

TRAFFICKING IN HUMAN BEINGS

by ICMPD Turkey

1. Introduction

Since early 2000s, Turkey has continuously sought to strengthen its anti-trafficking response. The United Nations Convention against Transnational Organized Crime and its supplementary Protocols on Trafficking in Persons and Smuggling of Migrants and the Council of Europe Convention on Action against Trafficking in Human Beings have been ratified. Trafficking in Human Beings (THB) has been criminalised within the Criminal Code (No. 5237, Article 80). Two National Action Plans (NAP) were developed; a National Referral Mechanism (NRM) was established; shelters and assistance became available to victims of trafficking; and the 2013 Law on Foreigners and International Protection (LFIP) was adopted which mandated the establishment of the Department for the Protection of Victims of Human Trafficking under the Directorate General of Migration Management (DGMM) that became the coordinator of Turkey's anti-trafficking efforts. A specific Regulation on Combating Human Trafficking and Victim Protection was adopted in March 2016. A new law on International Labour Force (No.6735) was introduced in July 2016. Under this law, victims of human trafficking who benefit from victim support are categorised among those who might be exceptionally granted work permits.

2. Trends in 2020

In relation to the number of victims of human trafficking; according to the latest statistics by the DGMM, there has been 275 victims identified in 2020; compared to 215 in 2019. Nevertheless, qualitative research suggests that the actual number of victims of human trafficking in Turkey, considering the complexity of the migration flows and vulnerabilities in



¹ DGMM, "Human Trafficking Statistics", <https://en.goc.gov.tr/victims-of-human-trafficking2019> (Last accessed on 22.01.2021).

the region, might be much higher. While there is no research to ascertain the exact impact of the Covid-19 pandemic on the THB trend in Turkey in 2020, Covid-19 dominated context is thought to be more conducive for increasing the vulnerability of potential and actual victims, considering that those will have more difficulty to complain and access referral mechanisms, accommodation, health and other support services.

Turkey is the largest refugee hosting country in the world (since 2014), mainly due to the large population of Syrians under temporary protection in Turkey (SuTPs), which reached 3,641,370 as of end of December 2020.² The top five nationalities, from which most victims of human trafficking were identified between 2014 and 2017, were Syrians, Kyrgyzs, Uzbeks, Afghans and Moroccans. The USA TIP report (2020) highlights a similar trend: trafficking victims in Turkey are primarily from Central and South Asia, Eastern Europe, Azerbaijan, Indonesia, Morocco, and Syria.³ According to the yet unofficial latest government data, of 215 identified victims in 2019, 195 were females and 134 were victims of sex trafficking, 23 of labour trafficking, 16 of forced captivity, 12 of forced marriage and 9 were cases of child brides. The nationality breakdown of these female victims were as follows: Uzbeks (44), 31 (Syrians), 28 (Moroccans), 26 (Kyrgyz) and 11 (Indonesians). Out of the total 1.189 victims identified between 2015-2020 (as of 02.12.2020), the disaggregated data per exploitation types shows that sexual exploitation is the highest with 727 victims, followed by: labour exploitation (226), begging (120), child marriage (65), forced captivity (27), forced marriage (14), other (10).⁴

3. Major Policy Developments

In 2020, Turkey continued its victim identification and protection efforts via its specialized and comprehensive support services to all victims of human trafficking. Within the scope of the National Referral Mechanism (NRM), continued trainings and awareness raising activities were held, through the collaboration of relevant public institutions and NGOs, to improve implementation in the field. The capacity of the two specialized shelters for THB victims in Ankara (with a capacity of 30) and Kırıkkale (with a capacity of 12) were increased to accommodate more victims. A third shelter was opened in Aydın (with a capacity of 40), making the total capacity for victims of trafficking 82. DGMM, which is in the process of revising the existing Regulation and consolidating the respective law with additional parts, aims to establish or improve partnerships with other state authorities such as the Ministry of Family, Labour and Social Services (MoFLSS), as well as with Municipalities and NGOs to continue expanding the shelter capacity for THB victims in the future.

In relation to Standard Operating Procedures (SOPs) and Terms of References (TORs) reflecting the roles and responsibilities of each relevant institution under the NRM, DGMM

² DGMM, "Temporary Protection Statistics", <https://en.goc.gov.tr/temporary-protection27> (Last accessed on 22.01.21).

³ USA TIP Report (June 2020), <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf> (Last accessed on 14.11.2020). According to which (See page 499), of the 134 victims identified in 2019, most were Uzbeks (44), followed by Syrians (31), Moroccans (28), Kyrgyz (26), and Indonesians (11).

⁴ As per the presentation at the 2020 Anti-THB Coordination Commission meeting virtually held by DGMM on 10.12.2020.

has been further strengthening its cooperation with other relevant stakeholders. One important example in this regard is the on-going process for concluding a specific Protocol focused on counter-trafficking with the MoFLSS. Amongst other priorities, the Government has been increasing the number of provinces for targeted action, gradually activating provincial commissions and has also been focusing upon all forms of trafficking (including child and labour trafficking) while maintaining its efforts to reduce the demand, particularly through enhanced awareness raising.

Turkey has also been stepping up its international cooperation and partnerships to combat THB. It previously concluded anti-THB specific cooperation agreements with 5 countries, namely Belarus, Georgia, Ukraine, Moldova and Kyrgyzstan. In October 2019, Turkey signed a Security Cooperation Agreement with Serbia, which includes intensified cooperation on migrant smuggling and THB.⁵

4. Conclusions and Outlook for 2021

Sex trafficking victims (mostly female) continues to be the highest in number but there has been a serious increase in the number of identified victims of human trafficking for forced labour and forced begging since 2015, data which influenced the number of male victims identified, considering that most victims of these two forms of exploitation are males.⁶ Indeed, often men and boys are not considered “vulnerable groups”, rendering them more vulnerable to trafficking and other abuses.

Addressing the vulnerability level of people affected by crisis is very important to prevent their further exploitation. While the Covid-19 pandemic is increasing vulnerabilities, it makes them less visible compromising the effect of preventive and protective efforts. Economic and social inequalities have been brought to the forefront with the pandemic that are among the root causes of human trafficking. No one person is affected by only one factor of vulnerability, but rather by a particular constellation of personal, group, socio-economic and structural factors. One of the most adversely affected groups, amongst others; include women and girls as the pandemic put at further risk the victims under domestic servitude or sexual exploitation. The interlinkages between cyber criminality and human trafficking might also increase due to the increase in digital operations that should be watched out more carefully. This also reveals the need to keep a closer eye on the use of technology for the good vs. bad regarding human trafficking. Tracing the monetary blueprints of the traffickers including the dark web could support prevention efforts.

⁵ EU Progress Report on Turkey (2020), https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/turkey_report_2020.pdf, p.46. (Last accessed on 20.11.20)

⁶ DGMM, “2017 Annual Report on Turkey’s Fight against Human Trafficking”, <http://www.gov.gov.tr/files/files/INSAN-TICARETI-MAGDURLARI-RAPORU-2017-mini.pdf>, p.71. (Last accessed on 17.04.20)

UNODC demonstrated that during the 2008-2010 Global Financial Crisis there was increased cross-border trafficking in persons from countries experiencing the fastest and longest-lasting drops in unemployment. As the World Bank describes the current economic downturn as the deepest recession since the Second World War, it is likely that such trends of increased cross-border human trafficking will again manifest itself in 2021 and beyond.⁷

Within such a context, international cooperation becomes all the more important to address vulnerabilities and trafficking in human beings. It is important that the EU's new Pact for Migration and Asylum⁸ refers to specific vulnerable groups on migration routes in terms of the risk for falling victim to trafficking in human beings and the need for early identification of potential non-EU victims. References to the interlinkage between migrant smuggling and trafficking in human beings are also important within the framework of the objective to strengthen partnerships with third countries, including Turkey, in efforts at countering migrant-smuggling. For the fight against trafficking in human beings, it is also important that one of the main focus of the new Pact is on tailor-made, comprehensive and balanced migration dialogues and partnerships with countries of origin and transit.

5. Policy Recommendations

- Improving the human and physical capacity in its fight against trafficking in human beings through a victim-centred approach continues to be a key priority for Turkey. A holistic approach focusing on Prevention-Protection-Partnership-Prosecution (4Ps) should continue. While Turkey's anti-trafficking response with regards to prevention has so far focused primarily on awareness-raising and information provision to potential victims, it is also needed to move beyond such measures to focus more on understanding both the vulnerabilities (among potential victims) and the demand for trafficking.
- Resilience should also be addressed to prevent trafficking and counteract vulnerabilities. Continuing to mainstream anti-trafficking efforts into broader migration legislation, policy and actions is crucial, while ensuring equal attention on all forms of exploitation.

⁷ UNODC (2020), Research brief: How Covid-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America. <https://www.unodc.org/documents/data-and-analysis/covid/Covid-related-impact-on-SoM-TIP-web3.pdf> (Last accessed on 20.11.20).

⁸ https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum_en (Last accessed on 17.11.20).

- The legal and policy framework need to be further brought to life at the operational level, together with any new/additional measures necessitated by the experience of the Covid-19 pandemic. Contingency planning to ensure minimum functionality of the anti-trafficking system under emergency conditions could be further improved.
- Countering the practice of impunity remains a challenge. Continuous training for the law enforcement and members of the judiciary (prosecutors/judges/lawyers) is an ongoing necessity. The longer-term impact of targeted capacity building efforts should be evaluated. As indicated in the GRETA report (2019), compensation and non-punishment measures for victims of trafficking should be issued, while improving the possibilities for victims to participate in court proceedings. Protection of the most vulnerable groups must remain a priority. There is also the need for sustainable frameworks for measuring the impact of NRM. Establishment of a reliable, central data gathering and sharing system; which will facilitate the production of data-driven regional risk mapping, especially concerning forced/early marriages, child labour, etc. that are attracting public attention even more due to the presence of the SuTPs in Turkey; should also be considered. Enhancing the gender related indicators in further collecting relevant disaggregated data is necessary. Data-driven scientific research linked to different types of human trafficking to support the policy development and implementation processes are of paramount importance.
- Since 2014, ICMPD has carried out extensive empirical research on the phenomenon of human trafficking in dynamic mixed migration contexts and in humanitarian crises, covering a wide geography including Turkey. Currently, ICMPD is conducting a research aiming to contribute to the evidence base to inform policy formulation and capacity building in Turkey's fight against THB with regards to child and labour trafficking. The research covers nine pilot provinces in Turkey, focusing on both the Syrians under Temporary Protection and Turkish nationals.
- Another important element is enhanced inter-agency cooperation and partnerships in discouraging demand for the services of victims of trafficking, focusing upon the employers and their intermediary bodies, consumers, third

parties. For an efficient and effective anti-THB response, it is also necessary to extend international cooperation including those with third countries (source and transit), through and beyond the migration dialogues engaged/led by Turkey (i.e.: Budapest process, etc.). Better coordination on return and reintegration of victims with the source countries is also essential.

Contact Information

For more information, please contact:

Ms Ozge Hassa

WB&TR Regional Coordination Office

International Centre for Migration Policy Development (ICMPD) / Ankara Office

Eskişehir Yolu Armada İş Merkezi, No:6,

A Blok, Kat:16, Kapı No: 25

Yenimahalle/Ankara

TURKEY

Tel: +90 312 219 03 00

Fax: +90 312 219 03 01

Email: Ozge.Hassa@icmpd.org

ICMPD 2021. All rights reserved. Short sections, not to exceed two paragraphs, may be quoted in the original language without explicit permission provided that the source is acknowledged. Opinions expressed in this publication are those of the author(s) alone.