

Committee of the Parties  
to the Council of Europe Convention  
on Action against Trafficking in Human Beings



CP(2021)01

**Report submitted by the authorities of Turkey  
on measures taken to comply with  
Committee of the Parties Recommendation  
CP/Rec(2019)11 on the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings**

**First evaluation round**

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**Report on Turkey's practices in line with the Report on its Implementation by Turkey of the Council of Europe Convention on Action against Trafficking in Human Beings, prepared by GRETA and published on October 8, 2019**

The crime of human trafficking, which is one of the most serious human rights violations, in which human beings are turned into a commercial commodity, poses a serious threat to the freedoms of individuals, public order and public security. This type of crime, also called modern day slavery, is carried out by traders in different areas and with different methods every day.

It is a fact that all countries in the world are affected by the crime of human trafficking according to their status as target, transit, or source country. While Turkey is in the position of being a target country with people coming to the country to find a job or to work in better conditions, it is also affected as a transit country due to its geographical location between Asia and Europe.

Turkey has adopted the 4P method (prevention, protection, prosecution, and partnership) within the scope of combating human trafficking. In this context, Turkey's combat against human trafficking will be explained in the perspective of this classification.

## **PREVENTION**

Prevention, one of the most important areas in the fight against human trafficking, requires the identification of areas of exploitation, prevention of exploitation of these areas, and mobilization of all institutional potentials for an integrated fight against human trafficking. Turkey carries out increasingly effective activities in the field of prevention with the cooperation of public, private sector and non-governmental organizations in this field.

Among the target groups of activities to be carried out to prevent the crime, four groups are of vital importance. The first of these is public personnel. It is very important for public personnel to develop pre-emptive measures to prevent the crime and reduce demand, depending on their professional fields. Secondly, raising awareness of private sector employees, constitute another group that will accelerate the fight against the crime. The third group that is expected to take an active role in the prevention of human trafficking crime is formed by non-governmental organizations. As with any case that concerns society, non-governmental organizations are an indispensable cooperation partner in the effective fight against the crime of human trafficking. Especially due to their activities carried out in the field, organizations that live together with the society play a very important role in the establishment of the chain of whistleblowing. Finally, another important group in the fight against human trafficking is the public. The most important role of the public emerges in the establishment of the notification mechanism.

One of the important activities to raise awareness and coordination in the field of prevention in Turkey are without doubt **Anti-Trafficking Coordination Committee** meetings. The Anti-Trafficking Coordination Commission regulated in Article 5 of the Regulation on Combating Human Trafficking and Protection of Victims, meets regularly every year to carry out studies on the prevention of human trafficking and the creation of policies and strategies to combat this crime, to prepare an action plan, and to ensure coordination between public institutions and organizations, international organizations, and non-governmental organizations. In the same matter, within the scope of Article 9 of the relevant Regulation, the establishment of **Provincial Anti-Trafficking Coordination Commissions** to follow up and coordinate the works and procedures related to the fight against human trafficking and the protection of victims in provinces deemed appropriate by the General Directorate has been decided. It is an indisputable fact that the decisions taken at the meetings of the mentioned Commissions contribute to the fight against human trafficking at both national and local levels.

With the decision numbered 2018/1.2 taken at the meeting of the Anti-Trafficking Coordination Commission dated 28.02.2018, 1 permanent and 1 reserve personnel were appointed in 15 provinces to work in the field of combating human trafficking and protecting victims in 2018. In addition, at the meeting of the Anti-Trafficking Coordination Commission on 19.11.2019, It was decided to increase the 15 provinces specified in the decision numbered 2018/1.2 to 36, and within this scope, 1 permanent and 1 reserve personnel were appointed in another 21 provinces.

Provincial Anti-Trafficking Coordination Commission convened in 36 provinces in 2020 and 76<sup>1</sup> provinces in 2021. It is aimed to hold Provincial Anti-Trafficking Coordination Commission meetings in all 81 provinces by the end of 2021. In addition, it is expected that these meetings will be held at least once a year in 81 provinces in the future and the efforts to combat human trafficking will be strengthened by evaluating the decisions taken in the previous year.

In Article 8 of the aforementioned Regulation, it has been decided that the Directorate General of Migration Management (DGMM) will prepare an annual report about human trafficking throughout the country by analyzing information and data provided by public institutions and organizations, non-governmental organizations and other organizations providing services to victims at local or national level. As part of the activities carried out within this scope, the **Turkish Anti-Trafficking Annual Report**, which is considered as a prevention activity and is available for physical distribution to the personnel of the institution and to the public, or digitally accessible on the website of the DGMM, is regularly published.

Again, considering that it has a great role in reaching the public, 2 public service advertisements specific to the exploitation of women and children were broadcast on national channels in 2019.<sup>2</sup>

Various activities were carried out in Turkey in 2019 to prevent the crime. The first of these was the training of public personnel working in the field, private sector employees and non-governmental employees. In 2019, training and awareness-raising activities were organized for a total of 3,384 people, including 3,087 public officials, 297 non-governmental employees, private sector employees and students. In the same scope, a total of 12,879 people were provided with face-to-face and online training in 2020. In 2021, 1.984<sup>3</sup> people received education on human trafficking.

The reports prepared by trying to draw the general framework above, in line with the decisions taken at the coordination commission meetings convened for the purpose of establishing a policy or cooperation on activities related to human trafficking, are realized through training and awareness activities, the press-media or various studies conducted in this direction. The report on the prevention activities of the relevant public, institutions and organizations, non-governmental organizations and international organizations working in this field is presented in detail in the following sections.

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<sup>1</sup> The number of Provincial Anti-Trafficking Coordination Commission meetings held as of October.

<sup>2</sup> <https://www.youtube.com/watch?v=cwEc9a0E6L0> (kadın sömürüsü), <https://www.youtube.com/watch?v=7bWodAyu7Ek> (çocuk sömürüsü)

<sup>3</sup> The number of people trained as of October.

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## PROTECTION

The work and procedures to be carried out in the protection area begin with the identification and definition of the victims. Identification processes constitute the most important pillar of the protection area. According to the provisions of the Regulation on Combating Human Trafficking and Protection of Victims, persons with strong suspicion that they are or may be victims of human trafficking are defined as victims by an administrative action to be taken without waiting for the result of the investigation or prosecution process, regardless of whether they press charges or not. These identification procedures are carried out by the Provincial Directorates of Migration Management (PDMM), regardless of whether they are Turkish citizens or foreigners. Victim identification procedures are immediately reported to the relevant law enforcement units and the Public Prosecutor's Office. After this stage, the investigation and prosecution of the crime begins.

Three institutions play an active role in the protection of identified victims of human trafficking. This distribution of roles has been shaped within the framework of the provisions of the Regulation on Combating Human Trafficking and Protection of Victims. According to this, while foreign victims are transported to specialized shelters operating under the responsibility of DGMM, Turkish citizens and child victims are taken under the protection of the Ministry of Family and Social Services. In addition, legal rights that the victim can benefit from during the prosecution of the crime are carried out under the coordination of the Ministry of Justice.

Victim support services are divided into two. These are: **victim support programs** offered in shelters and **voluntary and safe return procedures**.

The most important pillar of the victim support program is shelter and a residence permit issued in this context. Persons identified as victims are issued a **Victim of Human Trafficking Residence Permit**. A residence permit for victims of human trafficking is granted without seeking the conditions of other residence permits. Articles 48 and 49 of Law No. 6458 states that foreigners who are or are strongly suspected to be victims of human trafficking are given a 30-day residence permit by the governorships so that they can recover from the effects of their experiences and decide whether to cooperate with the authorities and the residence permit issued to allow time for reflection, may be extended for a maximum of six months due to the security, health, or special situation of the victim. However, it is stipulated that these periods cannot exceed a total of three years in any way.

It is essential that foreign victims, whose identification procedures have been completed by PDMM, are accommodated in shelters within the scope of the victim support program. Victims and accompanying child(ren) who consent to this are immediately transferred to shelters where safe accommodation is provided and the support process continues here. Currently, there are three specialized shelters for foreign victims. One is in Ankara, has a capacity of 30 people and accommodates female victims and another is in Kırıkkale, has a capacity of 12 persons and accommodates male victims, who want to profit from help services. The renovation works of the third shelter, which opened in Aydın, still continue. The shelter, which is planned to open with a capacity of 40 people, will serve victims who want to benefit as a family. However, the specialization status of shelters can be changed according to current needs. Shelters serve under the relevant PDMM and confidentiality is respected in terms of accommodation and contact information.

The second pillar of the victim support services is the voluntary and safe return of the victims to their own country or to a third country in a manner befitting human dignity. Among the provisions of the Regulation on Combating Human Trafficking and Protection of Victims, there are also provisions regulating the voluntary and safe return program. In accordance with the aforementioned legislation, the application has been shaped and the services to be provided are provided by considering certain standards. Accordingly, the return of the victim to his/her country or to a third country within the scope of the voluntary and safe return program is carried out under the coordination of DGMM. The voluntary and safe return program is implemented if the victim does not want to benefit from the support program, requests it during the support program or at the end of the program.

In case of an imminent danger to the person's life or bodily integrity during voluntary and safe return procedures, law enforcement accompaniment is requested. Victims' exit from Turkey and document control procedures are completed without being taken to the passport control point of the victims in question, and the persons are taken directly to the

gate of the plane or other means of transportation. The authorities of the home country of the victim are informed about the return date of the victim and the human trafficking incident to which he/she was subjected to, considering the informed consent of the victim. In addition, the voluntary and safe return program can also be implemented in cooperation with IOM. Within the scope of this program, all travel expenses of the victim are covered, airport transfer and escort services are provided to ensure a safe exit from Turkey, and transportation is provided to the place of residence in the country of destination. Within the scope of the program, cash and/or in-kind aid is provided to the victim to adapt to his/her country.

In 2019, 3,738 potential victims were interviewed by PDMs. Of these, 215 were identified as human trafficking victims. The distribution of the identified victims in terms of the first five nationalities is as follows; 44 victims from Uzbekistan, 37 victims from Syria, 32 victims from Kyrgyzstan, 28 victims from Morocco, and 14 victims from Afghanistan. The gender profile of the 215 victims is as follows: 195 women and 20 men.

Of the identified victims 31 were children, 74 between the ages of 18 to 25, 73 between the ages of 26 to 35, and 37 were older than 36. The distribution of the 215 victims identified in 2019 by exploitation types is as follows: sexual exploitation 144, labor exploitation 55, forced marriage 11, begging 4, sale of children 1.

While 3,738 people were interviewed on the suspicion of being a victim of human trafficking, in 2019, this rate increased by 32% to 4,919 in 2020. The number of victims identified after 4,919 interviews, on the other hand, increased by 33% from 215 in 2019 to 282 in 2020. The distribution of the victims identified in 2020 in terms of the first five nationalities is as follows; 159 from Syria, 58 from Uzbekistan, 14 from Kyrgyzstan, 11 from Afghanistan, 11 from Turkey, and 9 from Azerbaijan. Of the 282 victims 221 were women and 61 men.

Of the identified victims 140 were children, 58 between the ages of 18 to 25, 62 between the ages of 26 to 35, and 22 were older than 36. The distribution of the 285 victims identified in 2020 by exploitation types is as follows: sexual exploitation 160, labor exploitation 73, forced marriage 4, begging 43, organ and tissue trade 1, sale of children 1.

In 2021, 5,511 people were interviewed on the suspicion of being a victim of human trafficking, and 334 people were identified as victims.<sup>4</sup> The distribution of the victims identified in 2021 in terms of the first five nationalities is as follows; 171 from Syria, 46 from Uzbekistan, 17 from Turkey, 16 from Afghanistan, and 11 from Kyrgyzstan. Of the 334 victims 278 were women and 57 men.

Of the identified victims 135 were children, 89 between the ages of 18 to 25, 85 between the ages of 26 to 35, and 111 were older than 36. The distribution of the 334 victims identified in 2021 by exploitation types is as follows: sexual exploitation 205, labor exploitation 67, forced marriage 34, begging 19, child soldier 9, sale of children 1.

The studies within the prevention area have been described superficially above and the report on the activities of the relevant public, institutions and organizations, non-governmental organizations and international organizations working in this field is presented in detail in the following sections.

## **NATIONAL LEGISLATION, INVESTIGATION-PROSECUTION**

Indirect or direct legislative arrangements within the scope of Turkey's fight against human trafficking are given below.

### **Constitution of the Republic of Turkey**

The provisions that are guaranteed by the Constitution and which may result in human trafficking in case of violation are as follows;

#### *Immunity of the person, material, and spiritual existence*

*Article 17- Everyone has the right to life and the right to protect and develop their material and spiritual existence.*

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<sup>4</sup> Numbers as of October.

*Except for medical obligations and the cases written in the law, the body integrity of the person cannot be touched; one cannot be subjected to scientific and medical experiments without consent.*

*No one can be tortured or oppressed; No one shall be subjected to a punishment or treatment incompatible with human dignity.*

#### *Personal freedom and security*

*Article 19- Everyone has personal freedom and security.*

*The form and terms are shown in the law:*

*No one shall be deprived of his/her liberty except for the following situations: fulfillment of freedom-restricting penalties and security measures given by the courts; the arrest or detention of the person concerned as a requirement of a court order or an obligation stipulated in the law; fulfillment of a decision to rehabilitate a minor or bring him/her before the competent authority; a mentally ill person who is a danger to society, fulfillment of the measure taken in accordance with the principles specified in the law for the treatment, education or rehabilitation of a drug or alcohol addict, a vagrant or a person who may spread disease in an institution; The arrest or detention of a person who illegally wants to enter or enters the country, or for whom a deportation or extradition decision has been made.*

#### *Privacy*

*Article 20- Everyone has the right to demand respect for his/her private and family life.*

*Inviolable confidentiality of private life and family life.*

#### *Working Conditions and the Right to Rest*

*Article 50- No one can be employed in jobs that do not match their age, gender, and strength. Minors, women, and those with physical and mental disabilities are specially protected in terms of working conditions.*

### **Turkish Penal Code No. 5237**

The crime of human trafficking is covered in Article 80 of the Turkish Penal Code (TPC) International Crimes section, Genocide and Crimes Against Humanity section; *“By using threats, pressure, coercion or violence, abusing influence, deceiving, or obtaining their consent by taking advantage of their control over them or their desperation for the purpose of forced labor, service, prostitution or bondage, or the donation of bodily organs, and anyone who brings people into the country, smuggles them out, supplies, abducts, takes them from one place to another or transports or harbors persons, shall be sentenced to imprisonment from eight to twelve years and a judicial fine of up to ten thousand days.*

*(2) The consent of the victim is invalid, if there are acts that are committed for the purposes specified in the first paragraph and that constitute the crime.*

*(3) In cases where those who have not completed the age of eighteen are procured, abducted, taken from one place to another, transferred or housed for the purposes specified in the first paragraph, the perpetrator is given the penalties specified in the first paragraph even if none of the instrumental acts belonging to the crime have been resorted to.*

*(4) security measures are also imposed on legal persons due to these crimes.’*

Article 66 of the Turkish Penal Code states: *“Public litigation, except in cases written otherwise in the law;*

- a) Thirty years for crimes requiring aggravated life imprisonment,*
- b) Twenty-five years for crimes punishable by life imprisonment,*
- c) Twenty years for crimes requiring a prison sentence of not less than twenty years,*
- d) Fifteen years for crimes punishable by imprisonment of more than five years and less than twenty years,*

*e) Eight years for crimes requiring a penalty of imprisonment not more than five years or a judicial fine, falls through.*” The statute of limitations for the main case is **fifteen years**, considering the prison sentence stipulated for the crime of human trafficking.

### **Law on Foreigners and International Protection No. 6458**

Article 48 of the Law on Foreigners and International Protection (LFIP) No. 6458 states “(1) *Foreigners who are or are strongly suspected to be victims of human trafficking are issued a thirty-day residence permit by the governorships so that they can recover from the effects of their experiences and decide whether or not to cooperate with the authorities.*

(2) *The conditions valid for other residence permits do not apply for this kind of residence permit.*” With this provision, the period of reflection and residence permit that can be given to victims of human trafficking are regulated.

Subparagraph (ç) of Article 55 of the LFIP states that a deportation decision cannot be made for victims of human trafficking who benefit from the victim support process.

### **Criminal Procedure Law No. 5271**

With the sub-clause (2) added to subparagraph (a) of paragraph 3 of Article 100 of the Criminal Procedure Code (CPC) on December 6, 2019 it has been decided that a reason for the arrest can be assumed if there is strong suspicion that the crime of human trafficking has been committed. With this regulation, the crime of human trafficking has been added to the catalog crimes.

In cases where there is strong suspicion based on concrete evidence that the crime of human trafficking in Article 128 has been committed in a way that may be included in the investigation or prosecution, immovable property belonging to the suspect or the accused, land, sea or air transportation vehicles, all kinds of accounts in banks or other financial institutions, all kinds of rights and receivables from real or legal persons, valuable papers, partnership shares in the company of which he/she is a partner, safe deposit boxes, and other assets can be seized.

In Article 133, if there are strong grounds for suspicion that the crime of human trafficking is being committed within the framework of a company's activities and if it is necessary to reveal the material truth; it has been regulated for the investigation and prosecution process that a judge or court may appoint a trustee in relation to the conduct of the company's business.

In Article 248 of the CPC, it is regulated that the suspect or the accused's property, rights and receivables in Turkey can be confiscated in proportion to the purpose and a trustee can be appointed for their administration when necessary to ensure that they apply to the public prosecutor or come to the hearing if the decision to bring the suspect or accused, who has been investigated or prosecuted for the crime of human trafficking, due to failure to comply with the notification duly made by the authorized public prosecutor or the court, cannot be fulfilled either.

### **Fees Law No. 492**

In the subparagraph (g) of Article 88 of the Fees Law No. 492, it is stipulated that the residence permits of those who are victims of human trafficking are to be issued free of charge.

## **Regulation on Combating Human Trafficking and Protection of Victims**

The Regulation on Combating Human Trafficking and Protection of Victims, which entered into force after being published in the Official Gazette dated March 17, 2016 and numbered 29656, contains detailed regulations on prevention of human trafficking crime, fight against human trafficking, and protection and support of victims of human trafficking, regardless whether they are Turkish citizens or foreigners.

The regulation also laid out the fundamentals for carrying out studies on preventing human trafficking crime and establishing policies and strategies to combat this crime, and the duties of the Commission to be established to prepare an action plan and to ensure coordination among public institutions and organizations, international organizations, and non-governmental organizations in this field.

## **Presidential Decree No. 63 on Supporting Victims of Crime**

The Presidential Decree on the Support of Crime Victims (PD 63) was published in the Official Gazette on June 10, 2020 to regulate the principles regarding the services and assistance provided to the victims of crime and the duties, powers, and responsibilities regarding the fulfillment of these services. In Article 7 of the aforementioned Decree, the services to be provided to vulnerable groups have been determined and victims of human trafficking crime also have the right to benefit from these services if they apply to the legal support and victim services directorates.

## **Turkish Citizenship Law**

Article 16 of the Turkish Citizenship Law No. 5901 contains a provision to prevent concealment of the crime of human trafficking through false marriages.

Acquiring Turkish citizenship through marriage

*Article 16 – (1) Marriage with a Turkish citizen does not directly grant Turkish citizenship. However, foreigners who have been married to a Turkish citizen for at least three years and whose marriage continues can apply to acquire Turkish citizenship. Applicants must:*

- a) Live in family unity,*
- b) Not engage in any activity incompatible with the union of marriage,*
- c) Not to be in a situation that would constitute an obstacle in terms of national security and public order*

With the "Regulation on the Implementation of the Turkish Citizenship Law", published in the Official Gazette dated April 06, 2010 and numbered 27544, the ways of acquiring citizenship were closed to those who commit human trafficking crimes.

*Article 72- (5) As a result of the research carried out by the relevant institutions; those who are engaged in activities to overthrow the state order established by the Constitution, cooperating with or financially supporting those engaged in these activities, engaged in activities related to crimes within the scope of the Anti-Terror Law No. 3713, at home or abroad, against the indivisible integrity of the Republic of Turkey with its country and nation, participated in crimes of riot, espionage and treason, are found to be involved in or involved in arms and drug smuggling, human smuggling and human trafficking and except for negligent offenses, those who are sentenced to more than six months in prison, even if it is postponed, time-barred, the announcement of the verdict is delayed, converted into money, or pardoned, cannot acquire Turkish citizenship.*

## **International Labour Law**

Within the scope of Article 16 of the International Labour Law No. 6735, victims of human trafficking are regulated among foreigners who can exceptionally be granted a work permit.

Foreigners to whom a work permit can be issued exceptionally are;

*Article 16- (f) According to the LFIP, applicants for international protection, conditional refugees, persons under temporary protection, stateless persons or victims of human trafficking benefiting from the victim support process,*

...

*exceptions may be granted to foreigners regarding the implementation of Articles 7, 9 and 10 of this Law.*

## **Road Transport Law and Regulation**

In article 4 of the Road Transport Regulation, which was prepared within the framework of the Road Transport Law No. 4925 and published in the Official Gazette dated January 8, 2018 and numbered 30295, the state of not being convicted with a prison sentence for human trafficking is considered within the scope of professional dignity. Pursuant to the fifth paragraph of the 13th article of the aforementioned Regulation, authorization certificates are revoked in the event that individuals lose their professional dignity.

## **Implementation Regulation of the Law on Work Permits of Foreigners**

Regarding the regulation on domestic applications within the scope of Article 7 of the Implementation Regulation of the Law on Work Permits of Foreigners published in the Official Gazette dated August 29, 2003 and numbered 25214 *“Only foreigners who have received a residence permit for at least six months and whose period has not expired, or their employers, can apply directly to the Ministry.*

*... However, Foreigners who will work in areas subject to or may be subject to human trafficking are required to obtain a work visa from our foreign representative offices each time, regardless of the fact that they have resided for six months.”*

The number of lawsuits filed under Article 80 of the TPC in addition to national legislative regulations is 221 transferred from previous years to 2020 and the number of people whose litigation process continues is 1,473. In 2020, a total of 68 new lawsuits were filed. Within the scope of the number of cases in question, the litigation process of 347 persons started in the relevant year. Again, in the same year, 55 lawsuits and the files of 205 defendants were concluded. While the verdict of conviction was given for 30 of the defendants on trial, 177 persons were acquitted.

Current studies on national legislation, investigation and prosecution are given in detail in the following sections of the report.

## **PARTNERSHIP**

Cooperation against human trafficking is provided at two levels, national and international. At the same time, cooperation has a separate dimension within the framework of the dynamic between the public, and national non-governmental organizations and institutions as well as international establishments and organizations.

Cooperation at the national level is ensured through the **national steering mechanism**. Accordingly, anyone who declares to be a victim or is aware of the crime of human trafficking reports this to the YİMER 157 emergency and whistleblowing hotline, to the Office of the Chief Public Prosecutor or to the law enforcement (in writing, verbally or electronically). Notices and complaints made to the DGMM, PDMMs, emergency hotline and whistleblowing lines (112) are immediately reported to the Office of the Chief Public Prosecutor or the law enforcement. The notice or complaint made to the governorship or district governorship is sent to the relevant Chief Public Prosecutor's Office. Non-governmental organizations notify the PDMM, the Office of the Chief Public Prosecutor or the law enforcement authorities about the human trafficking crime. A report is drawn up on verbal complaints and notices, and the report shall be forwarded to the Office of the Chief Public Prosecutor as quickly as possible. Public institutions and organizations that have a high probability of encountering a victim of human trafficking immediately notify the person they suspect to be a victim to the emergency help and reporting lines, as well as to the PDMM, the Office of the Chief Public Prosecutor or the law enforcement. Law No. 6706 on International Judicial Cooperation in Criminal Matters, within the scope of Article 32 of the Action Agreement, regulates the principles regarding cooperation in

the investigation and prosecution phase of the crime of human trafficking. In accordance with the said regulation, cooperation practices are carried out during and after the trial, including the transfer of convicts.

One of the most important partners of state actors in the fight against human trafficking is non-governmental organizations. Cooperation activities of non-governmental organizations in the fields of prevention and protection are of great importance in the effective fight against crime. Especially victims or vulnerable groups who may become victims more often seek out non-governmental organizations rather than state actors, which makes non-governmental organizations very important in the fight against crime. The chain of notification, which is the most important link in the fight against crime, will be completed, especially with the non-governmental organizations sharing the information conveyed/reported to them with the relevant state actors. Non-governmental organizations not only play important roles in the whistleblowing mechanism but also in the field of protection. The “Supporting Victims of Human Trafficking Project” was carried out between October 2018 – December 2018 in partnership with the Turkish Red Crescent Migration Services Directorate and its affiliated coordinators. Within the scope of the project, direct support was provided to victims of human trafficking identified by DGMM. To alleviate post-traumatic effects through the project, psycho-social support was provided to victims of human trafficking in Ankara Shelter by a social worker (full-time) and to victims of human trafficking in Kırıkkale Shelter by a psychologist (part-time). In addition, individual meetings, social and cultural events, school attendance and school access support, support for access to health services, participation in Community Center vocational courses and language courses, identity, and registration support, tracking of cash support, and consultancy services were provided. A total of 54 thousand TL cash aid was provided to the victims of human trafficking staying in shelters in Ankara and Kırıkkale provinces, including the project extension period of January 2019 – June 2019.

Within the scope of the establishment of Turkey's National Supported Voluntary Return Mechanism, cooperation was made with DGMM. Studies for the said mechanism started in 2018 and it was officially established with the protocol (September 2020) signed by DGMM, TİKA, our Ministry of Foreign Affairs and the Turkish Red Crescent. With the operation of this mechanism, it is aimed to facilitate the voluntary and safe return processes of the victims of human trafficking to their countries, and to enable them to adapt to life once they have returned.

The Human Rights and Equality Institution of Turkey was founded to protect and promote human rights based on human dignity, to secure the right of persons to be treated equally, to prevent discrimination in benefiting from legally recognized rights and freedoms and to operate in line with these principles, to effectively combat torture and ill-treatment, and to fulfil the task of national prevention mechanism in this regard.

## **Recommendations in the GRETA Report and Turkey's practices**

Recommendations contained in the Report on Turkey's Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, prepared by GRETA, and published on October 8, 2019 and Turkey's practices regarding these recommendations are explained in detail in the rest of the report.

### ***Definition of "victim of THB"***

- 1. GRETA urges the Turkish authorities to bring the definition of THB in conformity with Article 4 of the Convention by adding "servitude" and "other forms of sexual exploitation" to the list of forms of exploitation.***
- 2. GRETA considers that the Turkish authorities should ensure that the means of "abuse of a position of vulnerability" and "giving or receiving of payments or benefits to achieve the consent of a person having control over another person" are adequately covered by law and practice.***

### **Explanations regarding the 1st and 2nd recommendations are given below:**

Article 90 of the Constitution of the Republic of Turkey states that *'The ratification of agreements to be made with foreign states and international organizations on behalf of the Republic of Turkey depends on the approval of the Turkish Grand National Assembly by a law.*

*Agreements governing economic, commercial, or technical relations and whose duration does not exceed one year, can be put into effect upon publication, provided that it does not impose a burden on the State Finance and does not affect the personal status and property rights of Turks in foreign countries. In this case, these agreements shall be brought to the notice of the Turkish Grand National Assembly within two months of their publication.*

*Implementation agreements based on an international agreement and economic, commercial, technical, or administrative agreements made based on the authority given by the law do not have to be approved by the Turkish Grand National Assembly; however, agreements concerning the rights of economic, commercial, or private persons made pursuant to this paragraph cannot be put into effect before they are published.*

*The provision of the first paragraph shall be applied in the conclusion of all kinds of agreements that bring changes to Turkish laws.*

*International agreements duly put into effect have the force of law. It is not possible to apply to the Constitutional Court about these with the claim of unconstitutionality. (Additional sentence: 7/5/2004-5170/7 art.) International agreement provisions are taken as basis in disputes that may arise due to the fact that international agreements on fundamental rights and freedoms and laws that have been duly put into effect contain different provisions on the same subject.*

Council of Europe Convention on Action against Trafficking in Human Beings was signed in 2009 and approved by the Turkish Grand National Assembly in 2016 with the Law on Approval. For this reason, the Council of Europe Convention against Trafficking in Human Beings has become a domestic regulation. Therefore, Article 80 of the Turkish Penal Code must be harmonized with Article 4 of the Convention.

The section titled 8.6 Target in the Human Rights Action Plan announced by the President on 2.03.2021 states that among the activities, crimes and penalties related to human trafficking, should be reviewed according to the Council of Europe Convention on Action against Trafficking in Human Beings and the GRETA recommendations. In this context, a commission was established by the Ministry of Justice General Directorate of Legislation to evaluate the legislation on the crime of human trafficking regulated in Article 80 of the Turkish Penal Code. Works regarding this still continue.

### ***Comprehensive approach and co-ordination***

- 3. GRETA considers that the Turkish authorities should continue raising awareness among all frontline professionals involved in action against trafficking concerning the scope of the definition of trafficking in human beings and the rights of victims of trafficking, including in the context of irregular migration.***

The Department of Combating Immigrant Smuggling and Border Gates, which was established in 2019 under the General Directorate of Security, was organized in 81 provinces in 2020 and the authority to fight the crimes of "Article 79 Immigrant Smuggling", "Article 80 Human Trafficking" and "Article 91 Organ-Tissue Trafficking" regulated in the Turkish Penal Code has been given to the relevant Department. Therefore, issues such as cooperation with national and international institutions, victim-oriented working methods, and determination of international contacts are important in the combat policy. The relevant Department transfers the notifications from national and international units regarding the human trafficking crime to the relevant provincial units after the necessary works have been carried out. Due to the transboundary nature of the crime, information requests from provincial units are obtained as a result of correspondence made with the relevant country's security liaison officers or through internal affairs advisory offices and used in studies. In addition, information exchange and meetings are held regularly with foreign liaison officers in Turkey and thanks to the close cooperation established on matters that require urgency, instant information exchange is made easily. Also, With the completion of the organizational work of the Department, the number of personnel has increased, and a total of 481 people have been trained in 2020-2021 to specialize and raise awareness about the crime of migrant smuggling and human trafficking.

The Department of Combating Immigrant Smuggling and Human Trafficking Crime, a subordinate to the Gendarmerie General Command, has been organized throughout the country, with Branch Offices in 23 provinces and Division Heads/Operation Sergeancy in 58 provinces. In order to identify the victims as victims of human trafficking and to establish a cooperation mechanism with other institutions and organizations regarding the functioning of the support services to be provided, **Anti-Trafficking Liaison Officers** have been appointed for the (36) Provincial Gendarmerie Commands, which have a high probability of encountering victims of human trafficking (Adana, Ankara, Afyonkarahisar, Ağrı, Antalya, Artvin, Aydın, Balıkesir, Bursa, Çanakkale, Çankırı, Denizli, Edirne, Erzurum, Gaziantep, Hatay, Iğdır, İstanbul, İzmir, Kilis, Kahramanmaraş, Kayseri, Kırıkkale, Kırklareli, Kocaeli, Konya, Malatya, Mersin, Muğla, Osmaniye, Şanlıurfa, Tekirdağ, Trabzon, Yalova, Yozgat and Van).

In regions where human trafficking events are considered to be frequent, an Anti-Trafficking Working Group, consisting of at least (2) personnel, (1) from the Intelligence Branch Directorate and (1) from the GKİT Branch Office/KOM Branch Directorate were established under the Provincial Gendarmerie Command of (33) provinces (Ankara, İstanbul, İzmir, Antalya, Hatay, Gaziantep, Adana, Trabzon, Iğdır, Bursa, Muğla, Artvin, Kilis, Çanakkale, Şanlıurfa, Afyon, Giresun, Kırklareli, Kocaeli, Sinop, Tekirdağ, Yalova, Aydın, Balıkesir, Denizli, Konya, Mersin, Kayseri, Rize, Samsun, Sakarya, Eskişehir and Kars) to Adana, carry out intelligence, research, investigation and inspection activities, investigate reports of human trafficking, carry out, and direct and support the investigation in coordination with judicial authorities and other units.

The training and awareness activities carried out by the Gendarmerie General Command are listed below.

- Under the responsibility of the Gendarmerie General Command, Department of Combating Immigrant Smuggling and Human Trafficking and in coordination and cooperation with the International Organization for Migration (IOM), the "Project for Increasing the Efficiency of Combating Human Trafficking of the Gendarmerie General Command" was carried out for (8) months between October 30, 2018 and August 07, 2019. The project included the following:

(1) Anti-Trafficking Interview Techniques training for a total of (105) personnel in four terms, trainer education for (25) personnel,

(2) Field visits to 5 provinces (İstanbul, Antalya, İzmir, Adana, and Mersin) between December 05, 2018 and May 03, 2019, preparation of the Human Trafficking Indicators Brochure and Anti-Trafficking Law Enforcement Handbook.

- Within the scope of the "On-Site Mobile Training and Inspection Visit", a total of 818 personnel [(33) Officers, (506) Sergeants, (173) Gendarmerie Specialist, (106) Gendarmerie Specialist Private] under the command of (20) Provincial Gendarmerie Commands (Ankara, Adana, Afyon, Aydın, Bursa, Denizli, Eskişehir, Gaziantep, Giresun, Hatay, Iğdır, Kilis, Kocaeli, Konya, Mersin, Muğla, Rize, Sinop, Tekirdağ, Yalova) were given training on Combating Human Trafficking in 2019.

- Within the scope of on-site training; training was provided to a total of (8,727) personnel in the year 2020 by (25) personnel, who provided training for trainers on combating migrant smuggling, foreign transactions, combating human trafficking and interview techniques.
- In 2020, a total of (375) personnel, yearly newly appointed personnel by the Gendarmerie General Command, District Gendarme Commander, Director of Public Security Branch, Gendarmerie Station Commander, and personnel selected for Smuggling and Organized Crime (KOM) branch, were trained on migrant smuggling, foreign vocational courses, transactions, and human trafficking, to enable them to adapt to their duties.
- The subjects Immigrant Smuggling and Human Trafficking were included in the Gendarmerie and Coast Guard Academy training curriculum. In 2019 (4,912) and in 2020 (5,250) students were trained in law enforcement supervisor and law enforcement officer training.

Within the scope of the project "Strengthening the Protection of Migrants and Victims of Trafficking in Turkey in terms of Human Rights" being carried out under the Council of Europe;

(1) "Training on Combating Human Trafficking" was conducted on the HELP (Human Rights Training for Legal Professionals) platform with the participation of (50) Gendarmerie personnel between April 09 and June 10, 2021.

(2) Within the scope of the project "Strengthening the Protection of Migrants and Victims of Human Trafficking in Turkey in terms of Human Rights", carried out under the Council of Europe, in order to raise awareness on Combating Migrant Smuggling and Human Trafficking and to inform personnel, (54) personnel attended the "Human Rights and Immigration Law" training held in Antalya between September 20 -23, 2021 and (54) the "How to Deliver Child-Friendly Information to Migrant Children" training.

(3) Within the same project; training is planned for (80) Gendarmerie personnel of the Gendarmerie General Command who are involved in the fight against migrant smuggling and human trafficking. For the Human Trafficking Component of the project, it is planned to provide face-to-face training to a total of (80) personnel in (7) provinces [Ankara (20), İzmir (10), İstanbul (10), Antalya (10), Van (10), Gaziantep (10), Erzurum (10)] under the name of "Identification of Human Trafficking Victims, Effective Assistance and Protection Training".

In addition to the trainings listed, to increase social awareness of the crime of human trafficking, information was given on "Women as Human Trafficking Objects" by participating in the radio program "Jandarma Saat" (Gendarmerie Hour) on June 24, 2021.

The "Combating Immigrant Smuggling and Human Trafficking Training Manual", prepared within the scope of dealing with foreigners and combating migrant smuggling and human trafficking in the Gendarmerie General Command's responsibility area was prepared and distributed to It has also been published digitally for the use of personnel.

A total of (490) "Trafficking Indicators Brochure" prepared with the aim of raising awareness among personnel about the identification of victims of human trafficking and published with funding by the UN International Organization for Migration was sent to (81) Provincial Gendarmerie Commands.

An Information Booklet containing information to raise the awareness of the Gendarmerie General Command staff on the Fight Against Human Trafficking, to raise the awareness of the personnel and help personnel working in the field identify the indicators of Human Trafficking Crime, and explaining the procedures to be followed after the crime is discovered and the victims are rescued, was printed as (1000) copies with the contributions of DGMM and sent to (81) Provincial Gendarmerie Commands.

The Coast Guard Command controls the sea area (approximately 8,400 km of the sea border), carries out search and rescue activities and fights against irregular migration. It has no investigative powers in the field of human trafficking and no role in recognizing victims of trafficking. However, it participates in the initial investigations and profiling of

migrants who are rescued or stopped after disembarkation. If cases of vulnerability or human trafficking indicators are detected, this information is forwarded to DGMM and the relevant law enforcement unit.

The "Mixed Migration and Immigrant Rights Training Manual" has been prepared within the scope of the "Supporting the Intervention Capacity of the Coast Guard Command to the Mixed Migration Flows at Sea Project" carried out in cooperation with the Coast Guard Command and the International Organization for Migration. The third module of the training guide, "Human Trafficking and Immigrant Smuggling", is used to combat human trafficking in a planned manner.

Turkey Irregular Migration Strategy Document and National Action Plan covering the years 2021-2025 by DGMM Anti-Irregular Migration Department aims to manage irregular migration with comprehensive, human rights-oriented, evidence-based, and effective policies consistent with Turkey's dynamic economy, domestic and foreign policy priorities, and geopolitical position and to minimize the negative effects of irregular migration in this context. In this context, the action plans' aims are:

- Establishment of training curricula including relevant national and international legislation and case law for judicial authorities to carry out investigations of migrant smuggling, human trafficking and other organized crime and provide trainings on the judicial dimension of migrant smuggling,
- Preparation of awareness raising campaigns for immigrants and local people, informative materials, and public service announcements regarding smuggling of migrants, human trafficking, and other related organized crime,
- Strengthening communication between non-governmental organizations and public institutions and organizations involved in the fight against migrant smuggling and human trafficking,
- Providing regular trainings to labor inspectors, social security inspectors, social security auditors and law enforcement units on forced labor, labor exploitation and human trafficking,
- Actions plans have been made for awareness-raising trainings on the detection of unregistered employment of foreigners, labor exploitation and human trafficking for public institutions, municipalities, and law enforcement officers in regions with high foreign employment.

At the same time, there are 25 Return Centers, 2 of which are temporary, currently in operation. It is aimed to raise awareness with periodic trainings by provincial human trafficking liaison officers working in PDMM for specialists, psychologists/sociologists/social workers working in Return Centers.

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

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

In Turkey, national action plans for combating human trafficking were adopted and implemented in 2003 and 2009. The action plans included measures envisaged, legislation to be developed on trafficking in human beings, establishment of an emergency hotline to prevent human trafficking, establishment of a shelter for victims of human trafficking, ensuring the voluntary and safe return of victims, creating awareness, and educations to be realized.

Studies have been initiated for the third national action plan, which is targeted to be completed by the end of 2022 and it is expected that the field study activities included in some projects that are underway or that are planned to be operational will also support the national action plan.

In this regard, in cooperation with DGMM, to Support DGMM's Decisions and Evidence-Based Policy Making Process in Turkey's Fight Against Human Trafficking implemented by the International Migration Policy Development Center with UK funds between September 1, 2020 and March 31, 2022, as an additional activity within the scope of the project to support the preparations of Turkey's third national action plan in the 'Research on Trafficking in Persons Based on Child Trafficking and Labor Exploitation in Turkey' (Combating Human Trafficking Research) Project; Good practices reports on the functioning of the National Steering Mechanisms for seven of the eight identified European countries (Netherlands, England, Italy, France, Germany, Romania, Greece, Sweden) were prepared and submitted to DGMM. In December 2020, the report on Sweden was also prepared and submitted to DGMM.

Another research that is planned to be utilized was started in April 2021 within the scope of the Migrant Presence Detection Program (MPM) in cooperation with DGMM and the International Organization for Migration, and the reporting phase was completed as of October. The aforementioned research has been prepared in a way to include the modules of labor exploitation, sexual exploitation and forced marriage in the province of Istanbul.

***5. GRETA urges the Turkish authorities to ensure the involvement of specialised NGOs and other relevant civil society actors in the planning, drafting, implementing and evaluating of national anti-trafficking policies, with the aim of building strategic partnerships for achieving the purposes of the Convention, as envisaged in Article 35 of the Convention, and promoting a human rights-based approach to combating human trafficking (Article 5, paragraph 3, of the Convention). In this context, the authorities should provide on-going and sustainable funding for anti-trafficking activities of NGOs.***

An effective fight against human trafficking is possible when public institutions and organizations, non-governmental organizations, international organizations cooperate and coordinate. In this context, within the scope of making, implementing, or evaluating policies in the field of combating human trafficking, the Anti-Trafficking Coordination Commission, which is held with the participation of representatives from public institutions and organizations, non-governmental organizations, and international organizations, convenes every year. One of the most important partners of state actors in this context is non-governmental organizations. Cooperation works carried out in this regard are explained below.

Within the framework of the cooperation between DGMM Human Trafficking Victims Protection Department and United Nations High Commissioner for Refugees:

- Strengthening procedures for identifying victims of trafficking and their international protection needs,
- supporting the establishment of the link between international protection and human trafficking,
- supporting the technical capacity of DGMM and PDMM personnel in related fields,
- The focus is put on strengthening coordination between DGMM and related actors, ensuring coordination, and raising awareness on human trafficking.

In this context, regarding the strengthening of procedures for the identification of victims of human trafficking and their international protection needs, a survey study on the procedures regarding the determination of victims of human trafficking and their international protection needs monitored at PDMM was conducted with 81 provinces in cooperation with UNHCR and DGMM. This survey study is supported by online and face-to-face on-the-job visits with a total of 30 PDMMs to identify good practices and challenges, and ultimately to establish standard working procedures.

To support the establishment of the link between international protection and human trafficking and to support the technical capacity of DGMM and PDMM personnel in related fields, the UNHCR assisted in updating the interview and registration forms used in the trafficking victim identification process and developing a comprehensive guide on interview techniques in the context of human trafficking. In addition, online and face-to-face trainings were organized on interview techniques in the context of human trafficking and on the link between human trafficking and international protection.

Also, to determine the other training needs of the personnel working in the field of human trafficking, a questionnaire was created regarding the training needs and shared with the 81 PDMMs. Considering the results of this survey and the feedback given during on-the-job visits and trainings with PDMM personnel working in the field of human trafficking and international protection, it is aimed to determine other training needs in the field and to create training programs that respond to these needs.

To strengthen the coordination between the relevant actors and to raise awareness on human trafficking, it is aimed to increase coordination and awareness by bringing together key actors in the context of both human trafficking and international protection with provincial coordination meetings within the 2021 action plan.

The Child Trafficking and Exploitation-Based Child Trafficking Research in Turkey' (Combating Human Trafficking Research) Project, to Support DGMM's Decisions and Evidence-Based Policy Making Process in Turkey's Fight Against Human Trafficking, implemented by the International Migration Policy Development Center, in cooperation with DGMM, is a research and targeted capacity building project that has been implemented as of September 1, 2020 and March 31, 2022. As an additional activity within the scope of the project to support the preparations of Turkey's third national action plan; Good practices reports on the functioning of the National Steering Mechanisms for seven of the eight identified European countries (Netherlands, England, Italy, France, Germany, Romania, Greece, Sweden) were prepared and submitted to DGMM.

Twenty-five "Migration and International Protection" trainings are planned within the scope of the 'Technical Assistance for Cooperation with Civil Society in the Field of Migration and International Protection' (TACSO) Project, which includes the field of Human Trafficking funded by the EU, of which DGMM is the beneficiary. With these trainings it is aimed to reach 750 NGO employees, which work at NGOs specializing in the field of migration and asylum or humanitarian aid, carrying out studies based on human rights. Basic information on international and national legislation in the field of Human Trafficking is given in the trainings, latest statistics on victims of human trafficking in the world and in Turkey are shared, and the elements of crime sought for the crime to be considered as human trafficking are shared with the participants with case examples. In the first 12 trainings held in Ankara, Istanbul, Izmir, Gaziantep and Antalya provinces until October 2021, a total of 324 NGO employees were reached.

Within the scope of the project, ICMPD also continues its studies in cooperation with DGMM on the 'Model Protocol developed in the field of protection of victims of human trafficking and the 'Standard Working Procedures Developed for the Provision of Victim Support Services in Shelters to be Operated for Victims of Human Trafficking'. A Consultation Meeting was held with NGOs on the model protocol and standard working procedures in question on October 1, 2021.

Within the scope of the Project on Strengthening the Protection of Migrants and Victims of Trafficking in Turkey in terms of Human Rights, carried out in cooperation with DGMM and the Council of Europe, a call has been made for 5 grants of EUR 25,000 each to raise awareness in the fields of human trafficking for labor exploitation and child trafficking for municipalities and NGOs (May 2021). In addition, an online roundtable meeting was held with the aim of developing strategic partnership in this area where the role of NGOs in the fight against human trafficking in Turkey was discussed (April 2021). Besides NGOs, DGMM and international organizations and municipalities involved in the combat of human trafficking were involved.

***6. GRETA considers that the Turkish authorities should consolidate the co-ordination of anti-trafficking activities at the national and provincial levels by ensuring regular exchange of information between all public bodies involved in prevention of THB, identification and assistance to victims, and prosecution of traffickers. In this context, the establishment of the post of National Co-ordinator on action against THB, supported by a dedicated office, could significantly strengthen co-ordination.***

Article 5 of the Regulation on Combating Human Trafficking and Protection of Victims states:

*“(1) A Commission is formed pursuant to Article 117 of the Law to carry out studies on the prevention of human trafficking crime and the creation of policies and strategies to combat this crime, prepare action plans, and to ensure coordination between public institutions and organizations, international organizations and non-governmental organizations.*

*(2) The Commission, under the chairmanship of the Undersecretary of the Ministry or Deputy Undersecretary to be appointed, consists of the Representative of the Presidency of the Court of Cassation or the Chief Public Prosecutor's Office of the Supreme Court, and Representatives of the Ministries of Justice, Family and Social Policies, European Union, Labor and Social Security, National Education, Culture and Tourism, Foreign Affairs, Health, Customs and Trade and senior representatives of the Human Rights Institution of Turkey, General Directorate of Turkish Employment Agency, Undersecretariat of National Intelligence Organization, General Directorate of Health for Borders and Coasts of Turkey, General Directorate of Security, General Directorate of Local Administrations, Gendarmerie General Command, Coast Guard Command, Turkey Bar Association and representatives of the General Directorate.*

*(3) Other relevant ministries, representatives of central and provincial units of public institutions and organizations, and relevant academics, experts and non-governmental organizations may be invited to the commission meetings. Representatives of international or intergovernmental organizations may also be invited as observers.*

*(4) The Commission also acts as the national anti-trafficking coordinator and its chairman is the national coordinator.*

*(5) The Commission is authorized to establish sub-groups.*

*(6) The Commission may appoint experts to conduct an annual situation analysis on trafficking in human beings or may request the appointment of academicians from authorized institutions and organizations.”*

As stated in the aforementioned article, the Anti-Trafficking Coordination Commission is established to carry out works and procedures for the fight against human trafficking and the protection of victims at the national level, as well as for the coordination of relevant public institutions and organizations. While the head of the commission is the national coordinator, the Deputy Minister of Interior fulfills the duty of national coordinator in Turkey. The Anti-Trafficking Coordination Commission meets regularly every year with the participation of senior representatives of relevant institutions and organizations. The Commission may convene extraordinarily upon the call of the Chairman when deemed necessary, and the members may propose to the Chairman upon the meeting of the commission.

Article 9 of the said Regulation states that:

*“(1) In the provinces deemed appropriate by the General Directorate, Provincial Commissions are established to follow up and coordinate the works and procedures related to the fight against human trafficking and the protection of victims.*

*(2) The Provincial Commission, under the Governor or Deputy Governor in the province, consists of the Mayor, Attorney General, Provincial Director of Family and Social Policies, Provincial Director of Social Security Institution, Provincial Director of National Education, Provincial Director of Culture and Tourism, Provincial Director of Labor and Employment Agency, Provincial Health Director, Provincial Police Chief, Provincial Gendarmerie Commander, Provincial Migration Management Director or representatives and, if any, the Coast Guard Command, Customs Enforcement Agency, and the Bar representative in the province.*

*(3) Representatives of other relevant public institutions and organizations, professional organizations and non-governmental organizations may be invited to the meetings of the Provincial Commission.*

*(4) The procedures and principles regarding the duties and work of the Provincial Commissions are determined by the General Directorate.*

*(5) The secretariat and support services of the Provincial Commission are carried out by the Directorate.”*

As stated within the framework of the aforementioned provision, Provincial Anti-Trafficking Coordination Commissions are established to carry out the work on the fight against human trafficking and the protection of victims

in a coordinated manner at the provincial level. In this direction, at the 2019 Anti-Trafficking Coordination Commission Meeting, it was decided with the decision no 2019/1.4 to increase the 15 provinces (Adana, Ankara, Antalya, Artvin, Bursa, Çanakkale, Gaziantep, Hatay, Iğdır, İstanbul, İzmir, Kilis, Muğla, Şanlıurfa, Trabzon) with liaison officers, which were established in line with the decision of the Coordination Commission against Trafficking in Human Beings no 2018/1.2, to 36 and the provinces (Afyon, Ağrı, Aydın, Balıkesir, Çankırı, Denizli, Edirne, Erzurum, Kahramanmaraş, Kayseri, Kırıkkale, Kırklareli, Kocaeli, Konya, Malatya, Mersin, Osmaniye, Tekirdağ, Yalova, Yozgat, Van) were added to the list...” In line with this decision, Provincial Anti-Trafficking Coordination Commission Meetings were held in 36 provinces in 2020 to ensure coordination towards combating human trafficking and protecting victims. (The aforementioned provinces are considered as provinces with a high potential in terms of human trafficking.) In 2021, it is aimed to hold Provincial Anti-Trafficking Coordination Commission Meetings in 81 provinces and of October, the mentioned meetings were held in 76 provinces.

Lastly, works continue for the establishment of the National Assistant Coordinator desk to significantly improve coordination.

***7. GRETA considers that the Turkish authorities should examine the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions, including the implementation of the National Action Plan.***

The Human Rights and Equality Institution of Turkey (TİHEK) has the mission of protecting and improving human rights, working to ensure the right of people to be treated equally, and fighting torture and ill-treatment effectively and among the duties of the institution in the first paragraph of the 9th article of the Turkish Human Rights and Equality Institution Law No. 6071 are: “... f) *Ex officio examining, investigating, deciding, and following the consequences of human rights violations*

*j) To make regular, informed, or unannounced visits to the places where persons deprived of their liberty or persons under protection are present, to forward the reports of these visits to the relevant institutions and organizations,*

*ö) To monitor the implementation of international human rights conventions to which Turkey is a party, expressing opinions in the process of preparing the reports that the State is obliged to submit to the examination, monitoring and inspection mechanisms established in accordance with these conventions by making use of relevant non-governmental organizations, and participating in international meetings where these reports will be presented by sending a representative.”* Within the scope of subparagraph (f) of the first paragraph of Article 11 of the Law in question: “Protection of human rights by the institution, ***to decide on investigations and researches, reports and similar studies carried out within the scope of anti-discrimination and national prevention mechanism duties.***” Are counted among the duties and powers of the board assigned as the decision-making body of TİHEK. In this context, TİHEK, which is a natural member of the Anti-Trafficking Coordination Commission and performing its duties as a related institution affiliated to the Ministry of Justice, it was decided with the decision no. 2020/1.2 during the Anti-Trafficking Coordination Commission in 2020, held on 10.12.2020, that the “Human Rights and Equality Institution of Turkey shall be determined as the National Rapporteur institution in order to examine and report the activities carried out in the field of combating human trafficking” to monitor anti-trafficking activities, to observe independently, to establish a mechanism to supervise the implementation of the national action plan and to report the aforementioned activities in this context.

***Training of relevant professionals***

***8. GRETA urges the Turkish authorities to take further steps to provide periodic training on THB and the rights of victims to all relevant professionals (such as police and Gendarmerie officers, prosecutors, judges, social workers and other staff delivering social services, labour inspectors, staff working in centres for asylum seekers, staff working in removal centres, child protection authorities, consular officials, health-care professionals, coast guard services). The training should be mainstreamed into the regular training curricula of relevant professionals, at all levels, including those at senior decision-making levels, and implemented systematically across the country. Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals which enable them to identify victims of trafficking for all forms of exploitation and assist and protect them, to ensure effective access to compensation for victims, to enable effective investigations, and to secure convictions of traffickers.***

The combat of human trafficking in Turkey is the whole of the activities carried out by more than one institution. In this context, coordination and cooperation are of great importance within the scope of combating human trafficking, protecting victims, and carrying out investigation and prosecution procedures effectively. Therefore, all relevant public institutions and organizations, private sector employees, non-governmental organizations and international organizations place great importance on training and awareness activities in this field. Training and awareness activities carried out in 2019-2020 and 2021 in this context are listed below.

The **Victim Approach Guide** has been prepared by the Ministry of Justice, Department of Legal Support and Victim Services, for the practitioners to use as a guide, especially for law enforcement, and health and judicial staff, who provide services to victims of crime. This guide aims to gather the basic standards and principles of approach to victims of crime in one document, guide service providers in contact with crime victims in their practices, and support them to take a respectful and sensitive approach to the victim's rights. Under the heading of approach to vulnerable groups in said guide, there is a section on approach to victims of human trafficking and foreign victims in particular. This part aims to raise awareness of officials who will come into contact with the victims concerned and therefore increase service quality.

The "Project for Facilitating Refugees' Access to Justice" in cooperation with UNDP and UNHCR to strengthen refugees' access to justice and to increase the capacity of justice institutions, was carried out between September 2018 and December 2019. Within the scope of this project, 7 pilot regions were determined and visits were made to these pilot regions, and a needs analysis report was prepared by meeting with the institutions that came into contact with refugees. After this needs analysis, training programs were organized for other actors in the process, especially judges and public prosecutors. Special topics such as refugee law and approach to victim refugees have been determined for these trainings. A total of 210 judges and public prosecutors, 70 lawyers and 165 experts were trained within the scope of the project.

Ministry of Foreign Affairs- Directorate General of Consular Affairs and Ministry of Labour and Social Security- Directorate General of International Labour Force (DGILF) in cooperation with IOM jointly organized a training focused on labour migration and human trafficking on November 8, 2021, and November 12, 2021, as three half-day sessions. A total of 400 consular personnel and labour attachés abroad were trained during the program.

The project "Strengthening the Human Rights Protection of Asylum Seekers, Migrants and Victims of Trafficking in Turkey" is conducted within the "Horizontal Support for the Western Balkans and Turkey (2019-2022)" program, which is a joint initiative of the European Union and the Council of Europe. Aim of the project is to improve the protection of human rights in the context of migration and strengthen the application of European standards in this field, to prevent human trafficking in Turkey with the implementation of the Council of Europe Convention against human trafficking and to ensure that this crime is effectively combated. In the Output No. 2.1.2 of the aforementioned Project, it is planned to organize trainings on how to identify refugees and migrants with special needs and how to guide them, to organize workshops for the preparation of guide material and along with the preparation of this guide, to provide training to the personnel of the legal support and victim services directorate in Istanbul, Ankara, Antalya, Bursa, Gaziantep, Konya, Mersin, Şanlıurfa and Van provinces in 2022.

Training on "Human Trafficking Crime" is part of the basic education of all officers and sergeants serving at the Coast Guard Command's SG Training and Education Center Command in Antalya and provincial organizations. 738 personnel received training in 2019. In addition, a total of 165 personnel from the Coast Guard Command participated in 10 capacity building trainings held between 2020-2021 within the scope of the "Supporting the Intervention Capacity of the Coast Guard Command to the Mixed Migration Flows at Sea Project" carried out under the coordination of the International Organization for Migration (IOM). Again, within the scope of the same project, it is planned to provide training to 40 personnel under the title of "Profiling Training" to identify victims and traffickers.

The "Increasing the Capacity of Professional Personnel Working in the Field of Women in Combating Human Trafficking", of which the technical support of the International Center for Migration Policy Development (ICMPD) and the Ministry of Family and Social Services are beneficiaries, was carried out between 01.04.2019 – 04.06.2020. Within the scope of prevention of crime and protection of victims in Turkey's fight against human trafficking, the project aims to inform professionals working in women's services, raise awareness, provide them with information

about the indicators for the identification of the victims and develop cooperation and coordination with the relevant institutions. Within the scope of the project, basic training was provided to a total of 245 personnel working in the Violence Prevention and Monitoring Center and Women's Shelters, 197 in 2019 and 48 in 2020.

The project training consisted of:

- Introduction to Human Trafficking, National Referral Mechanism, Victim Identification Procedures
- Victim Support Services and Women's Shelter
- Legal Dimension of Human Trafficking: International and National Legislation
- International Good Practices and Country Experiences
- Various Models and Practices in Combating Human Trafficking
- How to Identify a Victim of Human Trafficking with Case Examples
- Interview Techniques and Reporting with Victims of Human Trafficking
- Psychological States of Victims of Human Trafficking and Experiences of Women's Shelters
- The Importance of a Case Management System for Victims of Trafficking, How to Operate & Risk Assessment and Need for Security
- Reporting, Referral and Guidance on Case Studies.

Within the scope of the decision, "Including human trafficking in the curriculum of relevant institutions and organizations in accordance with Article 12 of the Regulation No. 2018/1.3.", at the Anti-Trafficking Coordination Commission Meeting held in 2018, trainings on human trafficking crime have been included in the training curriculum by the Turkish Justice Academy.

In the scope of pre-vocational education activities;

- Training was provided to; 448 public prosecutor candidates in the field of "Immigrant Smuggling and Human Trafficking Crimes Investigation Procedures and Practices" for four hours each in 2019
- to 455 public prosecutor candidates in the field of "Human Trafficking and Immigrant Smuggling" for six hours each in 2020
- and to the public prosecutor candidate in the field of 'Human Trafficking and Immigrant Smuggling' and it is planned to also provide these trainings in the following periods.

Within the scope of in-service training activities;

- From October 9-11, 2019 and with the cooperation of DGMM, training on 'Human Trafficking Crime' was given with the participation of 25 judges and 25 public prosecutors working in the provinces of Istanbul, Antalya, Izmir, Hatay, Ankara, Adana, Şanlıurfa, Muğla, Mersin and Kırklareli.
- On December 14, 2021 training on 'Human Trafficking and Immigrant Smuggling' was given to 100 participants.

The "Education, Research and Collaboration" protocol was signed between the Turkish Justice Academy and the ILO Turkey Office in 2020. This protocol regulates human rights relations between the International Labor Organization Turkey Office and the Turkish Justice Academy, employment law, refugee law, social security law, International Labor Standards, training on occupational health and safety and refugees' access to justice, preparation and implementation of research, development projects and programs, and the general framework and principles regarding the trainer placement of trainings to be held. This protocol aims to,

- Develop the existing capacities of judges, especially of those who work in labor and social security courts, in terms of legal problems and solutions of Syrians under temporary protection, host communities and international protection applicants and status holders in working life,
- Developing the existing capacities of judges, especially those in labor and social security courts, working in international labor standards, human rights, labor law, refugee law, social security law, occupational health, and safety,
- By agreement of the parties, the training and information seminars to be organized for public employees aim to make judges available as contribution to trainings on "human rights, refugee law, refugees' access to justice" as

resource persons.

Practitioner trainings are held regularly for professional staff (such as social workers, psychologists, child development professionals, teachers, sociologists) within the scope of the psycho-social support program implemented by the Ministry of Family and Social Services in Child Support Centers specialized to serve the victims of crime, delinquent and unaccompanied children.

By increasing the service capacity of all personnel serving children under protection and care in child care institutions across the country, basic Personnel Trainings are carried to enable them to contribute to the psycho-social support program offered for children. The program consists of modules such as initiating and maintaining communication/relationships, approach to and communication with children, supporting children's development, instilling positive behavior, crisis and crisis intervention, boundaries-our responsibilities, and privacy, and being a team/doing work together.

Within the scope of "Strengthening the Protection of the Rights of Migrants and Victims of Trafficking in Turkey Project" online HELP Courses with self-learning method titled "Migrant and Refugee Children", "Child Friendly Justice" and "Asylum and the European Convention on Human Rights (ECHR)" were started in June 2021 and still continue for professional staff working in Child Support Centers (such as social workers, psychologists, child development specialists, teachers, sociologists) and lawyers working in Provincial Directorates of Family and Social Services.

The "Increasing the Fight Against Human Trafficking Capacity of Professional Personnel Working in the Field of Women of the Ministry of Family, Labor and Social Services" (SHIFT) project, implemented by the International Center for Migration Policy Development in cooperation with the General Directorate of Women's Status, Ministry of Family and Social Services aims to increase the knowledge and capacity in assessing the situation of victims of human trafficking and provide support and referral to victims for professional personnel working as relevant Ministry personnel (social workers, child development professionals, teachers, and sociologists).

Within the project and with the contributions of DGMM, 6 basic trainings on combating human trafficking were held in Ankara between April 2019 and January 2020. The target audience of these trainings are the professional staff working in the Violence Prevention and Monitoring Center (ŞÖNİM) and Women's Shelters. In addition to the trainings, a complementary guidebook was prepared and delivered for in-service use.

### **Contents of the Guide Book: It consists of 3 main parts:**

- **Basic Training on Human Trafficking:** Within the General Directorate on the Status of Women, the aim is to inform the professional personnel who mostly work with women victims of violence, on human trafficking, developments in Turkey and around the world, duties, and responsibilities of the competent authorities in Turkey, characteristics and needs of the victims, approach to the victim, and case management.
- **Training for trainers:** It is aimed to inform personnel, determined among those who benefit from basic training and who will provide training on human trafficking in their own provinces, subjects such as the characteristics of adults, learning styles, presentation techniques, and the structure of the training module they will use and develop their skills.
- **The training to be given by those who have received training for trainers:** The aim of the trainers is to inform the auxiliary personnel in the relevant provinces who have the potential to support the victims of human trafficking and the professionals working in other units of the institution and who have the potential to encounter victims, on human trafficking issues and to inform professionals who have the potential to directly support victims of human trafficking on both human trafficking, psycho-social characteristics of victims and how they can be supported.

Strengthening compliance with national legislation for Labor Inspectors/capacity building under "Activity 3.2" under the heading "Target 3" of the "Strengthening the Integration of Syrian Refugees and Host Communities into the Labor Market" project funded by the US Bureau of Census, Refugees and Migration and carried out by the ILO Turkey Office under the coordination of the International Labor Force Directorate, Trainings on "conducting needs analysis,

implementing legislation and developing and implementing a training on compliance/Capacity building trainings for Labor Inspectors/Workplace compliance training through labor inspection” within the scope of the "Implementation of Inspector Training" of "Activity 3.4" of the "Job Creation and Entrepreneurship Opportunities for Syrians under Temporary Protection and Host Communities in Turkey" project, financed by the European Union, in cooperation with the International Organization for Migration (IOM) and coordinated by the General Directorate of International Labor Force (ILO), carried out by the Turkey Office, and Training program on "Temporary and International Protection, Work, Inspection Practices and Judicial Processes of Foreigners" in Gaziantep was carried out between March 21-22, 2019 within the scope of "Business Project for Syrians under Temporary Protection and Host Communities in Turkey (Opportunity to Life Project) carried out by the Ministry of Labor and Social Security under the coordination of the International Labor Force for Labor Inspectors and Inspectors, in cooperation with the International Organization for Migration and by the Turkey Office of the International Labor Organization. Approximately 100 Labor Inspectors and Auditors participated in the Related Training Program in 2019.

Within the scope of efforts to increase institutional capacity in terms of quality and quantity, the fight against child labor is also taken into consideration in the recruitment of assistant labor inspectors. All assistant inspectors appointed by the Ministry of Labor and Social Security Guidance and Inspection Department are subjected to basic civil service and vocational training prior to their appointment. In this context, trainings on disadvantaged groups in working life (women, disabled, child and young workers, foreign workers, victims of human trafficking) are provided.

From April 24 to 26, 2019, a training program, with UNICEF budget was organized for 75 auditors and assistant auditors in the fields of children’s rights, child labor, legislation, and country examples.

All assistant inspectors are given basic civil service and vocational training before they start working. In this context, trainings are provided on the employment rights of foreign workers, asylum seekers, immigrants, and victims of human trafficking, who are defined as vulnerable groups in working life. In addition, in the context of Irregular Migration and Human Trafficking to approximately 100 Labor Inspectors working within the Ministry of Labor and Social Security is planned for November 2021. Also, the "Strengthening the Human Rights Protection of Asylum Seekers, Migrants and Victims of Trafficking Project" is being carried out within the scope of the program of the "European Union/Council of Europe Horizontal Facility for the Western Balkans and Turkey" project covering the years 2019-2022, within the scope of the Multi-Country Program created to support the reforms of the EU candidate and potential candidate countries in the membership process within the scope of the Instrument for Pre-Accession Assistance (IPA), which is centrally carried out by the EU. Within the scope of this project, it is planned to organize trainings for a total of 120 Labor Inspectors in 2021 or 2022.

In addition to these numbers;

In 2019;

- 117 personnel from the General Directorate of Security,
- 918 personnel from the Gendarmerie General Command,
- 20 deputy governors acting as Civil Administrative Supervisor,
- 269 personnel from the General Directorate of Migration Management,
- 246 personnel from the Ministry of Family and Social Services Status of Women General Directorate,
- 75 auditors from the Ministry of Labor and Social Security,
- 120 lawyers from bar associations,
- 12 personnel from the Union of Municipalities (within the scope of child labor),
- 74 constables working in Gaziantep Metropolitan Municipality and Şahinbey Municipality (within the scope of child labor) received training.

In 2020 training was provided;

- By the Gendarmerie General Command to 9.102 institution staff (officer, sergeant, specialist gendarmerie and specialist petty officer),
- DGMM to a total of 1,566 people working as civil servants and NGO employees,
- By the Coast Guard Command to 457 personnel,

- By the Turkish Justice Academy to 455 public prosecutor candidates,
- By the Ministry of National Education General Directorate of Lifelong Learning to 326 teachers,
- By the General Directorate of Security to 247 police officers,
- By the ECPAT Turkey to a total of 400 people (working in the field of children; lawyers, psychologists, social workers, and NGO workers), 100 of whom were children,
- By the Family Solidarity Association (AİLEDER) to 244 people consisting of academics, lawyers, students, and volunteers,
- By the Turkish Red Crescent to 82 people consisting of Turkish Red Crescent staff, university students, and civil society workers,
- To 300 labor inspectors and assistants, auditors and assistant auditors working in the Guidance and Inspection Department of the Ministry of Labor and Social Security
- And by the Ministry of Family and Social Services Status of Women General Directorate to 48 personnel.

As of October 2020, education was provided;

- By the General Directorate of Migration Management to 1,247 people (deputy governors, YİMER personnel, expert/assistant experts in public institutions and organizations, psychologist, sociologist, social worker, interns)
- By the Gendarmerie General Command to 238 personnel,
- By the General Directorate of Security to 234 personnel,
- By the Coast Guard Command to 165 personnel,
- And by the Turkish Justice Academy to 100 people.

Within the framework of the protocol titled "Providing Support for an Effective and Child-Oriented National Migration Management System", implemented by UNICEF, it is aimed to support and strengthen DGMM's capacity in the field of combating human trafficking. In this context, four main trainings are planned. The trainings aim to increase the capacity of the personnel working at the Child Monitoring Centers, Security Directorate, Gendarmerie Command and the Ministry of Family and Social Services.

Within the cooperation with ILO, national and international trainings regarding refugees' fundamental labor rights arising from international law and national legislation are provided for Guidance and Inspection Department labor inspectors, SSI inspectors, judges, and prosecutors for capacity building as of 2018. In this context, as of 2020, these trainings were provided to 15% of social security inspectors, 20% of labor inspectors, and 20% of labor and social security judges.

Some of the topics covered in these trainings are as follows:

- Conventions of the International Labor Organization on the Rights of Refugees in Working Life and Access to these Rights and Sharing of Recommendations and International Standards,
- Statistics on Refugees in Working Life in Turkey and Presentation of Academic Findings. In this part of the training, up-to-date information on basic ILO conventions and labor rights, including the topic of forced labor, is shared.
- Basic Definitions of Refugees and Migrants in National Legislation, Applications of the Ministry of Interior, General Directorate of Migration Management,
- Sharing Case Studies and Field Experiences of DGMM and Ministry of Justice in Cross-cutting Areas for Refugees, Identification of Possible Problem Areas and Group Work on Suggested Solutions
- Sharing the Basics of Refugee Work Permit Legislation and Applications of the Ministry of Labor and Social Security, General Directorate of International Labor Force,
- Sharing Case Studies and Field Experiences of Directorate General of International Labour Force and Ministry of Justice in Cross-cutting Areas for Refugees, Identification of Possible Problem Areas and Group Work on Suggested Solutions

## *Data collection and research*

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

Article 44 of the Presidential Decree No. 1 on the Presidential Organization of the General Directorate of Criminal Records and Statistics of the Ministry of Justice is as follows: "To carry out services related to the determination, collection, classification and evaluation of statistical information on the subjects falling under the Ministry's duties and powers" and in accordance with the Turkish Statistical Law No. 5429, it is tasked with keeping and publishing crime and justice statistics according to the Official Statistics Program. In this context; within the scope of the "Forensic Data Bank" initiated by the Ministry, to meet the increasing and changing demands of the users of justice statistics, and to monitor the entire process of the trial, separate works have been carried out for the modules of prosecution, criminal, law, probation, administrative jurisdiction, enforcement offices, forensic medicine and personnel in UYAP, record patterns were established and the variables in question were reflected on the screens for data entry to UYAP.

To produce detailed statistics from UYAP for the victim, all criminal legislation was scanned with the participation of the relevant units under the coordination of the relevant General Directorate and as of 24.04.2017 crime-victim matching has been made on UYAP screens and entering data on the screen has become mandatory.

To obtain more reliable and regular data on the crime of human trafficking, works are carried out to obtain more detailed data by reading the decisions given by the courts regarding this crime. Within the scope of the "Data Monitoring and Evaluation Board" carried out by the relevant General Directorate, secretariat works have been carried out to ensure that the data that constitutes the source for the production of forensic statistics in UYAP are entered into the UYAP system correctly, completely and in a timely manner, and for that the Circular No. 175 with the subject of "Data Entry and Control of the National Judicial Network Information System" has been published.

To increase the scope and variety of forensic statistics produced by the General Directorate of Criminal Records and Statistics, to raise awareness for accurate, complete and timely data entry, and to improve the technical infrastructure by increasing the institutional capacity of the General Directorate, works are carried out to produce detailed statistics within the scope of the "Technical Assistance Project for Increasing the Capacity and Quality of Forensic Statistics" carried out jointly with the European Union during the IPA II period. In this manner, trainings were given to the assistant judicial personnel (editor and record clerk) working in the provinces on the importance of accurate, complete, and timely data entry in statistics to raise awareness between 18.10.2021 and 01.11.2021.

Files of victims identified by PDMM are collected by DGMM in accordance with the principle of confidentiality and the General Directorate keeps statistics on the victims on a regular basis, including information such as nationality, age, gender, type of exploitation and the support program they benefit from. Again, the number of weekly interviews from PDMMs is regularly collected and the number of interviews conducted by 81 provincial directorates is kept up-to-date.

**10. GRETA considers that the Turkish authorities should conduct and support research on THB as an important source of information for the evaluation and planning of policy measures. Areas where research should be carried out include trafficking for the purpose of labour exploitation, child trafficking and trafficking taking place within Turkey for different purposes of exploitation. Further research on emerging trends, including on the potential for trafficking of children for the purpose of use in hostilities and armed conflict, forced marriage, live streaming of trafficking for the purpose of sexual exploitation of children, should be undertaken, with resources and an enabling framework for independent research supported by the State.**

Within the scope of the Project of Supporting Turkey's Migration Management Studies, financed by the Republic of Turkey and the European Union, the study based on labor exploitation was completed in May 2019 and reported. The study was conducted in different provinces and six regions of Turkey: Antalya (Mediterranean region), Artvin and Trabzon (Black Sea region), Edirne, İstanbul and Kocaeli (Marmara Region), Gaziantep (Southeast Anatolia Region), İzmir and Muğla (Aegean Region), and Van (Eastern Anatolia Region). The provinces were determined according to the number of victims of human trafficking, the number of irregular migrants apprehended according to DGMM statistics, the existence of return centers and the number of work permits issued by the Ministry of Labor and Social Security. Aim of the study is to gather up-to-date information from stakeholders on the risk of trafficking in forced labor and to support the institutional and legal reform process in the field of migration management in line with the information. Within the scope of the study, 93 stakeholders from state and non-state actors, national and international non-governmental organizations, academics, and international organizations were interviewed and ten research activities were carried out and completed.

The target audience of the 'Combating Human Trafficking Research' conducted in cooperation with ICMPD and DGMM, funded by the UK Embassy in Ankara includes persons under temporary protection in Turkey and Turkish citizens and examines child trafficking and labor exploitation in agriculture/industry in the context of human trafficking. With the said project, it is aimed to provide information on policy formation and decision-making regarding Turkey's fight against human trafficking and child trafficking for the purpose of labor exploitation. The provinces within the scope of the study were determined by their number of people with temporary protection status and concentrated agriculture/industry sector such as İstanbul, Gaziantep, Şanlıurfa, Kilis, Hatay, Adana, Bursa, İzmir and Konya. The field work is planned to begin in November 2021.

Another field research was started in April 2021 within the scope of the Migrant Presence Detection Program (MPM) in cooperation with DGMM and the International Organization for Migration, and the reporting phase was completed as of October. The aforementioned research has been prepared in a way to include the modules of labor exploitation, sexual exploitation and forced marriage in the province of İstanbul.

Human trafficking reports for child trafficking and labor exploitation were prepared in 2021 within the 'Project for Human Rights Empowerment of Migrants and Victims of Trafficking in Turkey' carried out in cooperation with DGMM and the Council of Europe. In addition to this study, a compilation of good practice examples (Belgium, Germany, Ireland, Iceland, Austria, Netherlands, Czechia etc.) was made to assist in the planning of policies to be developed within the scope of labor exploitation.

With the Journal of Migration Studies, which is a peer-reviewed and academic journal published twice a year by DGMM Migration Research Center since 2015, incentives are provided for the production and enrichment of national and international migration academic studies. Issues 11<sup>5</sup> and 12<sup>6</sup> of the journal published in 2020 were issued specifically for human trafficking and it was aimed to encourage studies to be carried out in this field and to increase awareness.

In the Provincial Commission convened by Edirne Provincial Directorate General of Migration Management on 06.08.2020, a decision was taken to increase cooperation with Trakya University. In this direction, training and presentations were conducted for the academicians working in the Humanities and Social Sciences graduate program of Trakya University and works have been initiated to establish a think tank that will carry out academic studies with students from different departments such as psychology, sociology, and political science, where the activities to be carried out will be determined and the effects and results of the activities can be measured.

### ***International co-operation***

***11. GRETA urges the Turkish authorities to strengthen international co-operation in the field of action against THB, including as regards investigating cases of transnational THB, and to explore further possibilities for co-***

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<sup>5</sup> <http://gam.gov.tr/files/sayi11.pdf>

<sup>6</sup> <http://gam.gov.tr/files/sayi12.pdf>

***operation with governmental and non-governmental actors in countries of origin and transit, with a view to providing assistance to, and safe referral for, victims of trafficking and preventing THB.***

So far, Turkey has signed a direct anti-trafficking cooperation agreement with 5 countries and a security cooperation agreement with more than 100 countries. All these agreements contain provisions on establishing cooperation in the fight against illegal immigration and human trafficking.

In this regard the following have been signed:

- “Memorandum of Understanding on Cooperation in the Field of Combating Illegal Migration and Human Trafficking” with Belarus on 28/07/2004”,
- “Protocol on the Implementation of Article 9 of the Agreement between the Republic of Turkey, Georgia and Azerbaijan on Combating Terrorism, Organized Crime and Other Major Crimes” with Georgia on 10/03/2005,
- “Additional Protocol on the Implementation of the First Article of the Agreement on Cooperation Against Crime between the Government of the Republic of Turkey and the Government of Ukraine” with Ukraine on 07/07/2005,
- “Cooperation between the Republic of Turkey and the Government of the Republic of Moldova in the Field of Combating Human Trafficking within the Framework of the Agreement on Cooperation in the Fight Against Drug Smuggling, International Terrorism and Other Organized Crimes with Moldova on 08/02/2006 and "Bilateral Cooperation Protocol in Combating Human Trafficking" with Kyrgyzstan on 05/09/2006,
- And lastly, "Bilateral Cooperation Protocol in Combating Human Trafficking" with Kyrgyzstan on 05/09/2006

Anti-trafficking cooperation agreements have already been signed with 5 countries and international studies continue in this context.

Regional Cooperation Meetings in the Field of Combating Human Trafficking were held in Antalya and Ankara on November 26-27-28, 2019 within the scope of the "Combating Human Trafficking in Humanitarian Crisis in the LEVANT Region Project" in cooperation with the Department of Protection of Victims of Human Trafficking and the International Organization for Migration. Senior participants working in the field of combating human trafficking from Turkey, Iraq, Lebanon, and Jordan shared their experiences at these meetings.

Within the scope of international cooperation, for the investigation of the human trafficking crime carried out by Moldova, which was the subject of international legal assistance due to the crime of human trafficking in 2020, by the Ministry of Justice of Foreign Relations and European Union General Directorate, a legal assistance request, which included the request for information and documents from Turkey, has been fulfilled and forwarded to the Moldovan authorities. At the same time, an arrest warrant was issued for the person whose extradition request from Turkey was requested by Moldova regarding the crime of human trafficking for the purpose of prostitution and the follow-up of the process continues. Within the scope of human trafficking crime, Turkey requested extradition of 9 persons from Bulgaria, United Arab Emirates, Greece, Morocco, Georgia, and Azerbaijan, 1 person was deported and 1 person was returned on 31.07.2020, all due to crimes such as incitement to prostitution, smuggling of immigrants, forgery of official or private documents, looting, murder, and deprivation of liberty.

### ***Measures to raise awareness***

***12. GRETA urges the Turkish authorities to launch nation-wide awareness-raising campaigns regarding THB for different forms of exploitation, taking place both transnationally and within the country. Further, awareness-raising activities about THB and the rights of victims should be carried out in respect of vulnerable groups, such as migrant workers, refugees, persons under temporary protection, asylum seekers and internally displaced persons. Future awareness-raising activities should be designed in the light of impact assessment of previous measures, focusing on the needs identified.***

### *Measures to discourage demand*

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

- **raising awareness of the important role of the media and advertising in tackling demand which leads to human trafficking;**
- **promoting awareness among businesses, strengthening corporate social responsibility and preventing trafficking in supply chains;**
- **implementing educational programmes at schools that stress the importance of gender equality and respect for the dignity and integrity of every human being and the consequences of gender-based discrimination.**

**The explanations for the 12th and 13th recommendations are given together below.**

Two public announcements have been prepared and broadcasted in the year of 2019 by the General Directorate of Migration Administration (GIGM) concerning abuse of the women and children in order to create public awareness.

Information booklets containing the indicators and national direction mechanisms for the concept of human trafficking are distributed by the activities conducted by General Directorate of Migration Administration (GIGM) and Provincial Migration Administration Centres (PMAC - IGIM).

Trainings are delivered to the children in at the ages ranging from 6 to 13 years who are in the scope of temporary protection in regard child marriage, child labour, participation to crime organization and drug addiction in the frame of Qualified Education and Livelihood support (CONCERN) for the Syrians in Turkey who are under provisional protection that had been initiated in 2017 and maintained currently by the General Directorate of Lifetime Education in the Ministry of National Education. At the same time, there are activities and programs carried out by the General Directorate of Principal Training in the said Ministry and incorporated in the educational programs for primary schools and secondary schools for raising awareness of the children about abuse of the children, sexual abuse, and rights of the children. In the same scope, training programs incorporate also the subjects of gender, gender inequality, child marriage, forced marriage, suffering children, children compelled to committing crime, child labour and social security, negligence within the family and in the school, abuse and violence. The subjects and information acquired through the subject training programs are supported by the narrations in the educational books, visual presentations and activities.

Studies are conducted by Trabzon Provincial Administration of National Education to raise awareness about sexual abuse, forcing to marriage and compelling to begging, compelling to crime, provision of education and guidance services for detecting mistreated children, create and raise awareness about human trafficking, improving knowledge and skills of economically disadvantaged individuals, opening vocational courses meeting needs of the personnel working in the fields of fighting against human trafficking and training of the personnel.

In the scope of activities conducted by the Department for Juridical Support and Services for the victims for getting the victims of crime informed, an internet site has been established providing information to such persons about the rights they have and the services rendered to them. The victims of the criminal acts are able to learn easily what rights they have, what services they will receive and the organizations rendering these services, the procedures to be pursued for receiving such services as they visit the site serving under domain name “magdurbilgi.adalet.gov.tr.”

Again, booklets containing basic rights and information about the types of crime (what is juridical assistance, what involvement means, who are the victims, what is a compromise, what means complaint, who is the witness, the children who are the victims of crime, indemnification) have been prepared and opened for access in physical and digital forms. In order to strengthen access to justice, application forms prepared for standardization of the documents required to be submitted when making application and to be used in the cases of private law are accessible via e-state application in order to facilitate application for juridical assistance for the individuals lacking sufficient opportunities and monetary resources.

In order to raise awareness about human trafficking, explanations are made by the Institute of Human Rights and Equality of Turkey in the internet site of the institute for raising awareness about:

- 2020 World Refugees Day,
- 2020 World Day Against Trafficking in Persons,
- 2020 World Migrants Day,
- 2021 World Refugees Day,
- 2021 World Day Against Trafficking in Persons,
- 2021 World Day Against Trafficking in Persons

In order to raise awareness in the society concerning the crime of human trafficking, General Command of Gendarmerie participated in the program called “The hour of Gendarmerie” on June 24, 2021 and, information has been given about the woman as the object of Human Trafficking”.

Mr. Abdullah Ayaz, director of the General Directorate for Migration Administration (assignment period from 27.10.2018 to 18.06.2020) writing an article in 2020 in Turkish Policy Quarterly (TPQ), a magazine based in Istanbul aiming to encourage the discussions of original ideas and positive policies in Turkey and worldwide and publishing various articles and interviews bringing policy makers, business people, national and international investors together stated as follows: The phenomenon of Human Rights forming the basis for each socio-cultural discussion is without doubt at the centre of human trafficking. Commercialisation of the individuals in pursuit of commercial gains makes this offense one of the gravest of the violations of the human rights. This commercialisation violates the concepts of freedom, equality and human honour on which the theory of human rights is based.” By these statements he emphasized that the offense of human trafficking had been a severe violation of human rights. At the same time, he drew the attention to the dynamic dimension of the offense stating that various communication means provoked the crime of human trafficking and the desires of the individuals to find employment, access to the opportunities of education, the will to travel had been abused by malevolent persons controlling media means. <sup>7</sup>

In order to draw attention to this offense on July 30, “Global day for Combating Human Trafficking”, 1 million individuals have been acceded by the campaign “ #you be my voice#” conducted by the General Directorate of Migration Administration in social media for cooperation of civil society in the field of international protection. On July 30, 2020, Dr. Savaş ÜNLÜ from the DGMM has made statements to Anatolian Agency about human trafficking in order to raise awareness. Mr. ÜNLÜ, gave following message: “All of us should join the struggle and be the voice of the victims of human trafficking”.

Summit assembly arranged in the scope of the Project increasing protection of the victims of the human trafficking and migrants in Turkey owing to the day (July 30) of Global Combat against Human Trafficking conducted jointly by cooperation of DGMM and European Council has been held in Ankara on the days of 20 and 30 July. The representatives of the Court of Cassation, the Ministry of Justice, the Ministry of Family and Social Services, the Ministry of Labour and Social Security, the Institute of Human Rights and Equality in Turkey, General Directorate of Security General Command of Gendarmerie, and academicians conducting studies in the field of human rights have participated in the summit meeting.

On the first day of the summit meeting, the past and present status of the combat of Turkey against human trafficking have been discussed by the authorized representatives of the public institutes/organizations, international organizations and non- governmental organizations (NGO). After that, the chairman of the GRETA (European Council, Group of experts for acting against human trafficking), Helga GAYER, participating in the meeting on line has made a presentation.

During the sessions before noon on the second day of the summit meeting held for combating human trafficking, Article 8 of the Turkish Penal Code in regard to crime of human trafficking and the action plan for human rights in

<sup>7</sup> <http://turkishpolicy.com/artide/1005/combating-human-trafficking-in-turkey>

the Turkish Law have been evaluated and, critics and suggestions have been made by the representatives of supreme juridical institutes and public institutes.

The meeting maintained during two days has been terminated upon holding the sessions on the subject of the victims of human trafficking in the context of international protection and the victims of human trafficking in the context of irregular migration. The sessions of subject summit meeting in question have been broadcasted live in Youtube platform in the languages of Turkish and English during two days.

Call line (number) ALO 157 providing service as the emergency help line for the victims of human trafficking in the organization of the Ministry of Foreign Affairs from 2005 to 2014 in cooperation with International Organization of Migration, has been handed over to the DGMM in August 2015 and renamed as the line for the Centre of Communication for Foreigners (YİMER 157). Upon inclusion of Pashtu language among the languages by which services is provided, YİMER 157 providing service 24 hours in 7 days in 7 languages (Turkish, German, Arabic, Persian, English, Pashtu and Russian) has won the gold medal in the regional competition of Contact Centre in the World and in the region of EMEA (Europe, Middle East and Africa) in the category of providing “best emergency call service”.

Various studies have been conducted concerning awareness by provincial centres of Migration (PMACs) on July 30, day of combating human trafficking in regard to awareness. Some of these activities were: placement of bills and announcements on the billboards about human trafficking and usage of YİMER 157 call line of the centre for communication of foreigners, distribution of booklets to public in the stands established in the city centres, preparation of short video films on combating human trafficking and sharing these on social media platforms, publication of information and news about human trafficking in local papers of the provinces.

Some of the activities of awareness conducted during the years 2019 thru 2021 by Provincial Migration Administration Centres (PMAC) are as follows:

- Provincial Migration Administration in Eskişehir has given training to the employees of the institute and those of the consultation centre for women’s health in Osman Gazi University in 2021. Likewise, a pantomime show has been presented by the provincial management on the subject of human trafficking in collaboration with university students.
- Provincial Migration Administration in Adıyaman has given training to its personnel employed in the organization and the persons working at protection tables and, review of the information has been performed in respect to offense of human trafficking and delivering the booklets by going to the the Association of Rainbow.
- Provincial Migration Administration in Aksaray has provided training to the personnel of the organization wıch conducted talks with the foreigners living in the province for shooting a short film and, the short film made as a consequence of these talks has addressed by means of local media to all all of our citizens and the foreigners living in the province.
- Provincial Migration Administration in Balıkesir has given a training of awareness about the victims of human trafficking to the staff of Provincial Labour and Employment Office in Balıkesir in the conference hall of the said institute on September 9, 2021.
- The preparations for two studies of the Provincial Migration Administration in Istanbul for raising awareness are already underway. One of these is a completion of shooting pictures and, the subject of the other is a social media video.
- Provincial Migration Administration has arranged seminary for information and awareness called “ you be my voice” and, the employees from Provincial Administration of Family, labour and Social Services and Metropolitan Municipality, Department municipal security officers working in the field have participated to the seminary.

In order to increase cooperation among the institutes and organizations in the province of Gaziantep in regard to procedures conducted for the foreigners and raise awareness of the personnel working in the field, a workshop has been held with the contribution of the UNHCR (BMMYK) on 28.09.2021 for the guards of

markets and streets and, experiences and information about combating human trafficking have been shared for improvement of awareness and cooperation.

- Provincial Migration Administration in Hatay has conducted an activity to get the personnel authorized in intercity bus terminals informed about the subject.
- Provincial Migration Administration in Kırkkale distributed bills and booklets to 25 taxi stations and the chamber of minibuses in the province.
- Provincial Migration Administration in Manisa has held meetings two times with the leading opinion leaders in the province in 2021 about human trafficking.
- Provincial Migration Administration in Muğla has given training in 2019 to the migrants assembled in the deportation centre about human trafficking and distributed bills on 02.04.2021 in order to raise awareness in the scope of combating human trafficking.
- Provincial Migration Administration in Osmaniye has made presentations to 127 persons on 31.05.2021 and 81 persons on 11.06.2021 totalling to 208 persons from provincial security department assigned in Provisional Refuge Centre of Cevdetiye under the control and administration of Provincial Management about definition of human trafficking and taking action against human trafficking in the context of irregular migration.

In addition to cited activities, regular activities for providing information and raising awareness for public personnel and non-governmental organizations in the provinces are conducted by the Provincial Migration Administration centres.

In the scope of cooperation established with the Association to end sexual abuse for commercial purpose of the children (ECPAT) collaboration has been maintained with the local administrative units in the province of Trabzon and the campaign for awareness has been conducted jointly by the DGMM, Provincial administration of Migration in Trabzon, Provincial Administration of AÇSHB, The association of women in Black Sea coastal provinces (KİKAP), United Representative of the United Nations High Commissioner of Refugees (UNHCR) in Trabzon, the bar of Trabzon, Provincial command of Gendarmerie, and the Provincial Management of Security. All materials have been prepared in four languages: Turkish, Arabic, Persian and English. In the scope of this Project, 27.000 individuals have been reached. 4000 leaflets have been placed inside hygiene kits and food packages and delivered to the risk groups.

Short video of public service announcements have been displayed on billboards. The support of all stakeholders, small merchants and craftsmen at local level has been requested. The posters have been placed at public locations such as markets, bakeries, drugstores, hair dresser shops, cafés, restaurants, mosques etc., beside many other public locations and the buildings of province and district administrations.

***14. GRETA considers that the Turkish authorities should examine the possibility of establishing as a criminal offence the use of services which are the object of exploitation as defined in Article 4 of the Convention, with the knowledge that the person is a victim of trafficking in human beings.***

It is assessed that the recommendation given in the scope of this item responds to article 278 titled “penalty of non informing the crime” and the article 279 “ non notification of the crime by the public servant” under the Turkish Penal Code Nr. 5237.

In this scope the sub article 278 titled “ non informing the crime” (1) stipulates as follows: “(1) *the person not informing a crime committed or being committed to competent authorities is punished with imprisonment up to a period of 1 year.*

(2) The person who does not notify a crime conclusions of which may still be limited to the competent authorities is punished as per the provisions of the paragraph above.

(3) In case the victim is a child who has not completed the age of 1,5 a person who is bodily or spiritually disabled or unable to defend herself due to pregnancy, the punishment to be applied as per the paragraphs cited above is increased with a period corresponding to the half of the punishment period.

(4) Any penalty is not judged for the persons abstaining from testimony. However, due to existence of liability to prevent crime, the provisions in regard to penal responsibility are reserved.

“The paragraph (clause) 279 titled “non notification of the crime by public servant includes the following provisions:

“(1) the public servant who learns in connection with his/her assignment that a crime has been committed but neglects to report it to competent authorities or delays in reporting it is punished with imprisonment for a period ranging from six months to two years.

(2) If the crime is committed by a person performing a task of law enforcement (judicial task), the penalty to be passed as per the paragraph above is increased with a period covering half of the penalty period.

Therefore, in the case a person continues to receive these services despite he/she is aware of being a victim of trafficking in human beings, it will be possible to apply punishment as per the provisions of the legislation cited above.

### *Economic, social and other initiatives for groups vulnerable to THB*

**15. GRETA considers that the Turkish authorities should continue strengthening prevention of THB through targeted social and economic empowerment measures for groups and persons vulnerable to THB, including refugees, asylum seekers, migrants in transit, internally displaced persons, women and children. Further, recalling the Council of Europe Action Plan on Protecting Migrant and Refugee children, GRETA considers that further measures should be taken to prevent trafficking among migrant and refugee children (unaccompanied and separated children, as well as those accompanied by families), including through timely appointment of guardians, provision of specialized accommodation and a protective environment for all children, ensuring the implementation of a child rights approach.**

Fourth Action Plan for prevention of the violence against the women has been prepared and put into application by the Ministry of the Family and Social Services such that the period from 2021 to 2025 to be covered with the participation and contribution of all parties concerned. The scope of the National Action Plan includes the activities for increasing access of the refugees and the victims of trafficking in human beings to the services and raising awareness and information of the victims about violence to the women, underage marriages and forced marriages to national legislations and application mechanisms. The Works are carried out in cooperation with concerned institutes and organizations. Also the services of the Ministry of the Family and Social Services for the children are provided with focus on higher advantage of the children by concentration on the family in line with the rights of the children, and protection of all children aged between 0 and 18 years by preserving their rights and ensuring their comfort. For this purpose, the law Nr. 5395 dated 2005 about protection of the children has been put into force. Subject law has been prepared as per the rights of the children in regard to living, development, protection and participation forming the basis of the convention of UN about the rights of the children.

Necessary evaluations are made about the children who are assessed to be in need of protection in the scope of law Nr. 5395 on protection of the children, and protective and supportive measures deemed proper are taken and, benefitting of social service models by the children compliant with their conditions is ensured.

In order to unite the children who are under protection and separated from their families during or after migration with their families and ensure unity of the family, the activities for following up and uniting the families are conducted in collaboration with the institutes concerned.

Services are provided in the scope of the Law Nr. 5395 on protection of the children for the children under the age of 18 without any guardian who have reached to Turkey by means of irregular migration and determined by the law enforcement forces. The children are placed in proper children care institutes based on their ages, genders, and conditions (The site building for homes for the children, children houses, the centre for supporting the children) if it is not possible to ensure that the children benefit from the models focused on family despite the goal is to ensure that.

The centres to support the children are the centres specialized in serving the children without guardians at the ages ranging from 13 to 18. Although access of the children to basic social services (shelter, education health etc.) is ensured, individualized psycho-social support service is also provided in the centres. In addition to that, participation of the children to the activities in social, cultural, sportive and artistic fields etc., based on their interests and skills is ensured.

The activities concerning the rights of the children:

The children of foreign nationalities present in the Turkey benefit equally from all rights of education, health, social assistance, care and protection that the Turkish children enjoy.

Social adaptation programs are applied and conducted to minimize social adaptation problems of the children of foreign origin, increase their awareness regarding the risks and opportunities present in the society, ensure that they maintain their lives happily and safely in peace as per their rights and assure also that mutual understanding and tolerance among the different cultures is improved. The program is conducted by means of training given by the children registered in the provincial committees of the rights of the children using peer education technique and social-cultural activities.

The services for the children forced to work/live in the streets:

The ministry concerned has concentrated on protective and preventive services in order to support growth (development) of the children and, ensure that a generation conscious of and susceptible to the risks is raised and the mechanisms predicting the risks for the children and capable of taking required actions are established. In this context, "Mobile Social Service Application for the children" has been put into use to protect the children against the risks and be able to make interventions in time and provide productive and preventive services focused on production of the service. By the application, the children having discontinuity in attending to the school, having the risk of involvement in crimes, bearing the risks of negligence and abuse or the children needing intervention by social services are determined and, discussions with the children and their families are held. After the talks the needs of the child and the family are determined, protective, preventive and supportive measures are taken for responding to the needs and, pursuance of the child in the family and school environments is performed by carrying out necessary activities. In addition, it is ensured that action is taken by concerned institutes and organization for coverage of the requirements of the family.

Mobile teams have been formed by the ministry to intervene in regard to children forced to work in the streets that is one of the worst forms of the child labour. Our mobile teams formed in 81 provinces by participation of the employees of municipality, law enforcement units, health and education institutes under the leadership of the governor, required social interventions are made for the children forced to work in the streets. Our mobile teams investigate first the causes of working in the streets of the determined children forced to work in this way, social services and supports needed by the children and families are determined and, they are directed toward these social services and supports. It is ensured that the children who are determined to work in the streets and at the ages for attending to the school are incorporated in the school system. The children surpassing the ages of attending to education in the school are directed toward vocational training. The activities are conducted for ensuring social rehabilitations of the children and their stay with their families, provision of psycho-social support and raising awareness.

The following activities are provided: provision of education and guidance services by provincial Administration of Education in Trabzon about determination of victim children and sexual abuse, forced marriage of the children and forcing the children to beg, compelling them to commit crimes, carrying out activities of information to the attendants in order to create awareness about trafficking in human beings, opening vocational courses to develop the skills and information of the disadvantaged individuals from socio-economical aspects, covering the needs of the personnel tasked in the fields combating trafficking in human beings and protection of the rights of the victims.

***Border measures to prevent THB and measures to enable legal migration***

***16. GRETA considers that the Turkish authorities should strengthen their efforts to detect and prevent THB through border control measures, in particular in the context of increased migration. This should include:***

***- strengthening the capacity of all competent law enforcement bodies to detect indicators of THB among persons arriving in Turkey and ensure prompt and effective access to assistance and protection;***  
***- providing Coast Guard officers with indicators to enable the identification and prompt and effective referral to assistance and protection of all possible victims of trafficking;***

- providing information to foreign nationals arriving irregularly or seeking asylum, in a language that they can understand, about the risks of THB, their rights and the availability of legal assistance, counseling and other services. In this context, GRETA refers to the United Nations Office of the High Commissioner for Human Rights (OHCHR) 2014 Recommended Principles and Guidelines on Human Rights at International Borders and the OHCHR Report on the situation of migrants in transit (2016);

- proactive measures at all borders, including maritime borders, to ensure compliance with the State's positive obligations to prevent trafficking in human beings and to effectively protect the human rights of victims of trafficking.

Organization in 81 provinces of the Department of Combating illegal Migration and protection of borders established in 2019 under the control and administration of the General Directorate of the Security has been completed in 2020 and, the power to combat against the crimes of trafficking in illegal migrants specified by article 79 of the Turkish penal Code, trafficking in human beings under article 80, trafficking in organ and tissue incorporated in article 91 of the Turkish Penal Code has been transferred to this department. In this sense, the issues such as cooperation with national and international organizations, the method of working focused on the victims, determination of the international contacts are important in the combat policy. Subject department relays the notices about the crime of trafficking in human beings received from the national-international units to the concerned provincial units after necessary works are performed. Due to the characteristics of the offense exceeding the boundaries, the requests of information received from provincial units are received by means of correspondence made with the contact persons or consultants of the internal affairs and used in the works. In addition, regular meetings are held jointly with the foreign contact persons for exchange of information and, instantaneous exchange of information is performed easily by means of close cooperation established in the matters requiring urgency. In addition, upon completion of the works for organization of the department, the number of the personnel has increased and training has been given to 481 persons in the period from 2020 to 2021 for increasing the awareness and ensuring specialization in regard to trafficking in illegal migrants and human beings.

The Department for combating the offenses of illegal migrant trafficking and human trafficking under the administration of the General Command of Gendarmerie has been organized by forming Branch Management in 23 Provinces, and establishing sectional administration /process management in 58 provinces. In order to define the victims in the context of combating human trafficking, and the possibility to ensure cooperation mechanism with other institutes concerning operation of support services, contact officials have been determined in 36 provinces to combat trafficking in human beings. Again in this scope, the working groups for combating human trafficking have been formed in 33 provinces in order to conduct investigation, interrogation and inspection activities. As it is stated in detail in the 3rd item of the advice of the General Command of the Gendarmerie, occupational staff is subjected to constant and intensive training. At the same time, information manual including the subjects of raising awareness of the personnel of the General Command of the gendarmerie in their combat against trafficking of human beings, ensuring awareness of the staff and capability to distinguish the indices of crime of human trafficking and the procedures to be applied in the wake of determining the crime and rescuing of the victim has been printed (1000 in number) with the contribution of the DGMM and distributed to the provincial organizations of Gendarmerie (81).

The command of coast guard controls territorial waters (approximately 8.400 km of coastal regions ) carrying out search and rescue operations and struggling against irregular migration. It has not any authority to investigate trafficking in human beings and any role in recognition of the victims of human trafficking. However, it is involved

in the first study of the migrants and getting profiles of the irregular migrants who are stopped, rescued and brought to the land. If the indications of human trafficking or sensitive condition are detected, the information is communicated to DGMM and the concerned law enforcement units. In this context, training is given about the crime of human trafficking to all officers and non committed officers who take training and education in the central Command of Education and Training based in of the Command of Coast Guard and assigned in other regions. Furthermore, total 165 persons assigned in the Command of Coast Guard have attended to the 10 capacity improvement trainings held in the years 2020-2021 in the scope of the Project “Supporting intervention capacity of the command of Coast Guard to mixed migration flux at the sea” that is conducted in coordination with International Organization of Migration (IOM). Also, it is also scheduled to provide “profiling training” to 40 individuals of the staff in the scope of the same training course in order to determine the victims and human traffickers.

As regard to the measures to be taken at the borders for combating human trafficking, in connection with the disposition about the applications to be made domestically in the scope of Article 7 of the Implementation Regulation of the applicable law “about work permits of the foreigners” that is published in official Gazette No 25214 in August 29, 2003, the following provision applies: “*Only the foreigners who have received residence permit for minimum 6 months and whose residence period are not completed or their employers may apply directly to the ministry. ... However, having residence permit of six months shall be disregarded for the foreigners to be employed in the fields that is or might be subjected trafficking in human beings, and each time working visa should be obtained from our consulate abroad...*” In addition to this provision, in order to prevent recurrence of victimizing by the human trafficker of the foreigners who have been determined once as the victims of human trafficking and entered into Turkey in the scope of visa exemption but returned voluntarily and safely back, entry of such person a second time into Turkey is subjected to a previous permission in order to prevent them from being the victim of human trafficking for a second time.

### ***Identification of victims of trafficking in human beings***

#### ***17. GRETA urges the Turkish authorities to take steps to improve the identification of victims of THB, and in particular to:***

- ***promote a multi-agency approach in the identification of victims of trafficking by involving the expertise of all relevant organizations and entities, such as specialized NGOs, social workers, labor inspectors, child protection specialists and health-care staff;***
- ***ensure an enabling environment for NGOs and sufficient resources to support their involvement in the identification of possible victims of trafficking, including in removal centres and in search and rescue operations at sea;***
- ***ensure effective implementation of the Regulation on Combating Human Trafficking and Protection of Victims by providing training to relevant professionals on identification indicators, techniques and procedures;***
- ***ensure that the authorities have sufficient staff to be able to manage the identification procedure, take measures to proactively identify victims of transnational, as well as internal trafficking (i.e. taking place within Turkey) for different purposes of exploitation, and provide the law enforcement bodies and other competent authorities with the necessary means for doing so;***
- ***pay increased attention to the proactive detection of victims of trafficking among asylum seekers and persons placed in removal centres, allowing sufficient time to gather necessary information and taking into account their traumatic experience. In this context, training on the identification of victims of THB and their rights should be provided to staff working in centres where such persons are placed, in co-operation with civil society and lawyers;***
- ***ensure the availability and quality of interpreters and cultural mediators during the identification process and at all stages of investigation processes;***
- ***ensure that the identification of child victims of THB takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk;***
- ***ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, by paying particular attention to unaccompanied and separated migrant and refugee children, as well as children working in the agricultural sector and children in street situations;***
- ***ensure identification of possible victims of THB, including child victims, at all border crossings in accordance***

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

Anyone who declares to be the victim or who is aware of trafficking in human beings should inform the situation to YİMER 157, urgent call line, to public prosecutor's Office or law enforcement officers (in written, verbal or electronic means). The notifications and complaints made to urgent call line of DGMM PMAC (İGİM) are notified immediately to Public Prosecution Office or law enforcement units. The notifications or reports made to the Office of Governorship or district administration are relayed to concerned public prosecution Office. Non Governmental Organizations relay the notifications and reports made to them about human trafficking to PMAC, the Office of Chief Public Prosecutor or the Law enforcement units.

Minutes are kept for the reports and complaints made verbally and, it is sent in the fastest way to the Office of Public Prosecutor. Public institutes and organizations having high probability of coming across the victims of trafficking in human beings report the person they suspect as the victim using urgent call and reporting line and reports the condition also to the PMAC, Office of public prosecutor and law enforcement unit.

Law enforcement personnel contact PMAC in regard to the cases that may be evaluated in the scope of human trafficking crime when operations are in question involving the cases of forcing to work, subjecting to prostitution, forcing to serve, forcing to marriage, exploiting the organs and tissues, forcing the children to beg, forced labour of the children, usage of the children in criminal acts, delivering the infants as adopted child. Evaluation is made that the persons detained in the operations conducted for combating prostitution might be the victims of trafficking in human beings and forced to prostitution, a pre cognition procedure is applied finally, and the procedures are completed urgently since such persons might have the diseases that might present risks for public health. Based on the interrogation made in law enforcement units, lawyers are assigned to the probable victims in the scope of the article 234 of the Law of Criminal procedures Nr. 5271. In regard to the persons who are suspected of being the victims or possible victims are sent to PMAC with the general judicial report and applicable documents.

In the case requested by the law enforcement units (at the phase of taking the statement of the subject person) at least one of the expert persons assigned in PMAC (İGİM) is designated to be present during the interview to perform detailed study in regard to indicators of the crime of trafficking in human beings. The expert assigned by PMAC performs the interview in a proper environment considering the psychological condition of the victim or at the location where the victim is present. The information not included in the statements taken and recorded by the law enforcement units but obtained during the interviews (queries) made with the victims of the trafficking in human beings by the personnel of provincial migration administration personnel and cast a light to the investigation of the crime is communicated to the law enforcement units or the to the Office of chief Public prosecutor. A report is drawn up whether the subject person is a victim of trafficking in human beings as a result of detailed study and interviews to be carried out by the experts of the provincial management of migration in a manner without violating secrecy of the investigation. The persons who are the victims of the human trafficking or suspected of being a possible victim of the human trafficking are defined as the victims of the crime without waiting for the result of investigation and without regard to whether they complain or not.

Interviews are made with the persons who earns their livelihood by illegal means while their stays in Turkey as stated under sub paragraph (ç) of the Article 54 of the law about Foreigners and international protection Nr., 6458 and the ones specified under sub paragraph (g) of the same article as "the persons determined to be working without a valid working permit" and whose deportation has been decided upon by the PMAC (İGİM) personnel according to the indications of the human trafficking (The regulation about combating trafficking in human beings and protection of the victims, article 18). However, interviews are made also with the persons who come to PMAC (İGİM) to get the procedures about international protection, irregular migration and residency in Turkey according to the indicators of trafficking in human beings and, definition of the victims may be made in this way. Such description of the victims

is performed mostly by the administration of migration in Istanbul.

The Works and procedures concerning status of the foreigners in Istanbul are carried out by the management of Migration in Istanbul. Provincial Administration of Migration performs the procedures of approximately 7000 persons per day (such as residency, provisional protection, international protection and irregular migration). The formalities and procedures about the victims of the trafficking in human beings are also handled by the Provincial Management. However, the personnel working in this unit carries out their works by working among the units performing the procedures about the status of the foreigners. In other words, the topics of residence, temporary protection and irregular migration are determined as the principal working fields for the units combating the trafficking in human beings.

Total 6 persons of contact work in the workshop group formed for protection of the victims of human trafficking. These are: 1 assistant specialist of provincial migration administration (located in Kumkapı Coordination centre – protection unit, at European side) 1 sociologist occupied with temporary protection (Temporary Protection Coordination centre – Protection unit, in Sultanbeyli at Anatolian side), 1 migration expert of provincial migration administration, and an assistant to migration expert dealing with irregular migration in the provincial migration administration (Deportation centre at Silivri), 1 migration expert and 1 migration expert tasked in residence unit.

The personnel working in protection units investigate especially the cases of lone woman, child worker, the children forced the begging and the children forced to marriage underage who are among the temporary protection in our country. Apart from these, the foreigners who avoid eye contact and expressing himself or herself during the interviews or who are constantly accompanied by another person are interviewed.

The personnel working on irregular migration (The centre for deportation in Silivri) inspects whether the persons who are determined to be earning their livelihood by illegal means or the persons detected to be working without a valid working permit and for which a deportation verdict has been passed are the subject of trafficking in human being or not before they are deported. However, the personnel designated here interview every foreigner recorded in the deportation centre lest any loss of right is impeded. The personnel working in the unit of residence evaluate the applications for residence permit of the persons of some nationalities. The foreigners are selected randomly among lone females at the ages ranging from 18 to 36 and having the citizenship of Kyrgyzstan, Uzbekistan, Kazakhstan, Turkmenistan, and Azerbaijan. In this way, the status of the foreigners working as housekeepers and caretakers in the houses is followed and information is obtained about them. On the other hand, where some nationalities come forward in the operations undertaken by the law enforcement units, the procedures and formalities of the persons of the same nationality who have applied for residence are handled by the workshop group for protection of the victims of human trafficking.

For example, 2 operations have been concluded by the law enforcement units during the last 1 year involving the citizens of the People's Republic of China who had been detained in force and compelled to perform illegal activities (average 60 persons detained in a villa). Under the light of the information obtained as a result of interviews made in this scope, it was decided that the procedures concerning residence permit for all foreign individuals coming from the People's Republic of China needed to be processed by the unit of work group for protection of the victims of trafficking in human beings. The foreigners of Moroccan nationality constitute another example. Especially many persons of Moroccan origin have been observed in the operations made against prostitution during the recent times, the residence permit for the randomly selected Moroccan nationals at the ages ranging from 18 to 36 years applying for residence permit are issued after detailed reviews. However, the important issue here is that the selection of nationality varies. In regard to this matter, especially, the operations conducted in the province are determinative.

Another significant area of mission for the work group for protection of the victims of human trafficking is the field of "the children without guardians". As it is known, since these children are underage (children) and alone they are more vulnerable compared to other foreigners. For this reason, detailed interviews of the children without custodian are made. Questions are asked to the child during the interviews about "how he/she arrived at Turkey and through which person he/she came, Whether she/he experienced any negative event until reaching to Turkey, How he /she earned his/her living, and the persons that the child is in contact based on the age of the children. The report including detailed evaluation is added to the file of the child, and the child is delivered under the observation of legally

responsible persons to the Provincial Management of the Ministry of Family and Social Services.

The interviews of the persons who are suspected of being a victim or a possible victim but not interviewed at the stage of identification due to psychological and/or physical reasons are completed during or after recovery. The persons who are highly suspected of being a victim or a possible victim may not be subject to deportation during identification process. The persons are informed before the interview about the crime of human trafficking and the rights of the persons suffered from such a crime.

The age, sex, nationality, residence and demographic features, indications of abuse, body language, living conditions of the person, the relations with close surroundings are evaluated in the interviews made with the persons. During the procedures and formalities to be executed during the recognition process, an interpreter/translator is provided upon demand of the subject person or assigned ex-officio by the Provincial Management. If the victim is a female, assignment of a woman translator/interpreter is preferred.

In the event the person recognized as a victim does not want to use the support services for the victim he/she is subjected to general provisions. While the victim recognised might ask for the provided support services to benefit from the program preferring safe and voluntary return back to his/her country or to a third country for settling, he/she may want to be included in the scope of the victim support program. As the victim support program may be provided principally in the sheltering houses, this program support may also be given in the scope of free residence. If the victim is a foreigner victim support program is provided to the person and the child accompanying the person by the DGMM, If the victim is a Turkish nationality, if the victim is a child or Turkish citizen the program is provided to the person and the children under guardianship of the person by the Ministry of Family and Social Services.

In the scope of the Project for supporting provincial Migration Administration under the responsibility of the International Protection Department in DGMM, protection units (tables) are established in order to determine the persons particularly in need, directing such persons to legal solution mechanisms, psycho-social support, rehabilitation services, and the institutes and organization enabling them to reach social and economical resources to maintain their lives for assuring the protection of the right of living, basic freedom, and human rights by assessing the living conditions of the persons who are determined to be in special needs and following up such persons. After performance of the first interview, the tables (units) of protection have been established to intervene to the urgent cases by studying the degree of urgency ( low risk, medium risk and high risk). Activating national protection mechanisms and benefitting by the persons from the services provided by the institutes is a process starting with completion of the recording procedures. The interview for providing protection is made for unregistered foreign persons who are deemed to be in special needs after registration is completed. In the cases requiring urgent and on site intervention, the interview for protection is performed before registration procedures are done and, registration process is completed after completion of proper intervention procedure. In this scope, if an issue concerning the indicators about trafficking in human beings is determined during registration procedures, subject persons are directed immediately to the expert person in Provincial Migration Administration Centre (PMAC) and, the victim is interviewed about human trafficking.

In the meeting of the Coordination Commission for combating human Trafficking held in 2020 it is decided as follows: In regard to definition of the victims, the files of the children forced to serve in favour of the terrorist organization and recruited by such organizations using various means (threat, kidnapping, deception, abusing his/her despair) are sent to PMAC (IGIM) for determining and evaluating if such children are the victims of the human trafficking from administrative aspects as per the Regulation about Combating Trafficking in Human beings and Protection of the Victims in order to prevent following maltreatment of the children taking traumatic experiences into consideration. The definitions of the victims of the trafficking in human beings are made for the children under the age of 15 (including 15 years) based on the file and it is made for other persons depending on the interviews to be performed by the provincial Migration Administration.

Reorganization of the Department for Combating Refugee (Migrant) Smuggling and Border Protection under the

General Directorate of the Security has been completed in 2019 and organized in 81 provinces in 2020 with the increase of personnel capacity. Proactive works are rather significant in combating crime, and the shares made via internet sites, social media accounts and blogs and the risk analysis made by means of closed sources are studied fastidiously and, they are sent to the respective units after they are turned into research reports. In addition, the reports of analysis are drawn up about the persons who are treated as suspects for the crimes of human trafficking and prostitution in the past as a result of analyzing works performed based on closed sources and, they are shared with the rural units.

At the same time, a significant decrease has been observed in the cases of human trafficking encountered in the businesses active in the entertainment sector as a result of temporary closing of the businesses in the said sector owing to the pandemic and the inspections made and restriction imposed on such businesses. Performed inspection revealed that the persons employed in the care/cleaning works in private dwellings owned by private persons or the persons forced to prostitution had been the victims of the human trafficking. It was determined that the traffickers (exploiters) had inclined to contact the victims using mostly on line platforms for consultation services, care/cleaning works due to pandemic conditions. In order to prevent interruption in the combat against trafficking in human beings the sharing made ex officio by the concerned department or the reported suspicious sharing via online platforms and the communication made by national/international institutes or individual means are reviewed carefully and transferred to rural units for taking required action.

In this scope, 650 suspected persons involved in 168 incidents have been treated as the human traffickers as a result of operations carried out in the years of 2020 and 2021 by the police teams in the precincts of the police ; 193 of these have been arrested and 749 victim have been rescued.

Contact persons in 36 provinces have been determined by the department combating human trafficking under the responsibility of the General Command of the Gendarmerie in order to determine the victims as the victims of the human trafficking and ensure cooperation and coordination with the respective institutes and organizations. Work groups have been formed in Provincial Command of Gendarmerie in order to perform intelligence service, inquiry, review reported information, carry out investigation by coordination with the judicial authorities and other concerned units, direct and support such investigations in the regions that are assessed as the locations where the incidents of human trafficking might be encountered intensely.

Legal procedures have been initiated about (318) human traffickers, (255) victims have been rescued involved in (107) operations conducted against human trafficking during the last five years in the zones under the responsibility of the General Command of the Gendarmerie.

In 2020 legal procedures have been performed about (127) human traffickers and (90) victims involved in (30) operations regarding human trafficking have been rescued. During the first nine (9) months of 2020, legal procedures have been performed about (70) human traffickers and (56) victims involved in (18) operations regarding human trafficking have been rescued.

During the first nine (9) months of 2021, legal procedures have been performed about (57) human traffickers and (71) victims involved in (21) operations regarding human trafficking have been rescued.

As the periods of the first 9 months of the years of 2020-2021 are compared (January 01 to September 30), it is observed that an increase of 17% in operations against human trafficking and an increase of 27% in the number of the rescued victims had occurred.

As the distribution of the types of crime that took place and determined by (51) operations against trafficking in human beings during the period of 2020-2021 is reviewed, it was observed that 43 of these had been forced prostitution (sexual abuse) (8) forced working/serving cases.

The services provided by the Ministry of Family and Social Services and intended for the children are provided in the frame of an approach prioritizing a family focus in line with best interest of the children and aims to protect all children at the ages ranging from 0 to 18 and protect also the rights of the children and ensure their welfare. For this purpose, the Law on protection of the Children Nr., 5.395 has been put into force in 2005. Subject law has been drawn up considering the rights of living, development, protection and participation which constitute the basis of the Convention for the Rights of the Children.

So as to support development of the children and ensure raising of the generations reactive and conscious of the risks, protective and preventive measures are emphasized and prioritized and, the mechanism capable of taking required action are established by predicting the risks for the children.

The services for the children arriving in Turkey by means of irregular migration and determined by the law enforcement units are provided and maintained in accordance with the Article 66 of the Law Nr., 6458 about the Foreigners and International Protection, the Law Nr., 5295 about protection of the children and the regulation No., 152065 of the Ministry of the family and Social Services dated 20. 10. 2015 about the children without custodians.

The information given by the children who are found alone by the law enforcement units and the officials of the PMAC (IGIM) as deserted upon random encounter or by notifications made and the registrations are reviewed and, whether the subject children have families or relatives within the boundaries of Turkey or not is investigated. The children determined as a result of the investigations carried out to have families or relatives in Turkey are sent back to their families if it is deemed proper. Protective and supportive measures /applications are implemented in the scope of the Law Nr., 5395 about Protection of the children for the children at the ages ranging from 0 to 18 who are found to be as “the children without custodians” lacking any custodian responsible within the boundaries of the Republic of Turkey for the children as per the laws, traditions or customs. The children without guardians needing protection and about which a decision of caretaking has been passed as per the law Nr., 5395 about protection of the children are placed in caretaking institutes (such as the site of the children houses, the house of children, Children Support Centre).

As an example of the activity for determining the victims of the trafficking in human beings conducted in collaboration with non- governmental organizations, 18 persons have been directed to the Provincial Administration of Migration in Gaziantep in cooperation with the Association for solidarity with the refugees and migrants, and SADA, Women Improvement and Solidarity Centre as possible victims of the human trafficking.

In order to summarize the collaboration in regard to determination of the victims of the human trafficking and ensuring their access to the supports provided to the victims, the studies especially for fortification of national mechanism for direction are underway.

For example, to perform interview of the person suspected of being the victims or possible victims of human trafficking, respective law enforcement units request assignment of the personnel by the PMAC (IGIM). The personnel designated by PMAC(IGIM) go(es) to the police station where the possible victim is present and perform studies and the process of interview is started upon sharing of the evaluation of the assigned personnel about proper location for the subject victim(person) where the interview is to be made with the concerned law enforcement unit. The interviews may last a few days. All information obtained during this time period to cast a light for the crime investigation is shared with the concerned law enforcement units. This information is shared also with the public prosecutor conducting the investigation and the scope of the investigation may be extended according to instructions of the public prosecutor.

On the other hand, the persons remaining in the organization (facilities) of the provincial Management of the Ministry of Family and Social Services are generally from disadvantageous and vulnerable groups in the society as it is known well. Therefore, the organization of work group established in Istanbul for protection of the victims of trafficking in human beings and the Provincial Management of the Ministry of Family and Social Services are determined as contact points. So, the Provincial Administration makes detailed interviews for the reported cases and, if the foreigner

is a victim of human trafficking, access of the subject person to proper support services is ensured. If it is considered that the foreigner is not a victim of human trafficking crime, then access of the said person to the services that he/she may benefit based on the duration of staying in Turkey is ensured. For example, 40 incidents have been reported during the last 6 months by the Provincial Administration in Istanbul of the Ministry of Family and Social services. 5 of these have been identified as the victims. Three of the victims were children and remaining two were women. While two women victims were sent to the shelter for women, two victim children continued to stay in the premises of the Provincial Administration of the Ministry of Family and Social Services. The family of 1 Victim child has been detected and the child delivered to the family. In addition, 35 cases have been determined as not victims so they have been transferred to the proper status under which they could continue to stay under the scope of the Law No. 6458 about foreigners and international Protection.

Close cooperation with the provincial Managements of National Education has been assured. The training to increase awareness has been given to the manager of the National Education administration in the district where a significant population of foreigner lived and to the directors of the schools where the number of foreign students had been noticeable. The persons in the centres for following up children in the organization of Provincial Health Administration and following up the treatment process of the children who are the victims of sexual abuse are visited and they were informed about the crime.

In this context, extensive training program for each day of the training to be held in the period from December 7 to 10 of 2021 has been prepared. Target groups for the training are the personnel from Provincial Security Directorate, Command of Gendarmerie in the province, Provincial Administration of the Ministry of Family and Social Services and the Provincial Management of Health (Children follow up Centre).

**18. GRETA urges the Turkish authorities to take steps to strengthen the proactive identification of victims of THB for the purpose of labour exploitation, and in particular to:**

- **expand the capacity of labour inspectors so that they can be actively engaged in the prevention of THB, including in private households, small businesses in the hotel, catering and restaurant sectors and small agricultural units;**
- **monitor the frequency and effectiveness of labour inspections and ensure that sufficient human and financial resources are made available to labour inspectors to fulfil their mandate, including in remote locations at risk of THB in the agricultural sector;**
- **separate immigration enforcement functions from labour inspectorate roles and ensure that labour inspectors prioritise the detection of persons working in irregular situations who are vulnerable to THB;**
- **review the regulatory systems concerning migrants working as home care workers and ensure that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of human trafficking.**

The inspections of the work are planned and applied as the inspections consisting of the “scheduled inspections” and non scheduled inspection containing reviews.

Despite item (b) of the first paragraph of article 4 of the Law of Labour Nr., 4857 regulates as follows “*The labour law Nr., 4857 may not apply in the businesses and workplaces where agricultural and forestry works are performed and less than 50 (including 50) employees (workers) are employed.*” According to the article 113 of the same law about wages of the employees employed in some works, it was stipulated that articles 32, 35, 37 and 38 of the the regulating the issues of “wage and payment of the wage”, “hidden part of the wage”, “wage calculation note” and “application of wage deduction fine” of the Law Nr., 4857 for the workers(employees) employed in the businesses and workplaces where agricultural and forestry works are performed have been emphasized. In the scope of the specified article, the reports and complaints notified to our Administration are added to the scope of inspection program. The Law No., 6331 about Work Health and Safety applies to all works and workplaces in public sector and private sector, employers and representatives of such workplaces, all employees and workers including apprentices and trainees notwithstanding the subject of activity and, inspections are carried out without regard to the number of

the employees including the agricultural sector.

The inspections and reviews regarding employment of the foreigners are performed by the inspectors from the Ministry of Labour and Social Insurance and the inspectors from the Social Insurance Institute and social insurance controllers as per the article 23 of the Law Nr. 6375 about international labour put into force on 13.08.2016. Inspections and checks regarding works of the private employment offices are conducted by the employment (labour) inspectors from the Ministry of Labour and Social Insurance as per the article 17 of the Law Nr., 4904 about some regulations regarding Turkish Employment Institute. In addition, if it is detected during all types of inspections, review and checks to be made at workplaces by the law enforcement units and the inspecting personnel of the public institutes as per the applicable legislations that the foreigners and the employers employing them do not meet their liabilities arising from the law, the situation should be notified to the concerned Ministry. Upon the inspections and notifications made, administrative sanctions included in the scope of law are applied by the provincial Managements of the labour and Social Institute according to the minutes and reports of inspections drawn up. According to the explained provisions of the legislation the inspections are executed only by the labour (employment) inspectors to make sure if the foreigners in question have work permit or not and, the working conditions and the working environment conditions are complied and preserved or not. The inspections are made already by our ministry to ensure if the foreign employers and employees work in compliance with the law Nr. 6375 and whether the employment and placement by the private employment offices (including the housekeeping services) are in compliance with the provisions of the law Nr., 4904.

As it is known already, it is stated that the provisions of this law are not applicable for the housekeeping services as per the article 4 of the law Nr., 4857 and the article 2 of the law Nr., 6331. However, since the Laws Nr., 6735 and 4904 regulate whether the foreigner possess working permit and works in compliance with the Law Nr. 6375 and, the employment and placements by the private employment offices, the situation of the persons working in housekeeping works is inspected as per the applicable laws.

Depending on the scope of the work accidents, it is pointed out that the inspection to be made in the sectors involving high risk such as construction and mining works needed to be given priority and the number of inspection had been insufficient. Work inspections are planned and applied as "scheduled inspections" and the non scheduled inspections consisting of reviews. In this context, inspections in construction and mining sectors are performed actively in terms of performance of the work and safety of the work as well. Accordingly, inspections about execution of the work have been done in 23856 work places, inspections of work health and safety have been conducted at 42.274 workplaces totalling to 66.130 workplaces in all work sectors in the period from January 2017 to September 2021 and, 7.312.095 employees have been reached by these inspections. Inspections have been made in total 9.142 workplaces in construction sector reaching to 553.149 workers while 7.275 work places have been inspected in mining sector and 375.948 employees have been reached by these inspections.

By the inspections carried out in agricultural works in the period from January 2017 to September 2021 total 296 workplaces have been checked, total 24.384 workers have been reached. 7.450 of the workers were women while remaining 16.384 workers were men. A fine in an amount of 991. 677, 99-TL had been suggested. Total a fine of 1.348.125,23,-TL had been paid. Of this total amount, 989.801,16,-TL had been paid by the workers while remaining amount of 358.324,07,-TL had been paid by the public. In addition, an administrative fine in an amount of 79.495,00,-TL had been requested for the foreigners employed in agricultural works without permission.

All the inspectors assigned in the organization of the department perform required formalities that they are obliged to apply as per the applicable legislation when they come across a violation involving child labour. If it is detected by the inspections that the rights of the children are infringed and abused, the case is notified to the General Directorate of Children service in our Ministry and Provincial Administration of National Education.

The children and young workers are determined as the prioritized risk group in the inspections in the wake of trainings to be given to the labour inspectors, Furthermore, the reports and complaints about children and young workers and

the foreigners employed without legal permit are assessed with priority and included in the scope of the inspection without regard to the nationality or sex of the concerned persons. The department decided that a fine in an amount of 1.353.261,-TL needed to be applied for the 415 foreign nationals who had been employed in contrary to legislation in force and a fine amounting to 6.284.354,-TL had to be applied to 243 employers who had employed foreigners in contrary to the legislation in force as a result of the inspection carried out. In addition, an administrative fine in an amount of 398.463,00 had to be applied for the 192 employers which had been determined to have employed children in opposition to the provisions of the regulation about procedure and principles of employing young workers and children” issued according to the applicable clause and the article 71 of the labour law No. 4857.

In regard to inspections of the sectors where unregistered employment and non registration are intensive: As it is known legislative arrangement concerning unregistered employment and the administrative sanctions for such employment are included in the Law Nr., 5510 and secondary legislation. Concerning unregistered employment incorporated in unregistered activity; the Department of Social Insurance ensures that the workplaces are registered and keep on their activities as registered and the employees and workers are insured. In the case unregistered workers are detected by the inspection executed by the Department, the minutes of “Actual Detection and Registration Review” that is the annex to the Regulation about the inspections to be carried out by the inspectors of the Public institutes that was issued based on the articles 58 and 86 of the law Nr., 5510 on Social Insurance and General health Insurance is kept and, notification is made to the Social Insurance Institute for required action to be taken according to applicable law.

Additionally, in regard to efficiency of the inspection performed in the wake of provision of training for combating human trafficking and protecting the victims; it is planned that the employers and employees need to be informed and, the issue of awareness need to be stressed insistently and training needs to be held for information and awareness in this matter in the scope of the inspections to be performed by the labour and employment inspectors as per the laws in question. In addition, the works to add required modules to “Work Inspection Automation System” (WIAS) continue in order to keep the statistics based on the findings about abuse in employment detected by the inspectors in the frame of combating human trafficking and protecting the victims.

#### *Assistance to victims*

**19. GRETA urges the Turkish authorities to take the necessary legislative and practical measures to ensure adequate assistance to victims of trafficking, and in particular to:**

- **provide appropriate and safe accommodation with a sufficient number of places for victims of trafficking (women, men and children);**
- **ensure that conditions provided in shelters for victims of trafficking are adequate and adapted to their special needs. In this context, better balance should be struck between the need to place victims of THB in a safe accommodation and the need to achieve their recovery and rehabilitation; this requires greater awareness among staff working with such victims as regards the need to respect the victims’ privacy and to assist in their rehabilitation;**
- **facilitate the social inclusion of victims of trafficking into society and prevent re-trafficking by providing them with long-term assistance, including vocational training and access to the labour market;**
- **provide specialized assistance for child victims of trafficking which takes into account their specific circumstances and the best interests of the child, ensuring timely appointment of qualified guardians and a holistic approach to age assessment, in accordance with**  
**General Comment No. 6 of the UN Committee on the Rights of the Child and the Council of Europe Action Plan on Protecting the Rights of Migrant and Refugee Children;**
- **provide regular training to all professionals responsible for implementing assistance measures for victims of trafficking.**

**20. GRETA considers that for the purpose of assisting all victims of THB for different purposes of exploitation, the authorities should strengthen partnerships with specialised NGOs, including by delegating to NGOs the functions of service providers, and provide adequate financing of the services delivered by such NGOs.**

### ***Recovery and reflection period***

***21. GRETA considers that the Turkish authorities should ensure that all presumed foreign victims of THB are systematically informed of their right to a recovery and reflection period and to ensure that the recovery and reflection period is applied in practice to all foreign victims of THB.***

The explanations in regard to the recommendations in items 19-20-21 have been presented together below:

The victims defined by PMAC (IGIM) and requested to be included in the Assistance to the victims Program should stay in sheltering houses. Support services to be provided to the foreign victim and accompanying children are given by the Administration of Migration while the same support services are provided to the victims who are Turkish citizens and the ones under the age of 18 by the Ministry of Family and Social Services.

The protection coverage starts after completion of the identification process for the victims of human trafficking if the victim requests to use any assistance program. Victim Assistance (support) services are provided in two ways: Voluntary and safe return program and victim support program. In this context, as the return of the victim back to his/her country or a safe third country is ensured based on the demand of the subject person, the victim is also included in the victim supporting program. Voluntary and safe return program may be applied only when the victim does not request to benefit from victim support program or he/she request it while the program is applied or after the program is completed.

Concerning a foreigner who is a victim requesting to take advantage of the assistance program in this scope; The articles 48 and 49 of the Law Nr. 6458 about Foreigners and International Protection states that a residence permit for a period of 30 days might be granted to the foreigners suspected of being victims or possible victims of human trafficking to enable them to get rid of the influences of what they suffered and enable them to decide whether they will cooperate with the concerned authorities or not and the period of residence granted for healing and consideration might be extended with the periods of maximum six months based on the health and special condition of the victim but total of these periods might in no way exceed total 3 years.

In this way, assistance services to be provided to the victims of trafficking in human beings as per the provision of the Article 28 of the regulation about Combating Human Trafficking and protection of the victims have been secured. Accordingly, during the granted period of consideration and during and after the phases of investigation and research, safety, health and special condition of the victim are considered and victim support services are rendered based on the information given and the consent of the subject person. Following services are provided in this scope:

- Harboring in sheltering houses or in safe locations,
- Access to health services,
- Psycho-social support,
- Access to social services and aids,
- Access to juridical assistance and consultation about legal rights of the victims,
- Guidance regarding access to the education and training services,
- Provision of occupational training and support in access to labour market,
- Guidance about pecuniary support in accordance with the provisions of the Law for incentives for social assistance and solidarity,
- Access to the consultation services to be provided by concerned non-governmental organizations, international organizations and governmental (public) organizations
- Translation and interpretation services,
- Provision of information to the embassy or consulate of the country that the victim is a citizen of in case it is approved by the victim and the possibility to interview with competent authorities,

- Assistance about determination of the identity and procurement of travel document,

Subject services listed above have been explained in detail below. First of all, regarding the physical conditions of the sheltering houses provided to the where the human trafficking victims are placed, following issues may be expressed:

- Modification, maintenance and repair works of the shelters for the victims have been performed in the period from 2019 to 2020.
- Child-friendly fields have been formed in the shelters.
- The furniture and articles in the rooms for the victims have been replaced.
- The sheltering houses have been modified to be suitable for access of disabled persons.
- Study rooms have been reserved and prepared for the children attending to school.
- As a result of cooperation with the Metropolitan Municipality of Ankara a library has been established for the victims where the books and publications in various languages have been provided. At the same time, garden landscape and surrounding arrangements have been made as a result of collaboration with the municipality.
- A playground has been built in the garden of sheltering house as a result cooperation with Turkish Crescent organization.

#### Victim Support Program Acceptance

##### Procedures

The victims of the trafficking in human beings identified by PMAC (IGIM) and requesting to benefit from victim support services are sent and placed in suitable shelters under the coordination of PMAC.

Before the victim is dispatched, health report about the subject person indicating whether he/she bears the symptoms of Covid-19 and other contagious diseases is attached to the file of concerned victim.

After acceptance procedures for dispatched victim are completed, the victim is informed about the support services to be provided in the sheltering house in the language of the concerned victim. All basic needs of the victim are met immediately and he/she is placed in the room for resting. All basic needs of the victim are covered from the budget of the institute.

The files of the victims are reviewed and obtained information is compiled. When the victim feels ready from physical and psychological aspects, social service experts and psychologists perform Professional interviews and, an individual support(intervention) plan is prepared specific to the victim. These plans are prepared taking the women as basis in a manner to observe the best interest of the children.

##### Safe housing and meal services

Common usage areas in the building used as sheltering house are monitored for 24 hours a day on 7/24 basis by camera systems and, video records are taken to ensure safety of the victims and the children accompanying them. For provision of security services in the sheltering house guards have been assigned to the shelter by the DGMM and, said guarding personnel have been subjected to orientation training before assignment.

The victims may go out of the safe (sheltering) house up to 2 hours during the healing and assessment period and up to 5 hours in the following period based on procedures and principles to be applied in the shelters which are prepared and issued according to the regulation for combating human trafficking and protection of the victims of human trafficking. Security guard does not accompany in daily let outs. Only in exceptional cases, (involving high risk of life danger) security guard in civilian cloth may accompany the victim on voluntary basis.

Meals (food) are given 3 times a day to the victims in sheltering house (morning, noon and evening times) and, snack is provided also. The price of the meals is covered by the budget of the institute.

The activities conducted in the field of health.

- Based on the health problems of the women and the children accompanying them, appointments are arranged from the respective department of the public hospitals. The Access to the hospital and return back from the hospital of the victim is ensured by means of the vehicle belonging to the institute.
- Prescribed drugs are provided to the victim. (the costs of medicines are covered by the state depending on the status of the victim in Turkey. Regarding the costs of the medicines for the victims of the human trafficking subsidy is requested from the Foundation of Social Assistance & Solidarity, International organizations and local Non Governmental Organizations).
- Lacking vaccines of all children sent to sheltering houses are completed urgently in the scope of vaccination.
- All covid-19 vaccines of the victims staying in sheltering houses have been completed.
- The women and the children have been informed about personal cleanliness including body cleaning, hand cleaning, hand washing, teeth brushing in the scope of provided “hygiene training” and personal care and cleaning materials have been delivered to each victims coming to sheltering house.
- The measures to be taken against the risk have been told in the sheltering house as foreseen by the Ministry of Health and, the posters specifying 14 measures to be taken against Covid-19 have been attached and suspended at proper places.
- The items such as mask, gloves, eau de cologne and disinfectant have been supplied against Pandemic and usage of them has been encouraged.
- Service building of the sheltering house is disinfected regularly in the scope of measures taken against Covid-19.
- IOM has been contacted for two victims having psychological problems. They have been hospitalized and treated in a private psychiatry clinic and, treatment drugs have been administered and treatment has been maintained later in the sheltering house during the time they stayed in the sheltering house.
- For treatment of four victims having psychological problems, budget was requested from IOM, their treatment has been initiated by a private psychiatry expert and, the treatment for a victim is still in progress.
- Access of the pregnant victims to health services in the hospitals has been ensured and, the procedures concerning care and release from the hospitals and the first checks of the infants have been ensured by the management of the sheltering house. The mother has been informed about baby care and all materials needed by the baby and the mother have been supplied.
- Pregnant victims attend to the trainings “called” PREGNANCY SCHOOL” organized by the delivery (birth) polyclinics of the hospital following up the pregnant during pregnancy period.

Access to Labour Market

- After the process of rehabilitation and healing of the victims is completed they are directed to proper employment channels to enable them to accede to long term solutions according to their skills and capabilities.
- Access of the victims desiring to acquire a profession to the vocational courses arranged by the municipalities, international organizations and non- governmental organizations is ensured. Their access to labour (employment) market is ensured also after vocational course is completed. In this scope, said victims have been directed to the course in the scope of the Project “called there is hope in the kitchen” conducted in collaboration with FAO and the Ministry of National Education and, after completing it they have been placed in work (they have been employed) based on the certificates they received.
- In the scope of the program called “Socio-economical empowerment and sustainability” (SES) applied jointly by WFP, Ministry of National Education and Employment Office (İŞKUR), the victims have been directed to the training for store attendants.
- Information seminars have been arranged by the Turkish Red Crescent in regard to the rights that the victims have in the labour and employment environment.
- Talks and interviews have been performed with the employers of the victims for which access to labour

market is ensured and, required negotiations have been made to get required permission so as to prevent unregistered employment.

- Usage of free of charge nursery services by the children at the age of pre-schooling of the working mothers is ensured by the Provincial management of Family and Social Services.

#### Access to educational services

- Registration of the children accompanying the victims directed to safe sheltering houses based on age groups is made and, required works are conducted to ensure continuity of the education.
- In the periods in which it is switched to on line education due to pandemic, On line training possibility has been provided to the children via EBA system developed by the Ministry of national Education.
- School uniforms, stationary items have been provided to the children attending to schools and, food support has been supplied to the children by the PMAC (IGIM).
- For financing transportation of the children to the schools at remote locations collaboration with NGO (Non-governmental organizations) and international organizations has been ensured.
- The victims staying in the sheltering houses and wishing to learn Turkish have been directed to Turkish courses provided by SGDD, IOM and Turkish Crescent.
- Attendance of the victims to the seminars arranged and held by the Turkish Crescent Society Centre about acquiring the skills and capabilities enabling to act independently without intermediaries in all fields of social life” are assured..
- Access of the victims to the courses of vocation, hobby and personal development is ensured as per their interests and capabilities.

#### Monetary Support

- For each victim a monetary support in an amount of 300,-TL per month and for each child of the victim a monetary support of 75,-TL is provided by means of the Social Assistance and Solidarity Foundations.
- Also pecuniary support is ensured from the Project maintained in collaboration with the international and non - governmental organizations. In this scope, extra cash support in an amount of 500,- TL for each woman and additional cash support in an amount of 200,-TL for each child have been provided to the victims in the scope of a Project conducted in cooperation with DGMM and IOM during the period of 2019-2020.
- For special needs of the victims, extra budget is requested from international organizations and NGOs peculiar to the subject victims. With the budget released, the victim is taken to shopping and the needs of the victim are met.

#### Legal support

- Each victim accepted to sheltering house is informed that she might be given legal support for legal procedures by an assigned counsellor if it is so desired by the victim.
- Following of the case and communication with the counsellor of the victims whose cases are in process are ensured. Some victims wish to return to their countries without waiting for the process of legal case. The victim is informed about the counselling services to be provided on this issue and the significance of the contribution to be made.
- The Centre for the rights of the Refugees in Ankara, the Bar has launched a study for establishment of a special unit to be assigned in the scope of trafficking in human beings. It is intended by this study to provide fast and efficient legal support to the victims by means of expert and experienced lawyers in the field.

#### Provision of identity and travel certificates

- Identification procedures for the victims placed in sheltering houses are completed urgently. The persons who are identified as the victims of trafficking in human beings and liable to be put under provisional and international protection are directed to PMAC (IGIM) and, they are enabled to benefit from the rights provided to the persons included in the said status.
- Negotiations and talks are performed in the consulates and embassies of the victims to be deported back to

their countries or to third countries and, travel certificates with all official documents are prepared and provided.

- Required documents concerning official procedures related to the victim are obtained from concerned institutes.

#### Translation and interpretation services

- Translation and interpretation services are provided by the Provincial Management in the language that the victim needs.

#### The victims preferring and passing to independent live

Essential purpose of the support (assistance) services provided by the Management of the shelters is to rescue the victims from the effects of the trauma that the victims have suffered and making them stronger by enabling them to accede to long term solutions. In this scope, the victims completing the rehabilitation and adaptation process in the shelter house (who accedes to labour market and reaches a certain economical level) may wish to pass to an independent life by terminating support services.

Support is provided to the victims in this scope by the management of sheltering house to enable them to find a proper residence and, the victims renting the residence are enabled to reach the aids of rent, house articles and objects, transportation and deposit through the municipalities, NGOs.

In addition to the activities related to protection field cited above the legal basis has been formed by the Decree Nr., 63 issued by the President of the state for establishment of the rural administrations for provision of the legal support and services to the victims. The department for Legal Support and Services for the Victims in the Ministry of Justice performs the studies in regard to legal rights and services to be provided to the victims of the crime. The department conducts also the works in order to contribute to establishment of a victim support system that is efficient, sustainable and accessible in the frame of the social state of law and rehabilitative justice for the victims including especially women, children, elderly people and disabled persons.

The administrations for legal support and services for the victims established in the justice Department and planned to be spread throughout the country are the units in which the experts informing the victims about their needs, directing them based on their needs and providing special services to vulnerable groups are assigned.

In the subject administrations, studies are conducted in order to empower and enable the persons involved in the legal process to accede to the justice and, multiple services are provided to the victims included in the vulnerable groups such as children, women, elderly, disabled persons, migrants, victims of the human trafficking who are determined to be affected more from the crime owing to individual characteristics. In addition, in order to prevent recurring of the victimization by the victims in the vulnerable groups, services are provided including taking various measures and notifying this to the judges and prosecutors, accompanying by the experts to ensure that legal processes are understood by the victims and the level of concern and anxiety is decreased, directing the person determined to be in need of psycho-social support after legal process to the concerned institutes and following such persons etc.

In this context, the administrations for legal Support and the services for the victims established in 116 courthouses provide services to the victims including among others: informing the victims of the crime in an efficient way and directing them to the institutes that they may receive services, providing support to the victims after the offense committed, providing legal, psycho-social services to the victims of the crime in the vulnerable groups during legal processes and preventing especially secondary victimization. The works for founding the administration (department) for legal support and victim services also in 45 additional courthouse is about to be completed.

Presently 110 Legal Interview Chambers (LIC) (AGO) in 105 courthouses in 81 Provinces are carrying out studies in order to take statements of the victims in vulnerable groups such as the victims of the trafficking in human beings,

intra-familial violence, sexual offenses and abuses, the children driven to the crime, witnesses and victims who are deemed by the Department for the Services for Victims in the Ministry of Justice to be in danger in confronting the perpetrators where the statements required to be taken in special environments. Special trainings are given to the experts assigned in these chambers.

As of the September 2021, there are 149 women shelters with a total capacity of 3.264 persons serving to the women and accompanying children who are the victims of violence. Of these : 112 pertain to the Ministry of Family and Social Services, 33 pertain to the local administrations, 1 pertains to the NGO and, 3of these houses serve to the foreign victims of the human trafficking. Foreign women who are the victims of the trafficking in human beings stay in the guesthouses operated by the DGMM. However, the foreign women that are the victims of the human trafficking in the provinces where the guesthouses operated by DGMM are not present are accepted into the guesthouses pertaining to the Ministry of Family and Social Service if it is needed until transfer procedures are completed by the PMAC (IGIM).

Required assessments are made about the children who are in the scope the Law Nr. 5395 on Protection of the Children and evaluated to be in need, the protective and supportive measures deemed proper are taken for such children and, it is ensured that the children benefit from social service models suitable for their conditions.

Preventive and protective services are concentrated in order to support development of the children and raising generations conscious of and responsive to the risks. The mechanism predicting the risks for the children and taking required steps are established.

The services for the children are provided by the Ministry of Family and Social Services in the frame of a first approach focusing on the family in line with the rights of the children and giving priority to the best interests of the children and intending to protect all children in Turkey at the ages ranging between 0 and 18 years and protection of their rights and provision of their welfare. For this purpose, the Law on protection of the children Nr., 5395 have been put into force. Subject law has been prepared according to living, development, protection and participation rights forming the Essentials of the Convention of the UN about the rights of the Children.

The studies are conducted to support the children first beside their families. In case it is not possible to support the children in a family environment and, if it assessed that keeping the children in family environment would not be to the best interest of the children, the children are placed in proper caretaking establishments based on their ages, sex, and conditions (House for children, the Site of houses for children, The centre for Support of the children).

Children Support Centres are specialized in providing psycho-social support services for the children at the ages between 13 to 18 years who are victims of the crime, driven to commit crime, exposed to the risks in the streets and who are without custodians. Beside access of the children to the services in the centres (housing, education, health etc.), individualized psycho-social support service is also provided. In addition to that, participation of the children into social, cultural, sportive and artistic activities is ensured based on their interests and skills.

Anka Children Support Program that is a psycho-social support program for the children is implemented in the centres. It is aimed by the subject program to minimize trauma caused by negative life experiences bringing change toward positive attitude and behaviour by taking individual differences and needs of the children into account. Anka Children Support Program aiming a multi-directional approach and intervention consists of the components such as: the Form for Individual needs and Risk Assessments (BİRDEF), Group works, Individual Counselling, Family works, Supportive Environment components, Approach Principles for support personnel, Institutional Approach Principles for intervention to the crisis.

### ***Residence permits***

***22. GRETA considers that the Turkish authorities should ensure that all victims of THB can fully benefit from the right to obtain a renewable residence permit, without prejudice to the right to seek and enjoy asylum.***

Articles 48 and 49 of the Law Nr., 6458 about foreigners and international Protection provides as follows in regard to residence permit of the victims of the human trafficking:

‘ARTICLE 48 - (1)The foreigners highly suspected of being victims or possible victims of trafficking in human beings are granted a residence permit valid for 30 days to enable them to get rid of the impacts of what they experienced and to be able to decide whether they will cooperate with competent authorities.

(2) In granting such residence permits, the conditions requested for other residence permits are required.

ARTICLE 49 - (1) The residence permits granted for the purpose of rehabilitation, provision of consideration time may be extended with periods of maximum 6 months owing to security, health and special condition of the victim. However, total of these periods may in no way exceed 3 years in total.

(2) Where the foreigners suspected highly of being the victims or possible victims of the trafficking in human beings are found out that they contacted again with the perpetrators of the crime by their own initiatives and volition, residence permits are repealed.”

Article 22 of the Regulation on combating Human trafficking and protection of the victims provides as follows: “*The provisions applicable for the victims of the human trafficking are also applicable to the persons having international protection arrangements and status in the scope of the law and subjected to provisional protection and other foreigner suspected highly of being the victim or probable victim of human trafficking.*” By this clause, the victims in the scope of the Law Nr., 6458 are referred to. A person defined as the victim of trafficking in human beings in the scope of this article may apply for refuge and, a person in the the process of taking refuge or one who has obtained necessary status may be permitted to benefit from the rights granted to the victims of the human trafficking.

Since 2019 up to present time, 364 victims have benefitted from the support program for the victims, 251 victims have benefitted from the safe and voluntary return program<sup>8</sup> while 219 victims did not want to benefit from the support programs. Of the identified victims, 18 had been Turkish citizens, 226 were Syrians. The victims who are Syrians have legal staying rights in Turkey in the scope provisional protection. Additional to these numbers, residence permits have been issued to total 262 persons from 2019 up to present time who are the victims of the trafficking in human beings.

**23. GRETA considers that the Turkish authorities should review Article 29 of the Regulation on Combating Human Trafficking and the Protection of Victims, which refers to victims leaving the shelter without informing the authorities as grounds for terminating the victim support program.**

As it is known, Article 29 of the Regulation about combating human trafficking and protection of the victims includes the provisions for terminating victim support program. One of the subject provisions is cited as desertion of the sheltering house by the victim without informing the administration. This provision has been regulated considering the secrecy of the locations of the sheltering houses and the security of the victims staying in the sheltering houses. Despite desertion of the sheltering house by the victim without informing the administration is a condition terminating support program, decision is made based on evaluation report of expert personnel.

Article 21 of the regulation on Procedures and principles for the Department for Protection of the victims of human trafficking provides as follows: “ (1) The hours of entry into and exit from the sheltering house are determined by the manager considering regional conditions where the sheltering house is located in order to ensure security and the conditions of the service areas. However, at any rate, if it is requested by the service takers permission is granted up to 2 hours in the healing and contemplation period and up to 5 hours in the wake of healing and contemplation period. Personal telephones may be handed over to the persons taking the service by reminding them the rules of secrecy.

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<sup>8</sup> When a victim benefit from victim support program she may select to benefit from voluntary program and return program.

(2) Save for exceptional cases, the entry hour fixed to enter into sheltering house may not be later than 21:00 hours p.m. Entry and exit hours for the persons taking services who attend to courses and work are evaluated separately according to the hours of work and course.

(3) Entries and exits for the sheltering house have been arranged as follows : If the individuals taking services request, they may stay at a place outside of sheltering house for a period of 15 days within the year with the consent of the manager of sheltering house and approval of the Provincial manager. The person benefitting from the service is obliged to inform the address of the location that she wanted to stay outside the sheltering house. This condition is recorded by a protocol that is kept in the file of the person. How this period of 15 days may be spent is decided by the Manager of the shelter considering also psychological condition of the victim.”

**24. GRETA urges the Turkish authorities to adopt legislative and practical measures to facilitate access to compensation for victims of trafficking, and in particular to:**

- ensure that victims have access, from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings and the right to seek compensation, in a language they can understand;
- enable victims of trafficking, including those in removal centres , to exercise their right to compensation by ensuring their effective access to State-funded legal aid, by building the capacity of legal practitioners to support victims to claim compensation and including the issue of victim compensation into training programs for law enforcement officials, prosecutors, judges and lawyers;
- establish a State compensation scheme accessible to victims of THB, regardless of their citizenship and residence status.

The Department of Juridical Support and Services for the Victims in the Ministry of Justice carries out the works about the rights and services to be provided to the victims of the crime and deals with the activities in order to make contribution to establishment of a victim support system that is efficient, accessible and sustainable in the frame of rehabilitative justice and social state of law during legal process for the victims in particular in the vulnerable group including women, children, disabled, elderly and weak persons.

The departments (administrations) of Legal Support and Services for the victims established in the courthouses and planned to extend nationwide are the units where the experts informing the victims about their rights, directing them according to their needs and providing special services to vulnerable groups are assigned.

In the said departments (administrations) studies are performed to improve access of the persons involved in the legal process to the justice and, various services are provided to the victims included in the vulnerable groups such as children, women, elderly, disabled persons, migrants, victims of trafficking in human beings determined to be affected more by the crime due to their peculiar characteristics. In addition, In order to prevent recurred victimization of the victims included in the vulnerable group services are rendered to them compassing the measures to be taken against such events and getting the judge and prosecutors informed about the situation, assignment of experts accompanying the victims during the hearings to enable them to understand the process and minimize their concerns and anxieties, directing the victims needing psycho-social support in the wake of legal process to the concerned institute and following up such persons.

An internet site has been formed giving information about the rights of the victims and the services provided to them in the scope of activities carried out by the department for getting the victims of the crime informed. When the victims of the crime visit the internet site serving under the domain name "magdurbilgi.adalet.gov.tr" that is designed in a simple, easily accessible and comprehensible form and opened to access in three Languages , that is, Turkish, English and Arabic, they can learn easily the rights they have based on their sufferings, the services provided and the institutes rendering said services, and the procedure to be followed to reach the services.

Also, to get the victims of the crime about the legal process leaflets and booklets incorporating the information about some essential rights and the types of crime (What is legal assistance? What is involvement? Who is victim? What

is complaint? Which child is the victim of the crime? what is indemnity? etc..) have been prepared and made available for access in physical and digital forms. In regard to increasing the access to justice, application designed to standardize the documents requested for usage in special law cases has been made available and accessible by means of e-state in order to facilitate the procedure to accede to the justice for the persons having difficulty in reaching the legal assistance due to economic problems.

The project for “Facilitating Access of the Refugees to the Justice” has been conducted in cooperation of the Ministry of Justice with UNDP and UNHCR for the purpose of increasing the Access of the refugees to justice and raising the capacity of the legal institutes. And the projects regarding increase to access to justice system have been implemented in the period from September 2018 to December 2019. 7 pilot regions have been determined in the scope of this Project and, an analysis report about the needs has been drawn up by visiting said regions and interviewing with the competent persons in the establishment contacting with the refugees. After this analysis of the needs, training programs have been prepared and arranged particularly for judges, prosecutors and other actors involved in the process. Special topics such as the law about the refugees, approach to the refugees who are victims of the crime etc., have been incorporated in these training programs. In the scope of the Project, training was given to 210 judges and public prosecutors, 70 lawyers, and 165 experts. Approximately 1200 refugees have been informed about Turkish Legal System and the rights of the victims in legal process.

**25. GRETA invites the Turkish authorities to collect statistical information concerning compensation awarded by courts to victims of THB, in response to their compensation claims made in criminal and civil proceedings.**

The Department of Juridical Support and Services for the Victims in the Ministry of Justice carries out the works about the rights and services to be provided to the victims of the crime and deals with the activities in order to make contribution to establishment of a victim support system that is efficient, accessible and sustainable in the frame of rehabilitative justice and social state of law during legal process for the victims in particular in the vulnerable group including women, children, disabled, elderly and weak persons.

**26. GRETA urges the Turkish authorities to take additional steps to:**

- **ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;**
- **develop international co-operation and involvement of NGOs in order to ensure comprehensive risk assessment and safe return, as well as safe and effective reintegration of victims of THB;**
- **ensure compliance with the non-refoulement obligation under Article 40, paragraph 4, of the Convention. In this context, the Turkish authorities should give full consideration to the UNHCR’s Guidelines on the application of the Refugees Convention to trafficked people and their possible entitlement to asylum when deciding upon applications for asylum of persons who are at risk of being re-trafficked or otherwise persecuted should they be obliged to return to their State of origin or residence.**

Turkey provides the services in terms of legal matters and actual applications to ensure returning of the victims of the human trafficking back to their country in a safe and dignified manner.

The clauses of the Regulation about combating trafficking in human beings and protecting the victims include the provisions regulating the program for voluntary and safe returns. Accordingly, sending the victim to his/her country or to a third country in the scope of safe and voluntary return program is performed with the coordination of the DGMM (GIGM).

The program for voluntary and safe return may be applied in case the victim does not want to take advantage of the support program or the victim requests so during the program or after completion of the program.

In case there is an imminent danger threatening the life or physical integrity of the person, accompany of law enforcement officer(s) (guards) is requested. The procedures regarding exit of the victims from Turkey and document controls are completed by checking respective documents before arrival of the subject victims to passport control point and, subject persons are taken directly to airplane or other transportation vehicles. The authorities of the country that the victim is a citizen of are informed about return date, the event of human trafficking that the victim is involved observing the consent of the victim.

In addition, DGMM (GIGM) implements the voluntary and safe return in cooperation with IOM. All travel expenses of the victim are covered in the scope of this program, the services for transfer and accompany to the airport for ensuring a safe exit from Turkey are provided and, transportation to the country of arrival and the location where the victim lives is ensured. To ensure adaptation of the victim to his/her country, monetary or in kind assistance is provided to the victim in the scope of the program. In case it is requested by the victims IOM continues to assist the victims also in the country they go.

According to statistical data, 146 persons used voluntary and safe return program in 2019, 47 persons used it in 2020 and 58 persons used the same program in 2021.

### *Substantive criminal law*

***27. GRETA urges the Turkish authorities to consider trafficking in all children, i.e. all persons under the age of 18, as an aggravating circumstance, in accordance with Article 24 of the Convention, and to ensure that all the aggravating circumstances included in the Convention, including the offence deliberately or by gross negligence endangering the life of the victim, are appropriately taken into account.***

In regard to the scope of the human trafficking, the persons not completing the age of eighteen (the children) are defined as the victims of trafficking in human beings in the cases they are exploited for the purposes specified in the scope of the Article 80 of the Turkish Penal Code, kidnapped and taken or shipped from one place to another place or kept by force even if any of the actions deemed to form the means for trafficking in human beings have not been taken. Although there are studies regarding the legislation to accept involvement of the children in the offense of trafficking in human being as an aggravating cause (for punishment), it is also known that there is not any obstacle to verdict to a more severe penalty as application is made in accordance with the Article 61 of the Turkish penal Code. The expression of "Underage" in the fifth paragraph of the Article 61 of the Turkish Penal Code is a clause targeting the perpetrator and, it states the cases where the reduction in penalty period may be applied. In case the victim is under the age of 18, the judge may extend the penalty period as per the first paragraph of the Article 61.

Article 61 of the Turkish penal Code about the limit for "determination of the penalty period" provides as follows:

" (1) In a clear case the judge decides on the essential punishment period between lower and upper limit for the subject crime foreseen and described in legal description of the crime considering:

- a) The fashion the crime committed,
- b) Means used in committing the crime,
- c) Location and time of the crime committed,
- d) Subject and significance of the crime,
- e) Gravity of the damage and risk occurring,
- f) Gravity of the offense (fault) of the perpetrator based on deliberation or negligence,
- g) Intention and motive of the perpetrator,

(2) Increase or decrease in punishment time depending on the offense committed by probable deliberation or

conscious negligence is made based on the punishment period determined according to provision in the first subparagraph.

(3) In the cases the issues cited in the first subparagraph constitute basic factors of the crime, they are not considered in the determination of the essential punishment.

(4) In the event multiple major offenses occur necessitating a more severe or less severe punishment compared to essential type of the offense, first essential punishment is increased and afterward it is lessened.

(5) Based on the punishment period determined according to the sub paragraph cited above, attempt, involvement, sequential offense, unjustified provocation, being underage, mental illness and personal reasons that require lessening in punishment and the reasons for discretionary mitigation are determined and the sentence of punishment is passed accordingly.

(6) The period of the imprisonment is determined by calculation of days, months and years. A day is twenty four hours, one month is thirty days. The year is calculated according to official calendar. For imprisonment, a day and for fine one Turkish Lira is taken into account and, the rest is not calculated and such punishments are not applied.

(7) (Exhibit: 29/6/2005 – art. 5377/7) Resulting penalty determined according to the provisions of this article for a crime necessitating imprisonment for a limited period may not exceed thirty years.

(8) (Exhibit : 29/6/2005 – art. 5377/7 ) When calculating the fine, the augmentation and reduction in regard to determination and individualisation of the fine as per the provisions of this article are made based on the days. Judicial fine is determined multiplying the determined number of days by the amount of Money that the subject person is able to pay for a single day.

(9) (Exhibit: 6/12/2006 - art. 5560/1) In the case of offenses fine is foreseen as an optional penalty the lower limit for such a penalty cannot be less than the lower limit for the imprisonment defined for the said offense and the upper limit may not exceed the upper limit of the imprisonment.

(10) The law provides that unless it is not clearly expressed the penalties may not be increased, reduced or changed.

**28. GRETA urges the Turkish authorities to adopt such legislative and other measures providing for the possibility to take into account final sentences passed by another Party in relation to THB when determining the penalty.**

Universality principle regulated by the Article 13 of the Turkish Penal Code includes the following provision:

‘Regarding the offense of trafficking in human being; notwithstanding where the crime is committed and without regard to whether the perpetrator is Turkish citizen or a foreigner as a requirement of the principle of universality, trial is made in Turkey according to Turkish Laws based on the Request of the Minister of Justice even if a verdict of a conviction or an acquittal has been passed in a foreign country.

***Non-punishment of victims of trafficking in human beings***

**29. GRETA urges the Turkish authorities to take additional measures to ensure compliance with the provision on the non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, in pursuance to Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for law enforcement officials and prosecutors on**

***the scope of the non-punishment provision. Further, the Turkish authorities should examine the possibility of repealing sanctions imposed against victims of THB and providing compensation or reimbursement of fines paid by victims of THB.***

The following provision is included in article 28 (1) of Turkish penal Code (1): The person committing an offense as a result of force or violence that the person may not resist or get rid of or a certain menace or intimidation may not be punished. In such cases, the person using violence, intimidation or threat is deemed as the perpetrator of the crime. Based on this article, it is not possible to punish the victims of the trafficking in human beings in mentioned cases. An additional regulation is not necessary.

### ***Investigation, prosecution and procedural law***

#### ***30. GRETA urges the Turkish authorities to:***

- ***prioritize the identification of gaps in the investigation procedure and the prosecution of THB cases in court, for different purposes of exploitation, with a view to ensuring effective, proportionate and dissuasive convictions;***
- ***develop the training and specialization of law enforcement officials, prosecutors and judges to deal with THB cases;***
- ***provide law enforcement authorities with the necessary guidance and tools to detect and investigate THB cases for different purposes of exploitation;***
- ***carry out financial investigations into THB cases in order to effectively locate, seize and confiscate criminal assets related to this offence;***
- ***improve the possibilities for victims to participate in court proceedings.***

The Commission for combating trafficking in Human beings has been formed in accordance with Article 5 of the regulation about “Combating Trafficking in Human beings and Protecting the victims” that is put into force after publication in the Official gazette Nr., 29656 dated 17/03/2016 in order to support participation of the victims in the phase of investigation and interrogation. The Resolution of the commission No., 2019/1.3 is as follows “ formation of special groups of lawyers in the bar to follow the cases of the victims”. The decision of the commission that may be expressed as “ in assignments of the lawyers to be made as per Law of criminal procedure (CMK) for providing judicial assistance to the victims of the human trafficking said lawyers need to be given training by the special groups of lawyer trained on the subject” and, this decision has been distributed to all bars by the Unions of Bars in Turkey with the communication No. 2020/16 dated 24/02/2020.

### ***Protection of victims and witnesses***

#### ***31. GRETA urges the Turkish authorities to make full use of the available measures to protect victims and witnesses of THB, including children, and to prevent their intimidation during the investigation and during and after the court proceedings.***

As it is emphasized previously, objective No. 6 “Efficient combating of trafficking in human beings” is included in the “Action Plan for Human Rights” that is the basic policy document intended to improve the standards of human rights (Action Plan). Taking required measures in an efficient manner so as to be able to protect the victims of the human trafficking and the witnesses of the incidents in the scope of subject goal is among the prioritized activities.

By the draft law No., 7188 dated 17/10/2019 concerning revisions to be made in the Law and in some other laws that may be assessed in the scope of protecting the victims and witnesses following paragraphs have been added to the article 236 of the Law of Criminal procedures

“...(4) The statements and declaration of the children and victims who are assessed by the public prosecutor or judge to be in danger when confronted with the perpetrators and in the cases that require taking of the statements in special environments, the statements are taken through experts.

(5) The statements of the children who are the victims of the offenses specified in the second paragraph of the article 103 of the Turkish Penal Code during the investigation phase are taken in the centres providing service to such children through the experts in the presence of the public prosecutor. The views and statement of the victim children are recorded. At the stage of interrogation, the statement of the victim child is taken to find out material fact, or if it is necessary to perform other procedures, the statement of the child is taken by a judge delegated by the court in such centres through the experts. The procedures specified in this paragraph are accomplished by shipping the victim to the nearest centre without regard to jurisdiction and territorial limits.

(6) The provision of fifth paragraph applies for the statements of the victims of the offenses specified in article 102 of the Turkish Penal Code in the interrogation phase. However, consent of the victim is necessary for recording views and statements of the victim.

(7) The views and statements recorded in the scope of fifth and sixth paragraphs are kept in the case file. They are not delivered to anyone and, required measures are taken to keep them secret.

(8) The views and statements taken and recorded in the scope of the fifth and sixth paragraphs are combined in a written minutes. These minutes are delivered to suspect, defendant, accused, victim or counsellor or legal representative requesting it. These persons may see the statements and records under the observation of the investing and interrogating authorities by preserving their secrecy.”

Additionally, in order to ensure protection of the persons whose lives or physical integrities or relatives are in a grave and imminent danger due to position of being witness in a penal case and need to be protected as per the Witness Protection Law Nr., 5726 accepted on 27/12/2007, said law regulated the principles and procedures regarding the measures to be taken.

Presently 110 Legal Interview Chambers (LIC) (AGO) in 105 courthouses in 81 Provinces are carrying out studies in order to take statements of the victims in vulnerable groups such as the victims of the trafficking in human beings, intra-familial violence, sexual offenses and abuses, the children driven to the crime, witnesses and victims who are deemed by the Department for the Services for Victims in the Ministry of Justice to be in danger in confronting the perpetrators where the statements required to be taken in special environments. Special trainings are given to the experts assigned in these chambers.