying persons. In addition to these, 2 more shelters, one in Aydın and one in Kütahya, have been allocated as shelters for victims of human trafficking and are planned to be operational after the completion of renovation and furnishing works.

Child protection services carried out by the Ministry of Family and Social Services are implemented within the scope of the Child Protection Law No. 5395 and the Social Services Law No. 2828, in line with the principle of the best interests of the child in accordance with the United Nations Convention on the Rights of the Child. Necessary legal and administrative measures are taken to protect all rights of the child and all children benefit equally and free of charge from education, health, social assistance and other services regardless of race, language, religion, sect or ethnic difference.

Within the scope of Article 69 of the Presidential Decree No. 1 and the Social Services Law No. 2828, children who cannot be cared for by their families are primarily provided with protection and care services in Children's Homes, which are home-type care institutions.

Child victims of trafficking benefit from protection, care and other services without discrimination within the framework of the relevant legislation.

For a victim, who is a foreign male over the age of 18, victim support programme is offered by PMM. Although a shelter for victims of human trafficking, which has a capacity of 12 people, was opened in Kırıkkale to serve male victims, this shelter currently serves female victims due to the insufficient number of male victims included in the victim support programme<sup>12</sup>. In this context, effective support is provided within the scope of cooperation with civil society organisations and international organisations for the support programme to be offered to adult foreign male victims.

**36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?**

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<sup>12</sup> 12 victims identified in 2019 were adult males and no victim requested to benefit from victim support programme, 3 victims identified in 2020 were adult males and none of them requested to benefit from victim support programme, 30 victims identified in 2021 were adult males and 2 victims requested to benefit from such programme, while 34 of victims identified in 2022 were adult males and 3 victims requested to benefit from this support programme.

Information, referral and psycho-social support services are provided to victims and persons in need of judicial support through offices established within the directorates. Information and Referral Office provides information and referral services, which are among the most important services for victims, in a systematic and effective manner for all victims of crime. Officials working in this office inform victims about the judicial process, their rights and obligations. Victims are also informed about public institutions and non-governmental organisations providing services to them. In addition to this, victims who are affected by the offence they have been subject to, who need support and who are considered to be in need of individual assessment are referred to “Vulnerable Group Support Office” by Information and Referral Office. In information and referral offices, victims of crimes, witnesses and even parties to the case are informed about judicial processes, thus their anxiety levels can be reduced and practices can be performed to increase their confidence in justice, especially for those who come into contact with the judicial process for the first time. In order to strengthen the access of victims to information and to increase their awareness on the application mechanisms, the website [magdurbilgi.adalet.gov.tr](http://magdurbilgi.adalet.gov.tr) was created and made available in three languages. This website provides information on the types of offences frequently encountered by victims of crime and the mechanisms they can apply to. The Department of Legal Support and Victim Services immediately handles the applications of the victims via the e-mail account [magdur@adalet.gov.tr](mailto:magdur@adalet.gov.tr) and directs them to the relevant units for the necessary action to be taken. In addition, within the scope of the activities carried out by the relevant Directorate to inform the victims of crime, a website has been prepared to provide information on the rights of victims and the services provided. Victims can easily learn which rights they have according to the type of victimisation they have experienced, which services they can receive from which institutions and what kind of procedure they need to follow in order to do so when they visit the website, which is designed in an easily accessible, simple and comprehensible manner and is available in Turkish, English and Arabic under the domain name “[magdurbilgi.adalet.gov.tr](http://magdurbilgi.adalet.gov.tr)”. In order to inform victims of crime about the judicial process, brochures containing information on some basic rights and types of offences (what is legal aid, what is participation, who is a victim, what is reconciliation, what is complaint, who is a witness, who is a child victim of crime, what is compensation) and “Guide on Approach to Victims” have been prepared and distributed in courthouses and made available in digital environment.

“*ŞÖNİM Service Standards Guide*” has been prepared at 82 ŞÖNİMs in 81 provinces in order to determine standard practices. The Guide includes physical, managerial and professional standards based on the principles of confidentiality, security and empowerment. In addition, “*ŞÖNİM Self-Assessment Guide*” covering internal and external evaluation in our residential service organisations has been prepared.

Persons identified as victims of human trafficking by PDMM are given a notification form aiming to inform them about the content of victim support services, and the said notification form is included in Annex 3.

**37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?**

Under Turkish domestic law, the investigation and prosecution of criminal offences and the protection of victims of violence under Law No. 6284 are carried out independently of each other. The termination of the criminal proceedings due to the act to which the victim has been subjected does not constitute an obstacle to the issuance of an injunction within the scope of Law No. 6284.

In fact, whether social assistance coordinated by PMM and MoFSS will continue is also considered independent of the criminal proceedings. As a rule, the finalisation of criminal proceedings does not affect social assistance benefited by the victim, and the person continues to receive assistance if he/she meets the necessary conditions.

Staff working in information and referral offices within the body of the Directorates of Legal Support and Victim Services inform victims not only about the judicial process, their rights and obligations, but also about the public institutions and civil society organisations that provide services and from which they can receive assistance. In addition, case management can be applied in order to ensure that the necessary planning, implementation, monitoring and coordination processes are carried out effectively by a single legal support officer to provide services to victims included in the vulnerable group in a systematic and timely manner. During the implementation of case management, the legal support officer is responsible for taking measures that facilitate the victim to express himself/herself comfortably in the legal process, providing psycho-social support, referring the victim to relevant institutions in order to help him/her access the support services that he/she can receive from public institutions and organisations, and following up the outcome.

### **Recovery and reflection period (Article 13)**

**38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.**

### **Residence permit (Article 14)**

**39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.**

**40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?**

**41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?**

*A joint response is given below to questions 38, 39, 40 and 41.*

In Articles 48 and 49 of the Law No. 6458 on Foreigners and International Protection, the provisions regarding the residence permit for victims of human trafficking and the extension and cancellation of the residence permit for victims of human trafficking are regulated as follows.

### ***Residence permits for victims of human trafficking***

**ARTICLE 48 – (1)** *A residence permit valid for thirty days shall be granted, by the governorates, to foreigners who are victims of human trafficking or where there is strong circumstantial evidence that they might be victims with a view to allow them to break from the impact of their [negative] experience and reflect on whether to cooperate with the competent authorities.*



(2) *Conditions attached to other types of residence permits shall not be sought while issuing these residence permits.*

### ***Renewal and cancellation of residence permits for victims of human trafficking***

**ARTICLE 49** – (1) *The residence permit granted to allow for recovery and reflection may be renewed for six months periods for reasons of safety, health or special circumstances of the victim. However, the total duration shall not exceed three years under any circumstances whatsoever.*

(2) *The residence permit shall be cancelled in cases where it is determined that foreigners who are victims of trafficking or might be victims of human trafficking have reconnected with the perpetrators of the crime through their own volition.*

In addition to the provisions of the law, the provision on residence permit regulated in Article 20 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims is as follows.

### ***Residence permit***

**ARTICLE 20** – (1) *A residence permit valid for thirty days shall be granted, by the governorates, to foreigners who are victims of human trafficking or where there is strong circumstantial evidence that they might be victims with a view to allow them to break from the impact of their [negative] experience and reflect on whether to cooperate with the competent authorities.*

(2) *During the thirty-day residence permit period, it is essential that the victim is accommodated in a shelter if he or she wishes to remain in the country, taking into account the safety and special situation of the victim.*

(3) *Conditions attached to other types of residence permits in the relevant law shall not be sought while issuing this residence permit.*

...

(5) *A residence permit shall be issued to the foreign victim and his/her child in accordance with subparagraph (g) of the first paragraph of Article 88 of the Law on Fees dated 2/7/1964 and numbered 492. The fact that the victim has penalties arising from visa and residence period violations in previous periods does not constitute an obstacle to the issuance of a residence permit.*

(6) *Any person who explicitly declares in writing that he/she does not want to benefit from the support programme and will not cooperate with the authorities during or at the end of the reflection period given to persons who are victims or are strongly suspected to be victims shall also be defined as a victim. In this case, the general provisions regarding foreigners shall apply to victims.*

In line with the above-mentioned provisions, the recovery and reflection period is granted to foreigners as it is within the scope of a regulation on residence permit and the person can be accommodated in shelters during this period.

The victim's wish to benefit from the victim support programme is considered sufficient for the issuance of a residence permit for victims of human trafficking. Apart from this, there are no other requirements for a residence permit.

In addition, the legal stay of the foreigner victim in Türkiye, if any, continues, and if the legal stay of the foreigner victim of human trafficking is terminated due to reasons beyond the person's control during the process of becoming a victim of human trafficking, the process is initiated to restore the legal stay of the person within the scope of victim support services. The person's asylum applications, if any, are also taken in this process.

### **Compensation and legal redress (Article 15)**

**42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:**

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;
- b. access to free legal assistance and legal aid during investigations and court proceedings;
- c. compensation from the perpetrator;
- d. compensation from the state;
- e. compensation for unpaid wages to victims of trafficking.

**Please provide examples of compensation awarded and effectively provided to victims of THB.**

In Legal Assistance Office within the body of the Directorates of Legal Support and Victim Services, assistance in collecting relevant information and documents is provided to persons in need of legal assistance upon their request and they are referred to legal assistance services. By using standardised legal aid application forms in these offices, it has been made easier for financially disadvantaged persons to apply for legal assistance in relation to legal disputes in the field of private law. With Office of Child Delivery and Procedures for Establishing Personal Relationship with Child, judgements and cautionary decisions issued by courts regarding child delivery and establishing personal relationship with child are carried out by experts with a child-friendly method. Within the scope of the Ministry of Justice's Judicial Reform Strategy and Human Rights Action Plan, in order to strengthen access to justice, a standard application form was created to facilitate the application procedure for legal aid for those who cannot afford it and to be used in private law cases, a framework was drawn regarding the documents to be requested in the application for legal aid, and it was also made possible to make a request for legal aid via e-Government. With the "Data Sharing Cooperation Protocol" signed with the Ministry of Family and Social Services in May 2022, another application that accelerates the process for the applicant in the evaluation of legal aid requests is integrated into the system. In addition, within the scope of activities carried out to inform victims of crime, a website was prepared to provide information on the rights of victims and the services provided. Victims can easily learn which rights they have according to the type of victimisation they have experienced, which services they can receive from which institutions and what kind of procedure they need to follow in order to do so when they visit the website, which is designed in an easily accessible, simple and comprehensible manner and is available in Turkish, English and Arabic under the domain name "magdurbilgi.adalet.gov.tr". Informative texts are available on the websites of the Ministry and the Presidency in order to make effective use of the legal aid and free of charge attorney who can be appointed in accordance with the Criminal Procedure Code.

In addition, prepared posters and brochures on legal aid, types of offences, rights of victims in the judicial process have been distributed to all courthouses. These posters have been hung in public places and the brochures are distributed both in the directorates and in different parts of courthouses. Some of these brochures have been translated into different languages and distributed.

**I- According to Article 36 titled "A. Freedom to claim rights" of the Constitution, Law No. 2709;**

"Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures.

No court shall refuse to hear a case within its jurisdiction."

**II- Within the scope of the Turkish Code of Obligations No. 6098;**

**1- According to Article 49 titled “I. In general terms”,**

“Anyone who causes damage to another person through fault and unlawful acts is obliged to compensate for this damage.

Even if there is no rule of law prohibiting the damaging act, a person who intentionally harms another person by an immoral act is liable to compensate for this damage.”,

**2- According to Article 50 titled “II. Proof of damage and fault”,**

“The damaged party has the burden of proving the damage and the fault of the damaging party.

If the exact amount of the damage cannot be proved, the judge shall determine the amount of damage in accordance with equity, taking into account the ordinary course of events and the measures taken by the damaged party.”,

**3- According to Article 51 titled “1. Determination”,**

“The judge shall determine the extent and manner of payment of compensation, taking into account the necessity of the situation and in particular the gravity of the fault.

If the compensation is ordered to be paid in the form of cash, the debtor is obliged to provide security.”,

**4- According to Article 52 titled “2. Reduction”,**

“If the damaged party has consented to the act that caused the damage, or has been instrumental in the occurrence or increase of the damage, or has aggravated the situation of the liable party, the judge may reduce or completely remove the compensation.

If the indemnity obligor who caused the damage with slight negligence will fall into poverty when the indemnity is paid and equity requires it, the judge may reduce the indemnity.”,

**5- According to Article 53 titled “a. Death”,**

“The damages suffered in the event of death are the following in particular:

1. Funeral expenses.
2. If death does not occur immediately, medical treatment costs and losses resulting from loss or impairment of earning capacity.
3. Losses incurred by persons deprived of the support of the deceased for this reason.”,

**6- According to Article 54 titled “b. Bodily damage”,**

“Bodily damages are particularly as follows:

1. Treatment expenses.
2. Loss of earnings.
3. Losses resulting from reduction or loss of capacity to work.
4. Losses arising from the shaking of the economic future.”,

**7- Article 55 titled “c. Determination”,**

“Losses for deprivation of support and bodily damages shall be calculated in accordance with the provisions of this law and the principles of liability law. Social security payments that are partially or fully non-recourse and payments that are not intended for performance cannot be taken into consideration in the determination of such damages, and cannot be deducted from the damages or compensation. The calculated compensation cannot be increased or decreased on the basis of the amount with the consideration of equity.

The provisions of this Law shall also apply to claims and lawsuits for damages related to the partial or total loss of bodily integrity or death of a person caused by all kinds of administrative actions and transactions and other reasons for which the administration is responsible.”

**8- According to Article 56 titled “d. Non-pecuniary damage”,**

“In the event of damage to the physical integrity of a person, the judge may, taking into account the circumstances of the case, award an appropriate amount of money as non-pecuniary damages to the injured party.

In case of serious bodily harm or death, an appropriate sum of money may also be awarded to the relatives of the injured person or the deceased as non-pecuniary damage.”

**9- According to Article 59 titled “3. Damage to the personality right”,**

“The person who has suffered damage to his/her personality right may request the payment of a sum of money under the name of moral compensation for the moral damage he/she has suffered.

Instead of the payment of such compensation, the judge may order other forms of redress or add to it; in particular, he may issue a judgement condemning the attack and order its publication.”

**III- Within the scope of Law No. 6100 on Civil Procedure;**

**1- According to Article 334 titled “Legal aid beneficiaries”,**

“(1) Anyone who lacks partial or complete payment of the necessary trial or follow-up expenses partially or completely without making the livelihood of himself and his family substantially difficult can benefit from legal aid provided that their claims are not manifestly ill-founded in their claims and defence requests for temporary legal protection and enforcement proceedings.

(2) Publicly beneficial associations and foundations may be entitled to legal aid if they are justified in their claims and defences and are unable to pay the necessary expenses in whole or in part without financial difficulties.

(3) Foreigners may also benefit from legal aid subject to the condition of reciprocity.”

**2- According to Article 335 titled “Scope of legal aid”,**

“(1) The legal aid decision provides the concerned person with:

a) Temporary exemption from all costs and expenses.

b) Exemption from providing collateral for the costs of litigation and proceedings.

c) Advance payment by the State of all expenses to be incurred during litigation and enforcement proceedings.

ç) If it is necessary to follow up the case with a lawyer, a lawyer is provided to be paid later.

(2) The court may also order the applicant to benefit from some of the provisions set out in the preceding paragraphs.

(3) Legal aid continues until the finalisation of the judgement.”

**3- According to Article 336 titled “Request for legal aid”,**

“(1) Legal aid is requested from the court where the main request or work will be decided, and in enforcement and bankruptcy proceedings, from the enforcement court in the place where the proceedings will be carried out.

(2) The person making the request shall submit to the court a summary of his/her claim, together with the evidence on which he/she will base his/her claim and documents regarding his/her financial situation showing that he/she is not in a position to meet the costs of the proceedings.

(3) During the application for legal remedies, the request for legal aid shall be made to the regional court of justice or the Court of Cassation.

(4) Documents related to the request for legal aid are exempt from all kinds of fees and taxes.”,

**4- According to Article 337 titled “Examination of legal aid request”,**

“(1) The court may decide on the legal aid request without a hearing. However, upon request, the examination shall be conducted with a hearing. In the court decisions regarding the rejection of legal aid requests, the reason for not accepting the information and documents submitted shall be clearly stated.

(2) An objection may be lodged against the decisions regarding the rejection of the legal aid request by submitting a petition to the court that rendered the decision within one week as of its notification. The court to which the decision is appealed shall send the file for the examination of the appeal to the following department in case there is more than one department of the civil court where the legal aid request is made in that place, to the department following it in number, to the first department for the last numbered department, and to the nearest court in charge of the same affairs in case there is only one department of the civil court where the legal aid request is made in that place. The decision rendered as a result of the appeal examination is final. If the legal aid request is rejected, a new request may be made on the basis of a subsequent serious decrease in solvency.

(3) Legal aid does not cover previously incurred legal costs.”,

**5- According to Article 338 titled “Cancellation of the legal aid decision”,**

“(1) If it is revealed that the beneficiary of legal aid has deliberately or as a result of gross negligence provided false information about his/her financial situation or if it is subsequently understood that his/her financial situation has improved sufficiently, the decision on legal aid shall be cancelled.”,

**IV- Within the scope of Turkish Criminal Procedure Code No. 5271;**

**1- According to Article 202 with the title line “Cases where the presence of an interpreter is required”;**

“(1) If the accused or victim of the offence does not speak enough Turkish in order to express himself, the essential points of the accusation and the defence shall be translated by an interpreter appointed by the court.

(2) The essential points of the accusation and the defence shall be explained to the accused or to the victim, who is handicapped, in a manner that they can understand them.

(3) The provisions of the first and second paragraphs are also applicable at hearings of the suspect, victim and witnesses in the investigation phase. The interpreter shall be appointed by the judge or the public prosecutor at this phase.

(4) In addition, the accused;

a) Upon explanation of the indictment, and

b) Giving opinion to the accusation, may conduct his oral defence in another language in which he declares that he can express himself better. In this case, interpretation services shall be provided by an interpreter selected by the accused from the list drawn up pursuant to paragraph 5. The expenses of this interpreter shall not be covered by the State Treasury. This facility may not be abused for the purpose of prolonging the proceedings.

(5) Interpreters shall be selected from the list drawn up annually by the provincial judicial justice commissions. Public prosecutors and judges may select interpreters not only from the lists

organised for their province but also from lists organised in other provinces. The procedures and principles regarding the organisation of these lists shall be determined by a regulation.”,

**2- According to Article 234 with the title line “The rights of the victim and the claimant”,**

“(1) The victim, as well as the claimant, shall have the following rights:

a) During the investigation phase;

1. A motion for evidence to be collected,

2. In cases where it would not jeopardise the secrecy and aim of the investigation, to demand from the public prosecutor copies of documents,

3. In cases of sexual assault, sexual abuse of children or stalking offences and intentional injury, torture or cruelty offences committed against women as well as in crimes that carry imprisonment of five years at the lower level and less, if he has no representative, to demand the appointment of a lawyer on his behalf by the bar association,

4. In cases where it is in accordance with Article 153, to ask his representative to review the documents of investigation and items that have been seized and taken under protection,

5. To utilise his right of opposition against the decision of the public prosecutor to not prosecute as laid down in the Code.

b) During the prosecution phase;

1. To be notified about the main trial,

2. The right to intervene in the public claim,

3. To demand copies from the records and documents,

4. To demand the witnesses to be summoned,

5. In cases of sexual assault, sexual abuse of children or stalking offences and intentional injury, torture or cruelty offences committed against women as well as in crimes that carry imprisonment of five years at the lower level and less, if he has no representative, to demand the appointment of a lawyer on his behalf by the bar association,

6. Under the condition to have taken the position of intervening party in the lawsuit, to attack the decisions that end the lawsuit by legal remedies.

(2) In cases where the victim has not attained the age of 18, is deaf or dumb, or is handicapped so far that he cannot express himself, and has no representative, a representative shall be appointed on his behalf, without seeking his request.

(3) These rights shall be told and explained to the victims of the crime, as well as to the complainant and this issue shall be taken into the records.

(4) During the investigation or prosecution phase, if it is necessary to go to a place other than the place of residence due to the transfer of the case or forensic medical procedures, the accommodation, food and transportation expenses incurred by the victim shall be covered from the budget of the Ministry of Justice in accordance with the provisions of the Per Diem Law No. 6245 of 10/02/1954.”,

**3- According to Article 239 with the title line “The rights of the intervening party”,**

“(1) In cases where the victim or the individual who suffered damages from the crime has intervened the prosecution a lawyer shall be appointed by the bar association in cases of sexual assault, sexual abuse of children or stalking offences and intentional injury, torture or cruelty offences committed against women, as well as in crimes that carry imprisonment of five years at the lower level and less, if he puts forward a request to the court.

(2) If the victim or the individual who suffered damages from the crime is a child, deaf or mute, or an individual who is mentally ill to the extent that he cannot make his own defence, then request is not needed in order to appoint a lawyer.”,

**V- III- According to Article 7 with the title line “Services to be provided to vulnerable groups” included in Presidential Decree No. 63 on the Support for Victims of Crime, which is published in the Official Gazette dated 10/06/2020**

“(1) In case of the application by children included in the judicial system and victims of crimes against sexual inviolability or domestic violence, terrorism and human trafficking offences, an individual assessment is conducted by judicial support officers working within the directorate in order to provide services covered in this article.

(2) Considering personal traits of victims, women, the elderly and the disabled in particular, the nature and gravity of the offence, and the circumstances in which the offence was committed, and taking into account the personal characteristics of the victim, the nature and gravity of the offence, and the circumstances in which the offence was committed, an assessment may also be conducted in accordance with the first paragraph for victims who are more affected by the offence and who are understood to be in need of protection through a preliminary assessment.

(3) Services to be provided through the judicial support officer to victims who are identified as vulnerable as a result of individual assessment are as follows:

a) At the request of the victim, the public prosecutor or the judge, explaining the setting, the persons concerned, and the process in order to reduce the level of anxiety before the victim is heard.

b) Informing the public prosecutor or judge about taking necessary measures to ensure that the victim can express himself/herself comfortably and being present when the victim is heard.

c) Preparing a social investigation report upon the request of the public prosecutor or judge.

ç) Proposing to the public prosecutor or judge that the statement and declaration procedures are carried out in the judicial interview room.

d) Referring victims in need of treatment or rehabilitation.

e) Implementing case management in services for victims who are assessed to need effective support during the judicial process.

(4) Victims who continue to need support after the completion of the investigation or prosecution process are referred to relevant institutions.

(5) Victims including children, women, elderly and disabled persons in need of protection and who apply to the directorate are reported to provincial directorates of the Ministry of Family and Social Services or social service centres.

(6) Necessary measures shall be taken for the victims for whom a protective and supportive measure decision cannot be taken, upon notification of the law enforcement or the Chief Public Prosecutor's Office or ex officio by the chief administrative officer.

(7) If deemed necessary, services under this article may also be provided to victims of criminal offences.”

**VI- Within the scope of the Regulation on Combating Trafficking in Human Beings and Protection of Victims;**

**1-According to the third paragraph of Article 17 with the title line “Definition of Victim”**

“... ”

(3) During the interview, a lawyer shall be appointed by the bar association for the possible victims within the scope of Article 234 of the Criminal Procedure Code No. 5271 of 04/12/2004.

...”,

**2-According to Article 28 with the title line “Support programme”,**

“(1) During the reflection period, during and after the investigation and prosecution phases, a victim support programme is provided on the basis of information and consent, taking into account safety, health and special situation of the victim.

(2) Victim support programme to be provided to the victim at a minimum level and within the bounds of possibility covers,

a) Accommodation in shelters or safe places,

b) Access to health care,

c) Psycho-social support,

ç) Access to social services and supports,

d) Providing counselling and information on access to legal aid and legal rights of victims,

e) Providing guidance on access to education and training services,

f) Support for vocational training and access to the labour market,

g) Providing necessary guidance on financial support in accordance with the provisions of the Social Assistance and Solidarity Incentive Law No. 3294 dated 29/5/1986 in order to provide temporary financial support at a level to meet their basic needs,

ğ) Access to counselling services that can be provided by relevant civil society organisations and international and intergovernmental organisations,

h) Providing interpreting services,

ı) Providing information to the embassy or consulate of the country of which he/she is a citizen, with his/her consent,

i) Giving the opportunity to meet with embassy or consular officials of the country of citizenship,

j) Assistance with identification and obtaining travel documents,

k) Other services deemed appropriate by the Presidency.”,

**3-According to Article 31 with the title line “Financial support”;**

“(1) Financial support is provided by the Social Assistance and Solidarity Foundation in the province where the victim resides upon the request of the Presidency in accordance with the provisions of Law No. 3294 in order to provide temporary financial support at a level to meet basic needs.”

Subparagraphs 3 of paragraph (a) and 5 of paragraph (b) of the first paragraph of Article 234 of the Criminal Procedure Code titled “Rights of the victim and the complainant” and Article 239 titled “Rights of the participant” grant the victim, the complainant and the participant the right to request the appointment of a lawyer by the bar association in crimes that require a lower limit of imprisonment of more than five years. Therefore, since the lower limit of the penalty foreseen for the offence of human trafficking under the article requires imprisonment for more than five years, it is possible to assign a lawyer to the victim, the complainant and the participant if they request. In addition, pursuant to the third paragraph of Article 234, it is stipulated that these rights shall be explained to victims of the offence and the complainant, and this matter shall be recorded in the minutes.



Again, Article 17 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims stipulates that a lawyer shall be appointed by the bar association to victims who are considered to be victims of human trafficking, and Article 28 guarantees the support services to be provided to victims of human trafficking. In subparagraph (d) of the second paragraph of the Article, the aim of victim support programmes is specified as the provision of counselling and information to victims of human trafficking regarding access to legal aid and their legal rights. On the other hand, Article 31 of the same Regulation clearly stipulates that the victim shall be provided with financial support by the Social Assistance and Solidarity Foundation in the province of residence upon the request of the Presidency in accordance with the provisions of Law No. 3294 in order to provide temporary financial support at a level to meet their basic needs.

In addition, pursuant to Article 7 of the Presidential Decree No. 63 on Supporting Victims of Crime, victims of human trafficking offence have the opportunity to benefit from the services specified in the article if they apply to the directorates of legal support and victim services.

As clearly seen, the freedom to seek rights is regulated in Article 36 of our Constitution, and according to this regulation, everyone has the right to claim and defend as a plaintiff or defendant before the judicial authorities by making use of legitimate means and ways and the right to a fair trial. Article 202 of the Criminal Procedure Code No. 5271 on the appointment of an interpreter is essentially a part of the right to a fair trial. In fact, in subparagraph (e) of the third paragraph of Article 6 on the right to a fair trial regulated in the European Convention on Human Rights, it is stated that everyone charged with a criminal offence has the right to have the free assistance of an interpreter free of charge if he cannot understand or speak the language used in court.

If the accused, defendant, victim or witness does not speak Turkish to the extent that he/she can explain his/her situation, an interpreter shall be appointed by the judge or public prosecutor during the investigation and prosecution phase. The expenses of the interpreter appointed for the suspect, defendant, victim or witness who does not speak Turkish or who is disabled shall not be considered as expenses of the proceedings and these expenses shall be covered by the State Treasury. Interpreters shall be selected from among the persons on the list organised annually by the provincial judicial justice commissions. Public prosecutors and judges may select interpreters not only from the lists organised for their province, but also from lists organised in other provinces.

Within the scope of the Criminal Procedure Code, compulsory advocacy is provided for both the victim and the suspect or defendant with a disability who is unable to defend himself/herself, and it has been made compulsory for these persons to benefit from the assistance of a lawyer. If the victim is under the age of eighteen, deaf or mute, or disabled to the extent that he/she is unable to express himself/herself and does not have an attorney, an attorney shall be appointed without his/her request.

If victims of human trafficking do not speak Turkish, an interpreter shall be appointed by the judge or public prosecutor at the investigation and prosecution stage, at the expense of the State Treasury, to enable them to make a statement or present their evidence. Again, if the victim who is under eighteen years of age, deaf or mute, or disabled to the extent that he/she is unable to express himself/herself, if he/she does not have an attorney, legal aid shall be provided by appointing an attorney without his/her request.

**43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?**

**Within the scope of the Criminal Procedure Code No. 5271,**

**According to Article 123 with the title line “Safeguarding and confiscating property or income”;**

“(1) Assets which are deemed useful as a means of proof or which constitute the subject matter of confiscation of property or income shall be safeguarded.

(2) Such property may be confiscated if it is not surrendered voluntarily by the person in possession of it.

(3) Value of goods or assets taken under custody or seized shall be determined.”

**According to Article 127 with the title line “Authority to order confiscation decision”;**

“(1) Law enforcement officers may carry out the forfeiture procedure upon the decision of a judge or upon the written order of the public prosecutor in cases where delay is detrimental, or upon the written order of the chief law enforcement officer in cases where the public prosecutor cannot be reached.

(2) Clear identity of the law enforcement officer shall be recorded in the report on the forfeiture procedure.

(3) Forfeiture without a judge's decision shall be submitted to the approval of the judge in charge within twenty-four hours. The judge shall announce his/her decision within forty-eight hours of the forfeiture; otherwise, the forfeiture shall be automatically cancelled.

(4) Any person whose property or other assets in his possession have been seized may request the judge to order a decision on this matter at any time.

(5) Forfeiture shall be notified to the victim of the offence without delay.

(6) Forfeiture in military premises shall be carried out by judicial law enforcement officers with the participation of military authorities under the supervision of the public prosecutor.

In cases of delay, by written order of the public prosecutor, forfeiture may be performed by judicial law enforcement officers with the participation of military authorities.”

**According to Article 128 with the title line “Forfeiture of immovables, rights and receivables”;**

“(1) In cases of the presence of strong grounds for suspicion based on concrete evidence that the crime subject to investigation or prosecution has been committed and the assets have been obtained from these crimes, the following assets shall be forfeited:

- a) Immovable properties,
- b) Land, sea or air transport vehicles,
- c) All kinds of accounts in banks and other financial institutions,
- d) All kinds of rights and receivables held by real or legal persons,
- e) Negotiable instruments,
- f) Partnership interests in which suspect/defendant is partner,
- g) Safe deposit box balance,
- h) Other assets.

Forfeiture procedure may be made even if these immovable properties, rights, receivables and other assets are in the possession of a person other than the suspect or defendant. In order to issue a forfeiture order under this article, a report on the value obtained from such crime shall be drawn up by Banking Regulation and Supervision Agency, Capital Markets Board of Türkiye, Financial Crimes Investigation Board, Undersecretariat of Treasury and Public Oversight, Accounting and

Auditing Standards Authority, where relevant. This report shall be prepared within three months at the latest. When special reasons require, this period may be extended by two months.

(2) Provision of the first paragraph shall be applied for:

a) As defined in the Turkish Penal Code;

1. Genocide and offences against humanity (Articles 76, 77, and 78),
2. Migrant smuggling and human trafficking (Articles 79, 80) and trading of organs and tissues (Article 91),

(3) Forfeiture order regarding the immovable property shall be executed by annotating it in the land registry.

(4) Forfeiture order issued on land, sea and air transport vehicles shall be executed by annotating the registry in which these vehicles are registered.

(5) Forfeiture order regarding all kinds of accounts in banks or other financial institutions shall be executed by immediately notifying relevant bank or financial institution through technical means of communication. The relevant order shall also be notified to relevant bank or financial institution. After the forfeiture order has been issued, any actions taken on the accounts to nullify this order shall be invalid.

(6) Order of seizing partnership shares in any company shall be executed by immediately notifying the relevant company management and trade registry directorate where the company is registered by technical means of communication. The relevant order shall also be notified to the relevant company and the trade registry directorate.

(7) Order of seizing rights and receivables shall be executed by immediately notifying the relevant real or legal person by technical means of communication. The relevant order shall also be notified to the relevant real or legal person.

(8) In case of violation of the requirements of forfeiture order issued in accordance with the provisions of this Article, provisions of Article 289 of the Turkish Criminal Code entitled “Abuse of custodial duty” shall apply.

(9) Only a judge may decide on forfeiture pursuant to the provisions of this Article and on the appointment of a trustee pursuant to paragraph ten.

(10) A trustee, if required, may be appointed to manage the immovable property, rights and receivables seized pursuant to this article. In this case, the provisions of Article 133 shall apply by analogy.”,

**According to Article 133 with the title line “appointment of trustee for company management”,**

“(1) In the event that there are strong grounds for suspicion that the offense is committed within the framework of activities of a company and these grounds are necessary to reveal the material truth, the judge or court may appoint a trustee for the conduct of the company's affairs during the investigation and prosecution process. In the appointment decision, it shall be clearly stated that the validity of decisions and transactions of the management body is made subject to the approval of the trustee or that the power of the management body or administrative powers to manage partnership shares or securities are fully vested in the trustee. The decision on the appointment of the trustee shall be announced in the trade registry gazette and through other appropriate channels.

(2) The fee determined for the trustee by the judge or court shall be covered by company budget. However, if it is decided that prosecution for the offence subject to investigation or prosecution is not required or acquittal decision is taken, the entire amount of money covered by the company budget as remuneration shall be paid by the State Treasury, together with legal interest.

(3) Relevant parties may apply to the competent court against actions of the appointed trustee in accordance with provisions of the Turkish Civil Code dated 22.11.2001 and numbered 4721 and the Turkish Commercial Code dated 29.6.1956 and numbered 6762.

(4) Provisions of this Article may only be applied in relation to the offences listed below.

a) Pursuant to the Turkish Penal Code,

1. Smuggling of migrants and trafficking in human beings (Articles 79, 80),

...

(5) Claims for damages arising out of acts and transactions of trustees appointed pursuant to this Article shall be brought against the government in accordance with Articles 142 to 144. The government shall recourse the compensation it has paid to the trustees, who have abused their duties by acting contrary to the requirements of their duties, within one year.”,

### **Within the scope of Law No. 5549 on Prevention of Laundering Proceeds of Crime,**

#### **According to Article 17 with the title line “Protection measures”;**

“(1) In cases where there is strong suspicion that the offences of money laundering and financing of terrorism are committed, the asset values may be seized in accordance with the procedure in Article 128 of the Criminal Procedure Code No. 5271.

(2) Public Prosecutor may also make forfeiture decision in urgent cases. The forfeiture applied without any judicial decision shall be submitted for the approval of the judge on duty in twenty-four hours at the latest. The judge shall decide on whether it will be approved or not in twenty-four hours at the latest. If the judge approves, the report regarding the value stated in Article 128 of the Criminal Procedure Code shall be obtained within three months and submitted for the approval of the judge once again. The decision of Public Prosecutor’s Office shall be invalid in case of non-approval or the report not obtained within three months.

(3) Without considering whether the laundering offence has been committed within the framework of the organisation’s activities, an undercover investigator may be appointed in accordance with the provisions of Article 139 of the Criminal Procedure Code and the measure of controlled delivery may be decided in accordance with the provisions of Law No. 4208.”,

### **Within the scope of the Turkish Penal Code No. 5237;**

#### **According to Article 55 with the title line “Confiscation of Gains<sup>13</sup>”;**

“(1) Material gain obtained through the commission of an offence, or forming the subject of an offence or obtained for the commission of an offence and the economic earnings obtained as a result of its investment or conversion, shall be confiscated. Confiscation under this paragraph should only be ordered where it is impossible to return the material gain to the victim of the offence.

(2) Where property and material gain which is subject to confiscation cannot be seized or provided to the authorities, then value corresponding to such property and gains shall be confiscated.

(3) For the property within the scope of the article to be confiscated, the person who has subsequently obtained it must not benefit from the provisions concerning the protection of the goodwill of the Turkish Civil Code No. 4721 of 22 November 2001.”

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<sup>13</sup> Confiscation of gains is a form of confiscation designed to prevent the acquisition of profit by committing a criminal offence. Although confiscation of gains is also called "money confiscation", this definition is incomplete. This is because confiscation of gains also refers to values other than money. Confiscation of gains is an effective security measure in cases where assets or monetary values are obtained as a result of the offence committed.

As clearly seen, Article 123 of the Law No. 5271 stipulates that assets which are deemed useful as a means of proof or which constitute the subject matter of confiscation of property or income shall be safeguarded, and Article 127 stipulates that law enforcement officers may carry out the forfeiture procedure upon the decision of a judge or upon the written order of the public prosecutor in cases where delay is detrimental, or upon the written order of the chief law enforcement officer in cases where the public prosecutor cannot be reached, that forfeiture without a judge's decision shall be submitted to the approval of the judge in charge within twenty-four hours and the judge shall announce his/her decision within forty-eight hours of the forfeiture; otherwise, the forfeiture shall be automatically cancelled, and that forfeiture in military premises may be performed by judicial law enforcement officers with the participation of military authorities upon the written order of the public prosecutor in cases of delay.

Likewise, Article 128 with the title line "Forfeiture of immovables, rights and receivables" stipulates that in cases of the presence of strong grounds for suspicion based on concrete evidence that the crime subject to investigation or prosecution has been committed and the assets have been obtained from these crimes, the suspect's or defendant's assets, such as immovable properties, land, sea or air transport vehicles, all kinds of accounts in banks and other financial institutions, all kinds of rights or receivables held by real or legal persons, negotiable instruments, partnership interests in which suspect/defendant is partner, safe deposit box balance, and other assets, shall be forfeited, that a report on the value obtained from such crime shall be drawn up by Banking Regulation and Supervision Agency, Capital Markets Board of Türkiye, Financial Crimes Investigation Board, Undersecretariat of Treasury and Public Oversight, Accounting and Auditing Standards Authority, where relevant, in order to issue a forfeiture order, that this report shall be prepared within three months at the latest and when special reasons require, this period may be extended by two months, that the forfeiture order regarding the immovable property shall be executed by annotating it in the land registry, that the forfeiture order issued on land, sea and air transport vehicles shall be executed by annotating the registry in which these vehicles are registered, and that the forfeiture order may only be given by a judge.

In Article 17 of the Law No. 5549, it is stipulated that in cases where there is strong suspicion that the offences of money laundering and financing of terrorism are committed, the asset values may be seized in accordance with the procedure in Article 128 of the Criminal Procedure Code No. 5271, that Public Prosecutor may also take forfeiture decision in urgent cases, that the forfeiture applied without any judicial decision shall be submitted for the approval of the judge on duty in twenty-four hours at the latest and the judge shall decide on whether it will be approved or not in twenty-four hours at the latest, and that in case of the judge's approval, the report regarding the value stated in Article 128 of the Criminal Procedure Code shall be obtained within three months and submitted for the approval of the judge once again, and that the decision of Public Prosecutor's Office shall be invalid in case of non-approval or the report not obtained within three months.

As understood, Articles 123 and 127 of the Law No. 5271 contain regulations on general confiscation. On the other hand, a special provision is stipulated in Article 128 of the Law in terms of forfeiture of immovable property, rights and receivables. First of all, this provision can be applied for the catalogue crimes listed in the article in a limited manner.

In addition, pursuant to the reference made in Article 17 of the Law No. 5549 on Prevention of Laundering Proceeds of Crime, it is possible to apply this article in terms of the offences of money laundering and financing of terrorism.

On the other hand, pursuant to Article 133 of the Law No. 5271, certain conditions must be fulfilled in order to appoint a trustee for the management of a company. Firstly, in order to appoint a trustee

for the management of a company, one or more of the offences listed in the article must be committed "within the scope of the company's activity". What is meant by being committed within the scope of the company's activities is committing offences under the guise of a company, by using the company as a front. Otherwise, for example, if a member of the board of directors of a company commits an offence independent of the company, Article 128, not Article 133 of the said law, shall be applied and all assets of the perpetrator shall be confiscated.

This protection measure can only be applied in terms of the catalogue crimes specified in the fourth paragraph of Article 133 of the Criminal Procedure Code. It is not possible to appoint a trustee to the management of the company for offences other than these offences.

As a term of criminal law, confiscation has been defined variously in the doctrine. Prominent points in these definitions highlight that is the deprivation of all or part of an offender's property and the transfer of such property to an organisation of a public character in return for an offence committed, the partial or total deprivation of a person of his or her property, the transfer of ownership of property or profits to the state as a result of a conviction. In the first paragraph of Article 55 of the Law No. 5237, it is regulated that material gain obtained through the commission of an offence, or forming the subject of an offence or obtained for the commission of an offence and the economic earnings obtained as a result of its investment or conversion, shall be confiscated.

Within the scope of combating trafficking in human beings, in accordance with Articles 123 and 127 of the Law No. 5271, assets that are deemed useful as a means of proof in the criminal investigation, or that constitute the subject of confiscation of properties or gains shall be confiscated, and confiscation may be performed in accordance with Article 128 of the said law in terms of confiscation of immovable property, rights and receivables. Material gain obtained through the commission of an offence, or forming the subject of an offence or obtained for the commission of an offence and the economic earnings obtained as a result of its investment or conversion, shall also be confiscated.

**44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.**

**I- According to Article 36 titled "A. Freedom to claim rights" within the scope of the Constitution, Law No. 2709;**

"Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures.

No court shall refuse to hear a case within its jurisdiction."

**II- Within the scope of Law No. 5718 on International Private and Procedure Law;**

**1- According to Article 34 titled "Torts",**

"(1) obligations arising from torts shall be governed by the law of the country where the tortuous act is committed.

(2) In the event the place the tortuous act is committed is not the place where the damage has occurred, the law of the country where the damage has occurred shall apply.

(3) If another country is more closely connected with the obligation arising from a tortuous act, the law of the said country shall apply.

(4) If the law applying to the tortuous act or to the insurance contract makes it possible, the damaged party can directly assert his/her claim towards the insurer of the liable party.

(5) After the occurrence of the tortuous act, parties can explicitly designate the applicable law.”,

**2- According to Article 35 titled “Liability for violation of personality rights”,**

“(1) The claims resulting from the violation of personality rights via media such as press, radio, television or via internet and other mass communications, according to the preference of the damaged party, shall be subjected to;

a) The law of the habitual residence of the damaged party in the event that the party who caused the damage was in a position to know that the damage would occur in that country,

b) The law of country where the workplace or the habitual residence of the party who caused the damage is located, or

c) The law of country where the damage occurred in the event that the damaging party was in a position to know that the damage would occur in that country.

(2) In case of violation of personality rights, the right of reply, in periodicals, is subject to the law of country where the imprint is made or the programme is broadcasted.

(3) Paragraph one of the articles shall apply to the claims resulting from the violation of personality by processing personal data or limiting the right of information on personal data.”,

**III- Within the scope of the Turkish Code of Obligations No. 6098;**

**1- According to Article 49 titled “I. In general terms”,**

“Anyone who causes damage to another person through fault and unlawful acts is obliged to compensate for this damage.

Even if there is no rule of law prohibiting the damaging act, a person who intentionally harms another person by an immoral act is liable to compensate for this damage.”,

**2- According to Article 50 titled “II. Proof of damage and fault”,**

“The damaged party has the burden of proving the damage and the fault of the damaging party.

If the exact amount of the damage cannot be proved, the judge shall determine the amount of damage in accordance with equity, taking into account the ordinary course of events and the measures taken by the damaged party.”,

**3- According to Article 51 titled “1. Determination”,**

“The judge shall determine the extent and manner of payment of compensation, taking into account the necessity of the situation and in particular the gravity of the fault.

If the compensation is ordered to be paid in the form of cash, the debtor is obliged to provide security.”,

**4- According to Article 52 titled “2. Reduction”,**

“If the damaged party has consented to the act that caused the damage, or has been instrumental in the occurrence or increase of the damage, or has aggravated the situation of the liable party, the judge may reduce or completely remove the compensation.

If the indemnity obligor who caused the damage with slight negligence will fall into poverty when the indemnity is paid and equity requires it, the judge may reduce the indemnity.”,

**5- According to Article 53 titled “a. Death”,**

“The damages suffered in the event of death are the following in particular:

1. Funeral expenses.

2. If death does not occur immediately, medical treatment costs and losses resulting from loss or impairment of earning capacity.

3. Losses incurred by persons deprived of the support of the deceased for this reason.”,

**6- According to Article 54 titled “b. Bodily damage”,**

“Bodily damages are particularly as follows:

1. Treatment expenses.
2. Loss of earnings.
3. Losses resulting from reduction or loss of capacity to work.
4. Losses arising from the shaking of the economic future.”,

**7- Article 55 titled “c. Determination”,**

“Losses for deprivation of support and bodily damages shall be calculated in accordance with the provisions of this law and the principles of liability law. Social security payments that are partially or fully non-recourse and payments that are not intended for performance cannot be taken into consideration in the determination of such damages, and cannot be deducted from the damages or compensation. The calculated compensation cannot be increased or decreased on the basis of the amount with the consideration of equity.

The provisions of this Law shall also apply to claims and lawsuits for damages related to the partial or total loss of bodily integrity or death of a person caused by all kinds of administrative actions and transactions and other reasons for which the administration is responsible.”,

**8- According to Article 56 titled “d. Non-pecuniary damage”,**

“In the event of damage to the physical integrity of a person, the judge may, taking into account the circumstances of the case, award an appropriate amount of money as non-pecuniary damages to the injured party.

In case of serious bodily harm or death, an appropriate sum of money may also be awarded to the relatives of the injured person or the deceased as non-pecuniary damage.”,

**9- According to Article 59 titled “3. Damage to the personality right”,**

“The person who has suffered damage to his/her personality right may request the payment of a sum of money under the name of moral compensation for the moral damage he/she has suffered.

Instead of the payment of such compensation, the judge may order other forms of redress or add to it; in particular, he may issue a judgement condemning the attack and order its publication.”

**Repatriation and return of victims (Article 16)**

**45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?**

In Türkiye, voluntary and safe return of victims of human trafficking to their country or third country is carried out in cooperation with international organisations. A victim who benefits from



victim support services will not return without her/his request and consent. In the process of voluntary and safe return, international organisations cooperating in the field of risk assessment of the country of destination where the victim will go provide remarkable support. In case a victim of human trafficking wishes to return to a country other than the country of citizenship, a case-specific method is determined, usually through international organisations.

**46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?**

Within the scope of the first paragraph (ç) of Article 55 of the Law No. 6458, it is regulated that victims of human trafficking who are benefiting from the victim support process cannot be subject to deportation. In addition to persons with the legal right to stay, persons without a residence permit will not be deported if they are benefiting from the victim support process. No such situation has occurred in Türkiye.

**Corporate liability (Article 22)**

**47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.**

In cases of trafficking in human beings in the form of forced labour and servitude, legal entities mentioned by the identified victim and in cases that constitute a criminal offence are immediately notified to the prosecutor's office and law enforcement agencies by PDMM. Provincial directorates of the Ministry of Labour and Social Security are also informed about these legal entities.

Foreigners from the Dominican Republic learn through their managers, with whom they have worked at different times, that a well-known hotel in Türkiye is looking for performance artists for Latin dance shows. After casting in the Dominican Republic, four dancers are selected for the job and a WhatsApp group consisting of employers, managers and foreigners is established. Foreigners come to Türkiye with the guidance of this group. The foreigners are informed that they will perform on stage in a night club of a luxury hotel, that their transport and accommodation expenses will be covered by the employer, that they will have days off and that all they will do is dance. Foreigners arriving in Türkiye with a work visa were met at the airport by an employee directed by the employer and brought to Bursa. When they entered the workplace, the foreigners realised that it was not as they had been told, and thus objected. The employer told the foreigners that the labour contract they had was not valid and that they would have their own rules here. He threatened to cancel their visas if they did not adapt. The employer told the foreigners that they owed him for the ticket expenses and that they could leave if this debt was paid. Foreigners who perform under these conditions tell that after their performances they are called back to the stage with other foreign girls working in the night club, where they are forced to spend time with the customers who like them. They state that they are asked to sit at customers' tables even though they do not speak the language and that they are subject to physical harassment by customers. Foreigners from the Dominican Republic contact their consulates, stating that they have no financial means but want to return to their country. The Consulate of the Dominican Republic has contacted the United Nations Organisation for Migration (IOM) to support their request for voluntary return. IOM reach out to the foreigners and inform PMM about the foreigners, as it has found indications of trafficking in human beings from the statements of the foreigners during the interview. During the interview conducted by IOM with the foreigners, they are identified as victims of human trafficking and their

voluntary safe return to their countries is ensured. In addition, relevant institutions and organisations are informed about this incident in question.

#### **Aggravating circumstances (Article 24)**

**48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.**

Criminal statistics kept by the Directorate General for Criminal Records and Statistics of the Ministry of Justice, based on the law number in the Turkish Penal Code and special laws, with respect to public prosecutor's offices and criminal courts, and the relevant referral article and paragraph [file (miscellaneous, principle, instruction, etc.), party (suspect, defendant, victim, complainant, participant, nationality, gender, etc.), crime decision type (conviction, acquittal, deferral of the announcement of the verdict, etc.), file decision types (lack of jurisdiction, non-competence, merger, etc.), protection and security measures (judicial control, apprehension, arrest, etc.)], can be compiled from the data obtained through the screens in the Judicial Data Bank and can be provided on the basis of region, province, unit, court type in the desired year and date interval from 2009 until today. Statistics related to Article 80 of the Turkish Penal Code are provided in Tables 1-2-3-4-5 attached to this report.

#### **Non-punishment provision (Article 26)**

**49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.**

##### **I- Within the scope of the Turkish Penal Code No. 5237;**

##### **1- According to Article 28 with the title line “Force and violence, menace and threat”,**

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

##### **2- According to Article 30 with the title line “Mistake”,**

“(1) Any person who, while conducting an act, is unaware of matters which constitute the *actus reus* of an offence, is not considered to have acted intentionally. Culpability with respect to recklessness shall be preserved in relation to such mistake.

(2) Any person who is mistaken about matters which constitute an element of a qualified version of an offence, which requires an aggravated or mitigated sentence, shall benefit from such mistake.

(3) Any person who is inevitably mistaken about the conditions which, when satisfied, reduce or negate culpability shall benefit from such mistake.

(4) Any person who makes an inevitable mistake about whether his act was unjust or not shall not be subject to penalty.”,

In Article 28 of the Law No. 5237, it is regulated that “No penalty shall be imposed upon a person who commits a criminal offence as a result of intolerable or inevitable violence, or serious menace or gross threat. In such cases, the person involved in the use of force, violence, menace or threat

shall be deemed to be the offender”, and thus it is guaranteed by law that the person who commits an offence in such cases is not punished.

For the application of Article 28 of the Law No. 5237:

Force and violence or intimidation and threat must be of such a nature that they cannot be resisted or avoided. For example, it would be unacceptable for a boxer to ask not to be penalised on the pretext of violence, which he could easily repel. At the same time, it must not be possible to escape from this restriction of freedom of will.

The presence of force and violence is sufficient.

It is sufficient to have an absolute and grave intimidation or threat. The legislator has imposed the condition of absoluteness and gravity on intimidation and threat. Therefore, it will be sought in the event that the intimidation or threat is serious, effective and capable of achieving results. For example, while a convict's threat to physically attack someone who is not in prison cannot be considered within the scope of Article 28 of the Law No. 5237, the convict's threat that such person will be physically attacked by someone else may be considered sufficient.

If the conditions are met, the person who commits an offence due to this disorder of will is no longer subject to punishment. The person responsible for the offence committed will be the person who caused the impairment of will.

A sample Court of Cassation judgement on this article is given below.

As for the defendant, it is understood that once her ex-husband learned her friendship with the deceased, they agreed to kill the deceased with other defendants, and in order to commit the offence of murder, they made Nermin call the deceased to ensure that the deceased came to the place they wanted, and based on the scope of current file and statements of the defendant, they instilled fear upon the defendant Nermin, to which she could not resist and avoided, and therefore it is decided not to impose any punishment on the defendant Nermin pursuant to Article 28 of the Law No. 5237 (Court of Cassation 1st. Criminal Chamber decision dated 05.10.2007 and numbered 2006/3924-2007/7271 E-K).

## **Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)**

**50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.**

### **I- Within the scope of the Turkish Penal Code No. 5237;**

#### **1- According to Article 8 with the title line "Territorial jurisdiction",**

"(1) Turkish law shall apply to all criminal offences committed in Türkiye. Where a criminal act is partially, or fully, committed in Türkiye or the result of a criminal act occurs in Türkiye the offence shall be presumed to have been committed in Türkiye.

(2) If the criminal offence is committed;

a) within Turkish territory, airspace or in Turkish territorial waters,

b) on the open sea or in the space extending directly above these waters and in, or by using, Turkish sea and air vessels,

c) in, or by using, Turkish military sea or air vehicles,

d) on or against a fixed platforms erected on the continental shelf or in the economic zone of Türkiye."

#### **2- According to Article 9 with the title line "Conviction in a foreign country",**

"(1) Any person who is convicted in a foreign country for an offence committed in Türkiye shall be subject to retrial in Türkiye."

#### **3- According to Article 11 with the title line "Offences committed by citizens",**

"(1) If a Turkish citizen commits an offence in a foreign country that would amount to an offence under Turkish law and that offence is subject to a penalty of imprisonment where the minimum limit is greater than one year, and he is present in Türkiye, and upon satisfying the conditions that he has not been convicted for the same offence in a foreign country and a prosecution is possible in Türkiye, he shall be subject to a penalty under Turkish law, except in regard as to the offences defined in Article 13.

(2) Where the aforementioned offence is subject to a penalty of imprisonment, the minimum limit of which is less than one year, then criminal proceedings shall only be initiated upon the making of a complaint by a victim or a foreign government. In such a case, the complaint must be made within six months of the date the citizen entered Türkiye."

#### **4- According to Article 12 with the title line "Offences committed by non-citizens",**

"(1) Where a non-citizen commits an offence (other than defines in Article 13), to the detriment of Türkiye, in a foreign country, that would amount to an offence under Turkish law and that offence is subject to a penalty of imprisonment where the minimum limit is greater than 1 year, and he is present in Türkiye, he shall be subject to penalty under Turkish law. Criminal proceedings shall only be brought upon request by the Ministry of Justice.

(2) Where the aforementioned offence is committed to the detriment of a Turkish citizen or to the detriment of a legal personality established under Turkish civil law and the offender is present in Türkiye and there has been no conviction in a foreign country for the same offence then, upon the making of a complaint by the victim, he shall be subject to penalty under Turkish law.

(3) If the victim is a non-citizen the offender shall be subject to criminal proceedings, upon the request of the Ministry of Justice, provided the following conditions are fulfilled:

a) the offence is subject to a penalty of imprisonment under Turkish law where the minimum limit of imprisonment is not less than 3 years, and

b) there is no extradition agreement; or the government of the country in which the crime has been committed, or the state of which the offender is a national, has refused to grant extradition.

(4) In relation to offences to which paragraph one is applicable, if a non-citizen is convicted or acquitted in a foreign court or has any criminal proceedings or penalty against him stayed or set aside respectively by such court or the offence becomes one which cannot be the subject of a prosecution in a foreign court then, upon the request of the Ministry of Justice, criminal proceedings shall be brought in Türkiye.

(5) Under the conditions in the scope of the first provision, criminal proceedings for bribery and trading in influence are not bound to the request of the Ministry of Justice.”

**5- According to Article 13 with the title line “Miscellaneous offences”,**

“(1) Turkish law shall apply to the following offences committed in a foreign country whether or not committed by a citizen or non-citizen of Türkiye:

a) Offences defined in Chapter I, Volume II.

b) Offences defined in Parts 3-8, Chapter IV, Volume II.

c) Torture (Articles 94 and 95).

d) Intentional pollution of the environment (Article 181).

e) Production and trade of narcotics or psychotropic substances (Article 188), facilitating the use of narcotics or psychotropic substances (Article 190).

f) Counterfeiting Money (Article 197), manufacturing and trading of instruments used in the production of Money and valuable seals (Article 200), counterfeiting a seal (Article 202).

g) Prostitution (Article 227).

...

(2) Except for offences defined in parts 3, 5, 6 and 7 of Chapter IV, Volume II, conducting criminal proceedings in Türkiye for crimes within the scope of paragraph one shall be subject to a request of the Ministry of Justice.

(3) Even where a conviction or acquittal pursuant to the offences listed in paragraph one subparagraphs (a) and (b) have occurred in a foreign country, criminal proceedings in Türkiye shall be conducted upon the request of the Ministry of Justice.”

It is accepted that even where a conviction or acquittal pursuant to the offence of trafficking in persons, criminal proceedings in Türkiye shall be conducted upon the request of the Ministry of Justice.”

**Within the scope of the Criminal Procedure Code No. 5271,**

**According to Article 160 with the title line “Obligation of the public prosecutor upon being informed of an offence having been committed”;**

“(1) As soon as the public prosecutor is informed of a fact that creates an impression that an offence has been committed, either through a report of crime or any other way, he shall immediately investigate the factual truth, in order to make a decision on whether to file public charges or not.

(2) In order to investigate the material facts and secure a fair trial, through the assignment of law enforcement agency under his command, the public prosecutor shall be obliged to collect and place in safe custody the evidence for and against the suspect and protect his rights.”

**According to Article 161 with the title line “Duties and Powers of the public prosecutor”;**

“(1) The public prosecutor may conduct any kind of exploration either directly or through the assignment of law enforcement agency under his command, in order to achieve the outcomes mentioned in the above article, he may demand all kinds of information from all public servants. In cases where there is a need to make a judicial interaction outside of his judicial district in the course of his judicial duties, the public prosecutor shall ask the public prosecutor at another district to conduct that interaction.

(2) Law enforcement officers are obliged to notify immediately the incidences they have started to handle, the individuals who have been arrested without a warrant, and the initiated measures to the public prosecutor under whose command they perform their duties, and are obliged to execute all orders of this public prosecutor related to the administration of justice without any delay.

(3) The public prosecutor shall deliver the orders to law enforcement officers in written form and in exigent cases orally. The oral order shall be notified in written form as well, within the shortest period possible.

(4) The other public employees are also obliged to supply the information and documents that are needed during a pending investigation to the requiring public prosecutor without any delay.”

As clearly seen, the territoriality system is adopted as a rule in terms of the application of the Turkish Criminal Code No. 5237 in terms of territorial jurisdiction. However, in some cases, other systems such as individuality, protection, substitution and universality are additionally applied according to the perpetrator or victim, even if the offence was committed in a foreign country.

In the territoriality system, it is essential for the state to apply its own penal laws to offences committed in its territory, without making any distinction as to whether the offender is a citizen or a foreigner. As a matter of fact, this issue is stated in Article 8 of the Turkish Penal Code as follows: “Turkish law shall apply to all criminal offences committed in Türkiye, and where a criminal act is partially, or fully, committed in Türkiye, or the result of a criminal act occurs in Türkiye the offence shall be presumed to have been committed in Türkiye”. As soon as the public prosecutor is informed of a fact that creates an impression that an offence of trafficking in human beings has been committed in Türkiye, either through a report of crime or any other way, he shall immediately investigate the factual truth, in order to make a decision on whether to file public charges or no, and conclude the investigation.

In this regard, some precedents are provided, but the names of the persons concerned are not shown in the text since they contain personal data.

- The Ministry received the letter of the Ministry of Justice of Georgia dated 11.03.2010 and the request No. 16 for legal assistance of the Chief Public Prosecutor's Office of Georgia of the same date, stating that X, a Georgian national, came to Türkiye with the aim of becoming a surrogate mother, that after examinations in two medical centres in Istanbul, she underwent embryo transplantation in a centre presumed to be in the Turkish Republic of Northern Cyprus (K.K.T.C.), that the said X got pregnant, and yet pregnancy was terminated, and that the persons who wanted her to be a surrogate mother upon the termination of the pregnancy forced her to prostitution by forcibly confining her to a house. The Ministry filed a criminal complaint with Beyoğlu Chief Public Prosecutor's Office due to the suspicion that the offence of trafficking in human beings was committed in Türkiye.

- With the letter of the Ministry of Foreign Affairs dated 06.07.2021, the request for legal assistance regarding 8 Taiwanese citizens was forwarded to our Ministry and it was stated that it was determined that the persons subject to the request were involved in the offence of human trafficking, and in line with the statements that the offence was committed in Türkiye, a criminal complaint was filed to Ankara Chief Public Prosecutor's Office about the incident and the persons concerned.
- With reference to the letter of the Ministry of Foreign Affairs dated 13.07.2021 and the letter received from Taipei Economic and Cultural Office, it is stated that a person named X, who is of Taiwanese origin, is suspected of establishing a base in Türkiye to commit the offence of trafficking of human beings and a criminal complaint was filed to Ortaca Chief Public Prosecutor's Office.
- With the letter of the Ministry of Interior dated 04.09.2018, documents regarding the person named X, a citizen of Uzbekistan, who is wanted internationally by the judicial authorities of Uzbekistan for extradition due to the offence of "trafficking in human beings for the purpose of prostitution" were forwarded to our Ministry, and upon examination of the relevant documents attached to the letter, it was understood that the act was carried out in Istanbul and a criminal complaint was filed to Büyükçekmece Chief Public Prosecutor's Office.

Based on the principle of territoriality and the rule that penal laws are a consequence of national sovereignty, it is clearly stated in the article that Turkish laws shall apply to offences committed in Türkiye, regardless of the nationality of the accused and the victim.

A precedent judgement of the Court of Cassation in relation to this article is given below.

As stated in Article 8 of the Law No. 5237, Turkish law shall apply to offences committed in Türkiye, the offence shall be deemed to have been committed in Türkiye if the act is committed partially or wholly in Türkiye or the result occurs in Türkiye, and according to Article 9 of the same Law, any person who is convicted in a foreign country for an offence committed in Türkiye shall be subject to retrial in Türkiye. In subparagraph (b) of the first paragraph of Article 79 of the Law No. 5237, it is regulated that the person who enables a Turkish citizen or a non-citizen to go abroad illegally in order to obtain direct or indirect material gain shall be sentenced.

Evaluating the above-mentioned articles of the law and the concrete case, the Court of Cassation has decided to dismiss the case where the defendant was arrested by the Greek coast guard police on 07.10.2008 with 20 foreign nationals while sailing in order to take them illegally from Kuşadası coast to Greece, and he was sentenced for the offence of migrant smuggling upon being accepted by the court in Greece, provided that the action of the defendant is fixed, the offence will occur when migrants leave Türkiye and the offence will be deemed to have been committed in Türkiye, and on the grounds that the trial of the defendant in Greece does not constitute an obstacle to retrial in Türkiye due to the aforementioned offence, and that a certified copy of the case file in which the defendant was put on trial in Greece should be brought and the legal situation of the defendant should be appreciated and determined by evaluating all the evidence available in the file, and on the grounds that the defendant has already been sued and sentenced without considering that, in case of conviction, any time spent in custody, detention, under arrest or serving a prison sentence in a foreign country shall be deducted from the penalty to be given for the same criminal offence in Türkiye pursuant to Article 16 of the Law No. 5237 (18th Criminal Chamber of the Court of Cassation - Decision dated 30.03.2015 and numbered 2015/134-48 E-K).

**f. use of joint investigation teams (JITs).**

**MASAK supports criminal financial investigations conducted by the Public Prosecutor's Office where required and provides financial experts in investigation teams.**

As the Counter-Smuggling of Migrants and Border Gates Department of the Turkish National Police, investigations are carried out by specialised staff by providing them necessary training within the scope of the offence of human trafficking, and in case the criminal offence is committed transnationally, information exchange is provided through the police liaison officers of relevant country authorities, INTERPOL or our internal affairs consultants, in addition, especially after the pandemic process, the posts shared on social media and various websites are examined and the survey report is sent to relevant units, in addition, financial investigations are carried out in cooperation with MASAK within the scope of combating material gain obtained through the offence.

Gendarmerie General Command Directorate of Combating Smuggling of Migrants and Trafficking in Human Beings was established on 27 July 2016. The Directorate consists of (4) departments, namely Planning and Coordination Department, Foreigner Transactions Department, Department for Combating Smuggling of Migrants, and Department for Combating Trafficking in Human Beings.

Currently, there are Departments for Combating Smuggling of Migrants and Trafficking in Human Beings in (23) Provincial Gendarmerie Commands and there are Units for Combating Smuggling of Migrants and Trafficking in Human Beings in (17) District Gendarmerie Commands under these provinces. In (58) Provincial Gendarmerie Commands, which do not have a Department for Combating Smuggling of Migrants and Trafficking in Human Beings, Unit for Combating Smuggling of Migrants and Trafficking in Human Beings or Operation Division are available within the body of the Directorate of Anti-Smuggling and Organised Crime. In 2023, it is planned to turn Ankara, Bitlis, Kahramanmaraş and Tekirdağ Provincial Gendarmerie Commands into Departments for Combating Smuggling of Migrants and Trafficking in Human Beings and to establish Analysis and Monitoring Teams within the bodies of Departments for Combating Smuggling of Migrants and Trafficking in Human Beings.

In human trafficking investigations, if there are strong grounds for suspicion based on concrete evidence that the criminal offence subject to the investigation has been committed and evidence cannot be obtained by any other means, special investigation and evidential techniques can be utilised with a court decision pursuant to Article 135 (Detection of communication), Article 139 (Appointing of the undercover investigator), and Article 140 (Monitoring with technical devices) within the scope of the Criminal Procedure Code.

Regarding Online Child Abuse, within the scope of the Child Protection Programme, (12) staff received training at the Gendarmerie General Command Department of Combating Cybercrime in March 2022, and (4) staff received (5) days on-site training at the National Crime Agency (NCA) in the United Kingdom (London) in November 2022.

Regarding online child sexual abuse, in 2022 and the first three months of 2023, (33) detections were made, (20) investigation files were opened, (4) files were closed due to lack of analysis, (5) suspects were arrested, and judicial proceedings were taken against (15) suspects. During the searches conducted in the residences of suspects, (75) digital materials related to the offence were seized.



A total of (1,545) websites in 2022 and (720) websites between 01 January 2023 and 13 April 2023 were reported to the Information and Communication Technologies Authority (ICTA) for the purpose of blocking access.

**Within the scope of Criminal Procedure Code No. 5271,**

**According to Article 135 with the title line “Detection, interception and recording of communication”**

“(1) If, during the investigation and prosecution of an offence, there are strong grounds for suspicion based on concrete evidence that an offence has been committed and there is no other means of collecting evidence, the communications of the suspect or defendant via telecommunication (...) may be intercepted, recorded and signal information may be evaluated with the order of a judge or, in cases where delay is detrimental, a public prosecutor. The public prosecutor shall immediately submit his/her decision to the judge for approval and the judge shall decide on this matter within twenty-four hours, at the latest. In case the time limit expires or the judge rules otherwise, injunction shall be immediately revoked by the public prosecutor.

(2) While making a request, any document or report indicating the owner and, if known, the user of the line or means of communication for which an injunction will be issued pursuant to this Article shall be attached.

(3) Communication of the suspect or defendant with persons who may refrain from testifying shall not be recorded. In the event that this is realised after the recording has taken place, the recordings shall be destroyed immediately.

(4) The order issued pursuant to the provision of the first paragraph shall specify the type of offence charged, the identity of the person against whom injunction is to be applied, the type of communication means, the code enabling the detection of telephone number or communication connection, the type, scope and duration of injunction. An injunction may be issued for a maximum of two months; this period may be extended for one more month. However, if deemed necessary in relation to crimes committed within the framework of the activities of an organisation, the judge may decide to extend the duration of any injunction for an additional period of not more than one month at a time and not exceeding three months in total.

(5) In order to apprehend the suspect or defendant, the location of mobile phone (...) may be determined upon the order of a judge or, in cases where delay is detrimental, a public prosecutor. The order on this matter shall specify (...) mobile phone number and the duration of the detection procedure. The detection procedure may be carried out for a maximum of two months; this period may be extended for one more month.

(6) Detection of the suspect's and defendant's communication via telecommunication shall be made based on the order of a judge or, in cases where delay is detrimental, a public prosecutor at the investigation stage, or the court decision at the prosecution stage. The decision shall specify the type of offence charged, the identity of the person against whom the injunction is to be applied, the type of communication means, the code enabling the detection telephone number or the communication connection and the duration of the injunction. The public prosecutor shall submit his/her order to the judge for approval within twenty-four hours and the judge shall render his/her decision within twenty-four hours at the latest. In case the time limit expires or the judge decides otherwise, the records shall be destroyed immediately.

(7) Decisions and actions taken pursuant to the provisions of this article shall be kept confidential for the duration of the injunction.

(8) Provisions on interception, recording and evaluation of signal information under this Article may only be applied in relation to the offences listed below:

a) Pursuant to the Turkish Penal Code;

1. Smuggling of migrants and trafficking in human beings (Articles 79, 80) and trading of organs or tissues (Article 91),

2. Intentional killing (Articles 81, 82, and 83),

3. Torture (Articles 94 and 95),
  4. Sexual assault (except the first paragraph, Article 102),
  5. Child molestation (Article 103),
  6. Qualified theft (Article 142) and robbery (Articles 148 and 149), and qualified theft by deception (Article 158),
  7. Production and trade of narcotics and psychotropic substances (Article 188),
  8. Counterfeiting money (Article 197),
  9. (Amended on 24 November 2016-by Article 26 of the Law No. 6763) Establishing organisations for the purpose of committing crimes
  10. Prostitution (Article 227),
  11. Fraud during a tender (Article 235),
  12. Unlawful money lending (Article 241),
  13. Bribery (Article 252),
  14. Laundering of assets acquired from an offence (Article 282),
  15. Disrupting the unity and integrity of the state (Article 302),
  16. Offences against the constitutional order and its functioning (Articles 309, 311, 312, 313, 314, 315, and 316),
  17. Offences against state confidentiality and espionage (Articles 328, 329, 330, 331, 333, 334, 335, 336, and 337),
  - b) Offences of firearms trafficking as defined in the Law on Firearms, Knives and the Other Similar Objects (Article 12),
  - c) Embezzlement offence as defined in paragraphs (3) and (4) of Article 22 of the Banking Law,
  - d) Offences defined in the Anti-Smuggling Law and punishable by imprisonment.
  - e) Offences defined in Articles 68 and 74 of the Law on the Protection of Cultural and Natural Heritage.
- (9) Except for the principles and procedures set out in this article, no one may intercept or record communication of another person via telecommunication.”,

**According to Article 40 with the title line “Monitoring with technical devices”,**

“(1) If there is strong suspicion that the below listed crimes have been committed and there are no other means of collecting evidence, the activities and the workplace of the suspect or the accused may be monitored in public places, or it may be subject to audio-visual recording by means of technical devices:

a) Pursuant to the Turkish Penal Code;

1. Smuggling of migrants and trafficking in human beings (Articles 79, 80) and trading of organs or tissues (Article 91) (45),

...

(2) A decision for monitoring by means of technical devices may be taken by the judge or where a delay is detrimental by the public prosecutor. The decisions taken by the public prosecutor shall be submitted to the judge for approval within twenty four hours. Upon expiry of this period or if the judge denies approval, the injunction shall be revoked by the public prosecutor.

(3) A decision for monitoring by means of technical devices can be taken for a maximum of three weeks; however this period can be extended for once. However, if deemed necessary in relation to crimes committed within the framework of the activities of the organisation, in addition to the above-mentioned periods, the judge may decide to extend such periods, but not more than one week at a time and not exceeding four weeks in total. In the event that a secret investigator is appointed together with the measure of monitoring with technical devices, periods specified in this paragraph shall be increased by one fold.

(4) The evidence obtained cannot be used for purposes unrelated to the investigation or the prosecution of the crime in question; if in terms of prosecution it is no longer needed, then such evidence shall immediately be destroyed under the supervision of the public prosecutor.

(5) The provisions of this article cannot be implemented in the dwelling of the person.”,

As clearly seen, if, during the investigation and prosecution of an offence, there are strong grounds for suspicion based on concrete evidence that an offence has been committed and there is no other means of collecting evidence, the communications of the suspect or defendant via telecommunication may be intercepted, recorded and signal information may be evaluated with the order of a judge or, in cases where delay is detrimental, a public prosecutor.

The procedures, decisions and records relating to the surveillance of communication shall be kept confidential in accordance with the principle of freedom of communication and protection of private life as well as the principle of confidentiality of the investigation. It is of vital importance that no one other than the staff assigned for the injunction is informed in order to achieve the purpose of the injunction and to protect private life.

Communication of the suspect or defendant with persons who may refrain from testifying shall not be recorded. In the event that this is realised after the recording has taken place, the recordings shall be destroyed immediately.

The injunction of interception and recording of communication and evaluation of signal information may only be applied in relation to the offences listed in the eighth paragraph of Article 135 of the Law No. 5271.

Except for the principles and procedures specified in Article 135 of the Law No. 5271, no one may intercept or record another person's telecommunication communications. Again, if there are strong grounds for suspicion based on concrete evidence and evidence cannot be obtained in any other way, the activities of the suspect or accused in public places and his workplace may be monitored by technical means, and audio or video recordings may be taken.

**52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?**

As victims of human trafficking for the purpose of trading of organs and tissues, 1 person was identified in 2020, and 2 persons in 2022.

As the Counter-Smuggling of Migrants and Border Gates Department of the Turkish National Police, no human trafficking incident with the purpose of trading of organs and tissues has been encountered.

**Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)**

**53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.**

Victims of human trafficking have the right to request a lawyer to be assigned to them by the bar association in accordance with Article 234 of the Criminal Procedure Code No. 5271, as the offence requires a lower limit of imprisonment of more than five years pursuant to Article 80 of the Turkish Criminal Code No. 5237, and additionally, they can benefit from witness protection measures within the framework of the Witness Protection Law No. 5726 and the provisions of the Regulation on Principles and Procedures Regarding Witness Protection Measures to be taken by Public Prosecutor's Offices and Courts published in the Official Gazette dated 11.11. 2008 and numbered 27051. Again, statements and declarations of vulnerable groups, such as victims of human trafficking, can be received in judicial interview rooms (AGOs) in the presence of legal support officers, since it is considered that it would be inconvenient for victims to come face to face with the perpetrator.

In addition, criminal statistics kept by the Directorate General for Criminal Records and Statistics of the Ministry of Justice, based on the law number in the Turkish Penal Code and special laws, with respect to public prosecutor's offices and criminal courts, and the relevant referral article and paragraph [file (miscellaneous, principle, instruction, etc.), party (suspect, defendant, victim, complainant, participant, nationality, gender, etc.), crime decision type (conviction, acquittal, deferral of the announcement of the verdict, etc.), file decision types (lack of jurisdiction, non-competence, merger, etc.), protection and security measures (judicial control, apprehension, arrest, etc.)], can be compiled from the data obtained through the screens in the Judicial Data Bank and can be provided on the basis of region, province, unit, court type in the desired year and date interval from 2009 until today.

**54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?**

“Guide on Approach to Witnesses” has been prepared in order to guide service providers in contact with witnesses in their practices by bringing together the basic standards and principles of approach to witnesses, to support a respectful and sensitive approach to the rights of witnesses, and to increase the quality of service. A separate chapter is dedicated to the approach to foreign national witnesses. In addition, judicial interview rooms (AGO) operate to contribute to the discovery of the material truth by providing a private space for receiving statements and declarations of victims, witnesses and children drawn into crime, victims of sexual and domestic violence crimes and victims of human trafficking, since it is considered that it would be inconvenient for victims to come face to face with the perpetrator. Social workers, psychologists and pedagogues work in these judicial interview rooms, and special trainings on judicial interviews are provided.

#### **Jurisdiction (Article 31)**

**55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).**

**I- Within the scope of the Turkish Penal Code No. 5237;**

**1- According to Article 8 with the title line “Territorial jurisdiction”,**

“(1) Turkish law shall apply to all criminal offences committed in Türkiye. Where a criminal act is partially, or fully, committed in Türkiye, or the result of a criminal act occurs in Türkiye the offence shall be presumed to have been committed in Türkiye.

(2) If the criminal offence is committed;

- a) within Turkish territory, airspace or in Turkish territorial waters,
- b) on the open sea or in the space extending directly above these waters and in, or by using, Turkish sea and air vessels,
- c) in, or by using, Turkish military sea or air vehicles,
- d) on or against a fixed platforms erected on the continental shelf or in the economic zone of Türkiye.”,

**2- According to Article 9 with the title line “Conviction in a foreign country”,**

“(1) Any person who is convicted in a foreign country for an offence committed in Türkiye shall be subject to retrial in Türkiye.”,

**3- According to Article 11 with the title line “Offences committed by citizens”,**

“(1) If a Turkish citizen commits an offence in a foreign country that would amount to an offence under Turkish law and that offence is subject to a penalty of imprisonment where the minimum limit is greater than one year, and he is present in Türkiye, and upon satisfying the conditions that he has not been convicted for the same offence in a foreign country and a prosecution is possible in Türkiye, he shall be subject to a penalty under Turkish law, except in regard as to the offences defined in Article 13.

(2) Where the aforementioned offence is subject to a penalty of imprisonment, the minimum limit of which is less than one year, then criminal proceedings shall only be initiated upon the making of a complaint by a victim or a foreign government. In such a case, the complaint must be made within six months of the date the citizen entered Türkiye.”,

**4- According to Article 12 with the title line “Offences committed by non-citizens”,**

“(1) Where a non-citizen commits an offence (other than defines in Article 13), to the detriment of Türkiye, in a foreign country, that would amount to an offence under Turkish law and that offence is subject to a penalty of imprisonment where the minimum limit is greater than 1 year, and he is present in Türkiye, he shall be subject to penalty under Turkish law. Criminal proceedings shall only be brought upon request by the Ministry of Justice.

(2) Where the aforementioned offence is committed to the detriment of a Turkish citizen or to the detriment of a legal personality established under Turkish civil law and the offender is present in Türkiye and there has been no conviction in a foreign country for the same offence then, upon the making of a complaint by the victim, he shall be subject to penalty under Turkish law.

(3) If the victim is a non-citizen the offender shall be subject to criminal proceedings, upon the request of the Ministry of Justice, provided the following conditions are fulfilled:

a) the offence is subject to a penalty of imprisonment under Turkish law where the minimum limit of imprisonment is not less than 3 years, and

b) there is no extradition agreement; or the government of the country in which the crime has been committed, or the state of which the offender is a national, has refused to grant extradition.

(4) In relation to offences to which paragraph one is applicable, if a non-citizen is convicted or acquitted in a foreign court or has any criminal proceedings or penalty against him stayed or set aside respectively by such court or the offence becomes one which cannot be the subject of a prosecution in a foreign court then, upon the request of the Ministry of Justice, criminal proceedings shall be brought in Türkiye.

(5) Under the conditions in the scope of the first provision, criminal proceedings for bribery and trading in influence are not bound to the request of the Ministry of Justice.”

**5- According to Article 13 with the title line “Miscellaneous offences”,**

“(1) Turkish law shall apply to the following offences committed in a foreign country whether or not committed by a citizen or non-citizen of Türkiye:

a) Offences defined in Chapter I, Volume II.

b) Offences defined in Parts 3-8, Chapter IV, Volume II.

c) Torture (Articles 94 and 95).

d) Intentional pollution of the environment (Article 181).

e) Production and trade of narcotics or psychotropic substances (Article 188), facilitating the use of narcotics or psychotropic substances (Article 190).

f) Counterfeiting Money (Article 197), manufacturing and trading of instruments used in the production of Money and valuable seals (Article 200), counterfeiting a seal (Article 202).

g) Prostitution (Article 227).

...

(2) Except for offences defined in parts 3, 5, 6 and 7 of Chapter IV, Volume II, conducting criminal proceedings in Türkiye for crimes within the scope of paragraph one shall be subject to a request of the Ministry of Justice.

(3) Even where a conviction or acquittal pursuant to the offences listed in paragraph one subparagraphs (a) and (b) have occurred in a foreign country, criminal proceedings in Türkiye shall be conducted upon the request of the Ministry of Justice.”

The concept of universality is based on the principle that in certain offences that are considered to violate values of the international community, the state that holds the perpetrator has jurisdiction, regardless of the nationality of the perpetrator and where he/she committed the offence, even if such offence directly concern the state itself. In this way, it is ensured that some offences do not go unpunished due to principles such as territoriality, individuality and protection system. For example, most states have accepted universal jurisdiction for offences such as genocide and offences against humanity. Pursuant to the principle of universality adopted in Article 13 of the Law No. 5237, in terms of the offence of Human Trafficking, it has been accepted that even where a conviction or acquittal pursuant to offences such as human trafficking have occurred in a foreign country, criminal proceedings in Türkiye shall be conducted upon the request of the Ministry of Justice.

**International co-operation (Article 32)**

**56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.**

- Our extradition request for X, who was sought pursuant to the warrant of arrest No. 2017/314-315 of Artvin Judgement and Execution Office in order to execute the sentence of imprisonment for a term of 7 years and 16 months which was ordered by Artvin High Criminal Court due to “the offence of trafficking in human beings” was accepted by the Georgian authorities and the person concerned was brought to Türkiye on 22/05/2019.

- Upon the arrest of X, who was sought based on the extradition request issued by Ardahan High Criminal Court on 14/12/2012 pursuant to the warrant of arrest No. 2012/43 of Ardahan High Criminal Court of 16/07/2012 for the offences of “encouraging or forcing a person to prostitution, acting as an intermediary for prostitution, and establishing a criminal organisation for the purposes of human trafficking and committing crime”, as well as the warrant of arrest No. 2011/75 of Erzurum 2<sup>nd</sup> High Criminal Court of 08/06/2012, in Georgia, his extradition to Türkiye was accepted.
- X, who was sought with red notice for the extradition to Israel pursuant to the warrant of arrest issued by Tel Aviv Court on 25/02/2009 for the offences of “trafficking in persons for the purpose of prostitution, establishing a criminal organisation and causing a person to leave the country for the purpose of prostitution”, who was arrested while entering Türkiye and temporarily arrested for the purpose of extradition to the said country pursuant to the decision No. 2011/973 D.İş of Bakırköy 5<sup>th</sup> Criminal Court of Peace, and subsequently about whom it was decided that “extradition request is acceptable” pursuant to the decision No. 2011/391 D.İş of Bakırköy 9<sup>th</sup> High Criminal Court of 24/08/2011, was agreed to be extradited to Israel pursuant to the decision of the Council of Ministers, and thus he was handed over to Israeli authorities in Atatürk Airport on 24/08/2011.
- Based on mutual legal assistance request of the Dutch authorities, the execution of the 86-month imprisonment sentence finalised in the said country for the offence of “Human Trafficking, Participation in a Criminal Organisation” against our Turkish citizen named X was requested to be transferred to Türkiye. The request was forwarded to Chief Public Prosecutor's Office for consideration and execution, and the adaptation decision dated 06.09.2022 and numbered 2021/1025 D.İş was made by Ankara 9<sup>th</sup> High Criminal Court and the decision became final on 25.11.2022. Following the approval of the Dutch authorities, the execution of the sentence of such person will begin in Türkiye.

Türkiye executes international judicial cooperation requests through bilateral or multilateral agreements. Türkiye is party to numerous agreements concluded within the United Nations and the Council of Europe, as well as bilateral agreements signed with many countries. New judicial cooperation agreements are also being prepared. Bilateral and multilateral agreements to which Türkiye is a party can be accessed from the link <https://diabgm.adalet.gov.tr/Home/SayfaDetay/S%C3%B6zle%C5%9Fmeler>.

In the absence of an agreement on international judicial cooperation, the Ministry of Justice, as the Central Authority, has the power to “*to decide on accepting the requests for cooperation of foreign States and on the suitability of the requests for cooperation of Turkish judicial authorities within the framework of international agreements to which Türkiye is a party or the principle of reciprocity*”, as stated in Article 3 of the Law No. 6706 on International Judicial Cooperation in Criminal Matters.

According to 2<sup>nd</sup> paragraph in the same article, it is regulated that “In the event that statutory and actual reciprocity is not available between the foreign State and Türkiye, execution of the request for judicial cooperation may be subjected to the guarantee of the Requesting State that the requests for judicial cooperation of Türkiye on the same issue shall be executed”, and in the absence of de facto reciprocity, co-operation is also made possible.

### **Measures related to endangered or missing persons (Article 33)**

**57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What**

**protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.**

Both bilateral and multilateral legal assistance conventions to which Türkiye is a party (Article 21 of the European Convention on Mutual Legal Assistance in Criminal Matters (Convention No. 30)) contain provisions that enable the reporting of offences committed in one country to other contracting states or the direct exchange of information.

In the event that information is provided to Türkiye in this context, criminal complaints are filed to relevant Public Prosecutor's Offices as stated above.

**58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?**

As the Counter-Smuggling of Migrants and Border Gates Department of the Turkish National Police, in terms of cooperation with foreign country authorities, operational channels such as INTERPOL and SELEC are used, and direct cooperation with the authorities of relevant country is possible through signed security cooperation agreements.

Following the receipt of applications by the Gendarmerie General Command regarding missing children of Turkish or foreign nationality, search records of the persons are entered through KİHBİ and UYAP, the application documents are sent to the investigation unit where they were last seen, and an investigation is carried out throughout the country, especially in the place where they disappeared. The same procedures are followed with regard to foreign nationals, and the consulate of relevant country is also informed.

### **Co-operation with civil society (Article 35)**

**59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.**

In the first paragraph of Article 25 of the Regulation on Combating Trafficking in Human Beings and Protection of Victims, it is regulated that PMM may establish and operate shelters, or have all or part of shelter services operated through a protocol, where expert staff work, where support and monitoring services are provided for the effective implementation of protective and preventive measures with access to physical and psychological treatment of victims, and which are operated on a seven-day, twenty-four-hour basis. In this context, within the scope of the EU Support to the Fight against Trafficking in Human Beings in Türkiye Project (IPA II-2018), which entered into force in 2022, the operation of 3 shelters in cooperation with civil society organisations is on-going, and protocols with civil society organisations have been concluded within the scope of this activity.

As ESDER, we are in the process of signing a protocol for the on-going cooperation with the Department of Protection of Victims of Human Trafficking within the body of the Ministry of Interior Presidency of Migration Management. By signing the protocol, we will strive to take part in



different projects and studies in the field of combating trafficking in human beings, with the guidance of PMM.

#### **Relationship with other international instruments (Article 40)**

**60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.**

**61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.**

Since the data on this subject is still being compiled, data cannot be shared at this stage.

#### **D. Final questions**

**62. Which bodies and organisations contributed to responding to this questionnaire?**

COURT OF CASSATION

MINISTRY OF JUSTICE

(Department of Legal Support and Victim Services)

(Directorate General for Criminal Records and Statistics)

(Directorate General for Criminal Affairs)

(Department of Human Rights)

(Directorate General for Legislation)

(Directorate General for Foreign Relations and European Union Affairs)

MINISTRY OF FAMILY AND SOCIAL SERVICES

(General Directorate of Child Services)

(Directorate General of Status of the Women)

MINISTRY OF LABOUR AND SOCIAL SECURITY

(Directorate General of Labour)

(Office of Guidance and Inspection)

(Directorate General of International Labour)

MINISTRY OF TREASURY AND FINANCE

(Financial Crimes Investigation Board)

PRESIDENCY OF THE SOCIAL SECURITY INSTITUTION

(Department of Combating Unregistered Employment)

TURKISH NATIONAL POLICE

GENDARMERIE GENERAL COMMAND

MINISTRY OF HEALTH

(Department of Strategy Development)

PRESIDENCY OF JUSTICE ACADEMY OF TÜRKİYE

HUMAN RIGHTS AND EQUALITY INSTITUTION OF TÜRKİYE

DIRECTORATE GENERAL OF TURKISH EMPLOYMENT AGENCY

UNION OF TURKISH BAR ASSOCIATIONS

PRESIDENCY OF MIGRATION MANAGEMENT

PROVINCIAL DIRECTORATES OF MIGRATION MANAGEMENT IN 81 PROVINCES

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

UNITED NATIONS INTERNATIONAL ORGANISATION FOR MIGRATION

INTERNATIONAL MIGRATION POLICY DEVELOPMENT CENTRE  
 ASSOCIATION FOR THE PROMOTION OF EQUALITY LIVES AND SUSTAINABLE  
 DEVELOPMENT  
 INTERNATIONAL MIGRATION ASSOCIATION  
 CARE INTERNATIONAL

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

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#### **E. Statistics on THB (per year, starting with 2019)**

**Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

**Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.**

While PDMM interviewed 4,919 persons suspected to be victims of human trafficking in 2020, the number of persons interviewed increased to 8,077 in 2021 and 21,236 in 2022. The number of identified victims was 282 in 2020, 402 in 2021 and 345 in 2022.

Forms of exploitation (2019-2022)

<b>Form of exploitation /Total</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Total</b>
		<b>215</b>	<b>282</b>	<b>402</b>	<b>345</b>
Sexual exploitation	144	160	200	161	<b>665</b>
Labour exploitation	55	73	111	107	<b>346</b>
Forced begging	4	43	22	16	<b>85</b>
Forced marriage	11	4	54	41	<b>110</b>
Child soldier	-	-	14	16	<b>30</b>
Child sales	1	1	1	2	<b>5</b>

Trading of organs and tissues	-	1	-	2	3
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## Age distribution of victims of human trafficking (2019-2022)

Age /Total	2019	2020	2021	2022	Total
		<b>215</b>	<b>282</b>	<b>402</b>	<b>345</b>
(-) 18	30	165	118	72	<b>385</b>
18-25	83	41	119	113	<b>356</b>
26-35	70	56	128	111	<b>365</b>
36 (+)	32	20	37	49	<b>138</b>

## Gender distribution of victims of human trafficking (2019-2022)

Gender /Total	2019	2020	2021	2022	Total
		<b>215</b>	<b>282</b>	<b>402</b>	<b>345</b>
Male	20	61	81	62	<b>224</b>
Female	195	221	321	283	<b>1.020</b>

## Nationality distribution of victim of human trafficking (2019-2022)

Nationality /Total	2019	2020	2021	2022	Total
		<b>215</b>	<b>282</b>	<b>402</b>	<b>345</b>
Syria	37	159	158	108	<b>462</b>
Uzbekistan	44	38	63	57	<b>202</b>
Türkiye	2	11	42	33	<b>88</b>
Afghanistan	14	11	22	33	<b>80</b>
Kyrgyzstan	32	14	12	15	<b>73</b>
Morocco	28	5	5	11	<b>49</b>
Azerbaijan	6	9	9	6	<b>30</b>
Turkmenistan	5	4	11	6	<b>26</b>
Iraq	1	2	10	12	<b>25</b>
Indonesia	11	2	5	5	<b>23</b>
Other	35	27	65	59	<b>186</b>

## Distribution of victims of human trafficking, based on provinces they were identified (2019-2022)

Province /Total	2019	2020	2021	2022	Total
		<b>215</b>	<b>282</b>	<b>402</b>	<b>345</b>
İstanbul	48	98	130	58	<b>334</b>
Şanlıurfa	3	71	34	9	<b>117</b>
Gaziantep	17	5	52	41	<b>115</b>
Antalya	30	17	12	15	<b>74</b>
Hatay	19	7	13	27	<b>66</b>

İzmir	28	16	14	7	<b>65</b>
Bursa	3	14	6	17	<b>40</b>
Eskişehir	-	-	9	30	<b>39</b>
Ankara	3	3	16	11	<b>33</b>
Mersin	3	2	17	9	<b>31</b>
Other	61	49	99	121	<b>330</b>

**Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).**

As mentioned above, recovery and reflection time is given to every victim who wishes to benefit from the victim support programme, and the statistical details are presented below.

Gender distribution of victims who are granted recovery and reflection time (2019-2022)

Gender/Total	2019	2020	2021	2022	Total
		<b>25</b>	<b>183</b>	<b>144</b>	<b>98</b>
Male	7	56	37	16	<b>116</b>
Female	18	127	107	82	<b>334</b>

Age distribution of victims, who are granted recovery and reflection time (2019-2022)

Age /Total	2019	2020	2021	2022	Total
		<b>25</b>	<b>183</b>	<b>144</b>	<b>98</b>
(-) 18	15	154	73	41	<b>283</b>
18-25	4	11	33	23	<b>71</b>
26-35	4	12	28	22	<b>66</b>
36 (+)	2	6	10	12	<b>30</b>

Distribution of victims granted recovery and reflection time, by forms of exploitation (2019-2022)

Form of exploitation /Total	2019	2020	2021	2022	Total
		<b>25</b>	<b>183</b>	<b>144</b>	<b>98</b>
Sexual exploitation	8	87	46	37	<b>178</b>
Labour exploitation	11	51	57	32	<b>151</b>
Forced begging	4	42	17	14	<b>77</b>
Forced marriage	1	2	23	10	<b>36</b>
Child soldier			1	3	<b>4</b>
Child sales	1	1		1	<b>3</b>
Trading of organs and tissues				1	<b>1</b>

Nationality distribution of victims, who are granted recovery and reflection time (2019-2022)

Nationality /Total	2019	2020	2021	2022	Total
	25	183	144	98	450
Syria	12	145	85	43	285
Uzbekistan		5	8	8	21
Türkiye	2	8	11	11	32
Afghanistan	7	9	11	13	40
Kyrgyzstan		2	5	3	10
Kazakhstan		1			1
Morocco	2			3	5
Azerbaijan	1		2	1	4
Turkmenistan		1	2	4	7
Bulgaria		1			1
Namibia		6			6
Zambia		1			1
Iran	1	1	2		4
Iraq		1	9	4	14
Moldova		1		1	2
Indonesia		1		1	2
Pakistan			1		1
Romania					0
Georgia					0
Russia			1		1
Uganda					0
Ukraine			1		1
Germany			1		1
The Philippines			2		2
Congo			1		1
Nigeria			2		2
Brazil					0
China				1	1
Nepal					0
Thailand					0
Taiwan					0
Angola				1	1
Bolivia				1	1
Somali				1	1
Tajikistan				1	1
Tunisia				1	1

**Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

Within the scope of this question, statistical information on the victims who benefited from both the victim support programme and the voluntary and safe return programme is included.

## Gender distribution of victims who received support (2019-2022)

Gender/Total	2019	2020	2021	2022	Total
		<b>187</b>	<b>238</b>	<b>236</b>	<b>169</b>
Male	19	58	52	20	<b>149</b>
Female	168	180	184	149	<b>681</b>

## Age distribution of victims who received support (2019-2022)

Age	2019	2020	2021	2022	Total
<b>/Total</b>	<b>187</b>	<b>238</b>	<b>236</b>	<b>169</b>	<b>830</b>
(-) 18	22	156	78	41	<b>297</b>
18-25	74	33	61	49	<b>217</b>
26-35	62	34	75	53	<b>224</b>
36 (+)	29	15	22	26	<b>92</b>

## Distribution of victims who received support, by forms of exploitation (2019-2022)

Form of exploitation	2019	2020	2021	2022	Total
	<b>/Total</b>	<b>187</b>	<b>238</b>	<b>236</b>	<b>169</b>
Sexual exploitation	124	128	103	74	<b>429</b>
Labour exploitation	50	64	85	56	<b>255</b>
Forced begging	4	42	17	14	<b>77</b>
Forced marriage	8	2	30	20	<b>60</b>
Child soldier			1	3	<b>4</b>
Child sales	1	1		1	<b>3</b>
Trading of organs and tissues		1		1	<b>2</b>

## Nationality distribution of victims who received support (2019-2022)

Nationality	2019	2020	2021	2022	Total
<b>/Total</b>	<b>187</b>	<b>238</b>	<b>236</b>	<b>169</b>	<b>830</b>
Syria	19	148	92	45	<b>304</b>
Uzbekistan	41	28	50	40	<b>159</b>
Türkiye	2	9	11	11	<b>33</b>
Afghanistan	13	10	13	16	<b>52</b>
Kyrgyzstan	32	11	12	10	<b>65</b>
Kazakhstan	3	1	3		<b>7</b>
Morocco	28		3	8	<b>39</b>
Azerbaijan	5	8	4	1	<b>18</b>
Turkmenistan	4	2	2	4	<b>12</b>
Bulgaria		1			<b>1</b>

Namibia		6			<b>6</b>
Zambia	1	1	1		<b>3</b>
Iran	1	1	3		<b>5</b>
Iraq	1	1	9	4	<b>15</b>
Moldova	4	1		1	<b>6</b>
Indonesia	11	2	3	5	<b>21</b>
Pakistan	3		1		<b>4</b>
Romania		1			<b>1</b>
Georgia	2	2			<b>4</b>
Russia	4	2	4	1	<b>11</b>
Uganda		2			<b>2</b>
Ukraine	9	1	2		<b>12</b>
Germany			1		<b>1</b>
The Philippines			2		<b>2</b>
Congo			1		<b>1</b>
Nigeria			2	1	<b>3</b>
Brazil			1		<b>1</b>
China			5	1	<b>6</b>
Nepal			1		<b>1</b>
Thailand			1	5	<b>6</b>
Taiwan			9		<b>9</b>
Angola				1	<b>1</b>
Bolivia				1	<b>1</b>
Somali				1	<b>1</b>
Tajikistan				2	<b>2</b>
Tunisia				1	<b>1</b>
D. Congo				1	<b>1</b>
Dominica				4	<b>4</b>
Kenya	1			5	<b>6</b>
Belarus	1				<b>1</b>
R. of Cote D'Ivoire	1				<b>1</b>
Colombia	1				<b>1</b>

**Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).**

According to 2019 statistics, 82 residence permits were issued for victims of human trafficking, of whom 6 were males and 76 were females. Of the identified victims, 6 were under the age of 18, 54 were between the ages of 18 and 35, and 22 were 36 years and older. In 2019, nationality distribution of persons for whom residence permits were issued is as follows: Uzbekistan 22, Morocco 17, Indonesia 10, Afghanistan 7, Kyrgyzstan 7, Azerbaijan 4, Pakistan 3, Syria 3, Uganda 2, Turkmenistan 2, Iraq 1, Kenya 1, Moldova 1, Russian Federation 1, and Iran 1.

According to 2020 statistics, 41 residence permits were issued for victims of human trafficking, of whom 39 were females and 2 were males. Of the identified victims, 2 were under the age of 18, 25 were between the ages of 18 and 35, and 14 were 36 years and older. In 2020, nationality distribution of persons for whom residence permits were issued is as follows: Uzbekistan 13, Azerbaijan 8, Afghanistan 4, Indonesia 2, Russian Federation 2, Kazakhstan 2, Kyrgyzstan 2, Bulgaria 1, Georgia 1, Moldova 1, Namibia 1, Turkmenistan 1, Uganda 1, Zambia 1, and Iran 1.

According to 2021 statistics, 67 residence permits were issued for victims of human trafficking, 59 of whom were females and 8 were males. Of the identified victims, 8 were under the age of 18, 38 were between the ages of 18 and 35, and 21 were 36 years and older. In 2021, nationality distribution of persons whose residence permits were issued is as follows: Uzbekistan 21, Kyrgyzstan 7, Afghanistan 6, Azerbaijan 4, Indonesia 4, Syria 4, Turkmenistan 4, Morocco 2, Philippines 2, Iraq 2, Ukraine 2, Iran 2, Germany 1, Ethiopia 1, Stateless 1, Pakistan 1, Russian Federation 1, Tajikistan 1, and Tunisia 1.

According to 2022 statistics, 57 residence permits were issued for victims of human trafficking, of whom 50 were females and 7 were males. Of the identified victims, 9 were under the age of 18, 37 were between the ages of 18 and 35, and 11 were 36 years and older. In 2022, nationality distribution of persons whose residence permits were issued is as follows: Uzbekistan 15, Kyrgyzstan 8, Afghanistan 6, Turkmenistan 5, Azerbaijan 4, Syria 4, Indonesia 2, Morocco 2, Germany 1, Bolivia 1, Iraq 1, Kazakhstan 1, Kenya 1, Moldova 1, Pakistan 1, Tanzania 1, Tunisia 1, Ukraine 1, and Iran 1.

#### **Number of victims given refugee status and subsidiary/complementary protection.**

Since the data on this subject is still being compiled, data cannot be shared at this stage.

#### **Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.**

Criminal statistics kept by the Directorate General for Criminal Records and Statistics of the Ministry of Justice, based on the law number in the Turkish Penal Code and special laws, with respect to public prosecutor's offices and criminal courts, and the relevant referral article and paragraph [file (miscellaneous, principle, instruction, etc.), party (suspect, defendant, victim, complainant, participant, nationality, gender, etc.), crime decision type (conviction, acquittal, deferral of the announcement of the verdict, etc.), file decision types (lack of jurisdiction, non-competence, merger, etc.), protection and security measures (judicial control, apprehension, arrest, etc.)], can be compiled from the data obtained through the screens in the Judicial Data Bank and can be provided on the basis of region, province, unit, court type in the desired year and date interval from 2009 until today. Statistics available at our Directorate General do not contain any personal information of the parties (suspect/accused, victim, complainant, plaintiff, defendant, profession, etc.).

In this regard, detailed statistics cannot be produced on the requested issue. However, the relevant Directorate General continues to carry out activities to obtain detailed statistics on victims of crimes. In this context, efforts have been initiated with the instruction of the Authority in order to obtain statistical data needed for victims of crime, women victims of violence, children involved in the judicial process, and disadvantaged groups through UYAP, and the working group established to produce detailed statistics on victims through UYAP has been working on:



- Entering data about victims of crimes who are not matched in the system, although crime-victim matching is compulsory,
- Making the entry of support articles mandatory,
- Supplying detailed data within the scope of the Law No. 6284 and the Law No. 5395,
- Obtaining detailed data about women and children involved in the legal process,
- Obtaining data about subjects within the scope of Judicial Interview Room (AGO),
- Obtaining data that cannot be provided in terms of legal aid.

It is target to meet the demand for detailed statistics in the future.

**Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).**

In 2022, IOM in Thailand supported Assisted Voluntary Return of 10 Turkish nationals identified as victims of human trafficking in Thailand. In addition, IOM provided reintegration support in Türkiye to 11 Turkish victims of human trafficking who were about to be exploited in the same group. Victims were identified in Thailand before the exploitation took place, but it is thought that they may have been exploited in Cambodia or Myanmar as part of online fraud schemes.

**Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).**

Voluntary and safe returned figures of victims of human trafficking, based on forms of exploitation (2019-2022)

<b>Form of Exploitation /Total</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Total</b>
	<b>162</b>	<b>55</b>	<b>92</b>	<b>71</b>	<b>380</b>
Sexual exploitation	116	41	57	37	<b>251</b>
Labour exploitation	39	13	28	24	<b>104</b>
Forced begging	-	-	-	-	-
Forced marriage	7	-	7	10	<b>24</b>
Child soldier	-	-	-	-	-
Child sales	-	-	-	-	-
Trading of organs and tissues	-	1	-	-	<b>1</b>

Voluntary and safe returned figures of victims of human trafficking, based on age distribution (2019-2022)

Age /Total	2019	2020	2021	2022	Total
		<b>162</b>	<b>55</b>	<b>92</b>	<b>71</b>
(-) 18 <sup>14</sup>	14	2	5	-	<b>21</b>
18-25	62	22	28	26	<b>138</b>
26-35	59	22	47	31	<b>159</b>
36 (+)	27	9	12	14	<b>62</b>

Voluntary and safe return figures of victims of human trafficking, based on gender distribution (2019-2022)

Gender /Total	2019	2020	2021	2022	Total
		<b>162</b>	<b>55</b>	<b>92</b>	<b>71</b>
Male	12	2	15	4	<b>33</b>
Female	150	53	77	67	<b>347</b>

Voluntary and safe return figures of victims of human trafficking, based on nationality distribution (2019-2022)

Nationality /Total	2019	2020	2021	2022	Total
		<b>162</b>	<b>55</b>	<b>92</b>	<b>71</b>
Uzbekistan	41	23	42	32	<b>138</b>
Kyrgyzstan	32	9	7	7	<b>55</b>
Morocco	26	-	3	5	<b>34</b>
Indonesia	11	1	3	4	<b>19</b>
Syria	7	3	7	2	<b>19</b>
Other	45	19	30	21	<b>115</b>

In 2022, IOM provided Assisted Voluntary Return and Reintegration (AVRR) assistance to 34 victims or potential victims of trafficking (32 women and 2 men, all adults; 32 aged 18-45 and 1 over 50) from Türkiye. Of 34 victims assisted, 12 returned to Uzbekistan, 4 to the Dominican Republic, 5 to Morocco, 3 to Indonesia, 2 to Kyrgyzstan, 2 to Sudan, 2 to Tajikistan, 1 to Thailand, 1 to Kenya, 1 to Tanzania and 1 to Somalia.

In addition, AVRR support was provided to 5 individuals as family members (including children or parents) of victims of human trafficking.

It is important to note that 5 out of 34 persons mentioned above are considered as “potential victims” as their status as victims of human trafficking has not been officially defined by the Turkish authorities; therefore they may not be included in the official statistics on AVRR regarding victims of human trafficking.

In 2022, 14 victims of human trafficking benefited from voluntary safe return in cooperation with PMM, ICMPD, and Turkish Red Crescent Society. Of 14 victims, 7 were victims of sexual exploitation, 4 were victims of labour exploitation, and 3 were victims of forced marriage. All victims were women, 12 of them were from Uzbekistan, 1 from Azerbaijan and 1 from Morocco. They were between the ages of 20 and 48.

<sup>14</sup> This is the number of children accompanied by victims.

**Number of investigations into THB cases.**

In the English version of the question, the word “case” is used and tables have been created considering that information on the number of prosecutions related to trafficking in human beings cases was requested.

*Please refer to Tables 1-2.*

**Number of prosecutions of THB cases.**

In the English version of the question, the word “case” is used and tables have been created considering that information on the number of prosecutions related to trafficking in human beings cases was requested.

*Please refer to Tables 3-4.*

**Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.**

*Please refer to Tables 4-5.*

**Number of judgments resulting in the confiscation of assets.**

*Please refer to Tables 6-7-8.*

**Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.**

**Number of convictions for the use of services of a victim of THB.**

Criminal statistics kept by the Directorate General for Criminal Records and Statistics of the Ministry of Justice, based on the law number in the Turkish Penal Code and special laws, with respect to public prosecutor's offices and criminal courts, and the relevant referral article and paragraph [file (miscellaneous, principle, instruction, etc.), party (suspect, defendant, victim, complainant, participant, nationality, gender, etc.), crime decision type (conviction, acquittal, deferral of the announcement of the verdict, etc.), file decision types (lack of jurisdiction, non-competence, merger, etc.), protection and security measures (judicial control, apprehension, arrest, etc.)], can be compiled from the data obtained through the screens in the Judicial Data Bank and can be provided on the basis of region, province, unit, court type in the desired year and date interval from 2009 until today. Statistics available at the Directorate General for Criminal Records and Statistics do not contain any personal information of the parties (suspect/accused, victim, complainant, plaintiff, defendant, profession, etc.). In this respect, the number of convictions related to the use of services for victims of human trafficking is not available, and statistics related to the information on convictions pursuant to Article 80 of the Turkish Penal Code are provided in Tables 4 and 5.