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2021 Trafficking in Persons Report: Turkey

TURKEY: Tier 2

The Government of Turkey does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Turkey remained on Tier 2. These efforts included prosecuting more defendants and identifying more victims. The Bureau of Combating Migrant Smuggling and Human Trafficking (BCMHS) increased its number of offices and the Directorate General for Migration Management (DGMM) developed and circulated a manual for shelter staff with standard operating procedures (SOPs) on victim assistance. The government trained shelter staff on pandemic mitigation efforts and provided COVID-19 tests and personal protective equipment (PPE) to victims staying at the shelters. However, the government did not meet the minimum standards in several key areas. The government convicted fewer traffickers and courts continued to acquit most defendants prosecuted for trafficking. Many judges and prosecutors lacked experience and resources to prosecute complex cases and cases were often dropped, acquitted, or reclassified to lesser crimes. DGMM-run shelters' capacity was stretched with victims staying at the shelters for longer than expected due to the pandemic, and some domestic civil society groups remained excluded from anti-trafficking efforts. The government did not proactively identify internal trafficking victims, forced labor victims, and victims among migrants, refugees, and asylum seekers, raising the possibility of penalizing victims for unlawful acts traffickers compelled them to commit. Human rights groups and international bodies reported the government provided operational, equipment, and financial support to a Turkish-supported armed opposition group (TSO) in Syria that recruited child soldiers.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers. • Cease operational, in-kind, and financial support to armed opposition groups in Syria that recruit child soldiers. • Expand and institutionalize training to investigators, prosecutors, and judges on victim-centered approaches to trafficking cases, including advanced training on trafficking investigations and prosecutions. • Increase proactive victim identification efforts among vulnerable populations, such as refugees and asylum-seekers, persons in LGBTQI+ communities, migrants awaiting deportation, Turkish and foreign women and girls in commercial sex, and children begging in the streets and working in the agricultural and industrial sectors. • Establish procedures or specialized units to ensure trafficking cases are handled by trained prosecutors. • Expand partnerships with civil society to better identify victims and provide victim services. • Strengthen specialized services including shelter and psycho-social support for all victims. • Improve interagency cooperation and adopt a national action plan. • Encourage victims' participation in investigations and prosecutions, including using remote testimony or funding for travel and other expenses for victims to attend court hearings.

PROSECUTION

The government maintained law enforcement efforts. Article 80 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of eight to 12 years' imprisonment and a fine equivalent to “10,000 days,” which were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. The government investigated 269 cases with 880 suspects. The Ministry of Justice (MOJ) prosecuted 68 new cases with 347 defendants, compared with 52 new trafficking cases with 237 defendants in 2019. The MOJ continued to prosecute 1,398 cases with 5,221 defendants. Courts convicted 30 traffickers, compared with 43 in 2019; judges sentenced 13 traffickers with imprisonment ranging from eight years' to 10 years', 16 traffickers with imprisonment ranging from six years and eight months' to seven years and six months' imprisonment, and one trafficker received two years' imprisonment. The government did not report the length of the sentences in 2019. Courts continued to acquit the majority of defendants prosecuted for trafficking; courts acquitted 177 suspected traffickers out of 214 defendants (258 of 329 suspected traffickers acquitted in 2019). The government closed courts from March to June 2020 due to pandemic mitigation measures.

Turkish National Police (TNP) maintained BCMHS with 22 provincial offices and increased the number of officers to 114 (30 officers in 2019). The Gendarmerie also operated the Department of Counter Smuggling and Trafficking with 16 provincial offices. The government did not designate specialized prosecutors for trafficking cases, and a lack

of experience and specialization among prosecutors and judges regarding trafficking, particularly after the dismissal of more than 125,000 civil servants during the state of emergency, limited the government's ability and means to prosecute complex crimes like trafficking. For example, GRETA and other observers reported that law enforcement lacked sufficient resources to fully investigate labor trafficking with 94 percent of all trafficking investigations involving sex trafficking – disproportionate to a reasonable expectation of labor trafficking cases. Experts continued to report misperceptions about trafficking among law enforcement authorities, including confusion between sex trafficking and “encouragement of prostitution” (Article 227) or labor trafficking and “violation of freedom of work and labor” (Article 117). Judiciary officials reported cases were dropped, reclassified to lesser offenses, or acquitted due to a lack of evidence, particularly a lack of testimony, as victims and witnesses rarely participated in court proceedings.

The government, independently and with technical and financial support from international organizations, provided various anti-trafficking trainings, including to TNP, coast guard, Gendarmerie, prosecutors, and judges. The government cooperated with Moldova and Italy on trafficking investigations and filed extradition requests for nine suspects with Azerbaijan, Bulgaria, Georgia, Greece, Morocco, and United Arab Emirates. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. Additionally, reports and evidence from human rights groups and international bodies indicate the government provided operational, equipment, and financial support to a TSO in Syria that recruited child soldiers. An international organization reported in 2020 the recruitment and use of 820 children (765 boys and 55 girls) in the Syria conflict, including 191 cases attributed to TSOs.

PROTECTION

The government increased victim protection efforts. The government identified 276 victims (193 in 2019); 160 were victims of sex trafficking and 116 were victims of labor trafficking, including 43 of forced begging; 221 were female and 20 were male; 165 were children; and 272 were foreign victims and 11 were Turkish nationals. In 2019, 134 were victims of sex trafficking, 35 of labor trafficking, 16 were victims of forced captivity, four of forced begging, three of domestic servitude, and one of child soldiering; 173 were female and 20 were male; 20 were children; 191 were foreign victims and two were Turkish nationals. SOPs provided guidelines for identifying and referring victims to assistance and required first responders to refer potential victims to the DGMM, which officially recognized victims. DGMM maintained two identification experts in each of the 81 provincial offices to interview victims; DGMM interviewed approximately 4,919 potential victims (4,500 in 2019). In previous years, DGMM's ability to identify victims varied among provinces. The government operated 134 mobile teams for street children in all 81 provinces that conducted outreach work, and the Ministry of Family, Labor, and Social Services (MOFLSS) continued to deploy specialized staff to government-operated migrant and refugee temporary accommodation centers to screen camp residents for indicators of trafficking. GRETA and other observers reported limited capacity among first responders and inadequate proactive identification efforts, particularly for forced labor, Turkish nationals, children, and persons in the LGBTQI+ community. Police reported difficulties in identifying sex trafficking victims due to their fear of deportation and labor inspectors and asylum officers did not receive training or guidance on victim identification. In previous years, the government faced limitations in identifying victims in highly vulnerable refugee and migrant communities outside of camps and had insufficient protection resources to address trafficking in these communities; media and civil society reports continued to indicate forced removals to Syria without screening for indicators of trafficking.

The government did not report the total amount allocated for anti-trafficking efforts in 2019 or 2020 and did not provide funding to domestic NGOs. The government allocated 172,080 lira (\$23,180) for direct victim assistance but did not report the amount allocated to international organizations working on trafficking-related projects, compared with 878,000 lira (\$118,270) to international organizations in 2019. The law entitled officially identified trafficking victims to services, including shelter, medical and psycho-social services, work options, education, translation services, temporary residency, repatriation assistance, vocational training, and legal counseling; the government provided support services to 209 victims. DGMM operated three specialized shelters for victims of trafficking and began construction for a fourth; the shelter in Kirikkale had the capacity to accommodate 20 victims, the Ankara shelter could accommodate 30 victims, and the Aydin shelter could accommodate 40 victims. Additionally, the government allocated 7,513 lira (\$1,010) for financial assistance to victims, compared with 54,000 Lira (\$7,270) in 2019. The local government of Kirikkale dispersed 100 lira (\$13) per month to adult victims with an additional 100 lira (\$13) for each of their children and the local government of Ankara dispersed 300 lira (\$40) per month to adult victims and 50 lira (\$7) for each of their children; 22 victims received financial assistance. MOFLSS operated 145 shelters that provided accommodation for victims of violence, including trafficking victims and the government-operated monitoring centers for children provided support to child victims of violence. The DGMM-run shelters and MOFLSS-run shelters required victims to have an escort to leave the shelter during their initial stay but allowed victims to leave the shelter voluntarily once security officials completed an assessment and deemed conditions safe. DGMM developed and circulated a manual for shelter staff with SOPs on service provision for trafficking victims and rules for shelter operations. The government trained shelter staff on pandemic mitigation efforts and provided COVID-19 tests and PPE to victims staying at the shelters. The government provided job placement support to victims; three victims found employment through job placement in 2020. During the reporting period, experts reported that victims stayed at DGMM-run shelters for longer than expected due to the pandemic and, in previous years, GRETA reported “serious concerns” about the limited capacity of specialized shelters to accommodate victims and the lack of specialized assistance. As in previous years, experts and civil society actors expressed

concern that the government’s victim protection efforts were not sufficiently inclusive of NGOs, including funding of independent organizations and the government’s exclusion of some NGOs from identifying and providing services to victims.

In previous years, observers reported that the government penalized victims for unlawful acts traffickers compelled them to commit due to inadequate identification efforts. For example, observers reported that authorities arrested, detained, and deported sex trafficking victims and charged other potential victims with offenses related to lacking valid documents. The government did not provide guidance on non-penalization of victims to law enforcement authorities. The law entitled victims to a temporary residence permit for 30 days, which authorities could extend up to three years with the option to apply for a work permit; the government issued 41 permits (98 in 2019). DGMM voluntarily repatriated 21 victims with support from an international organization (86 in 2019). In previous years, the government placed the majority of undocumented foreign victims in removal centers and voluntarily repatriated them within a few days; as a result, most victims did not benefit from a reflection period or cooperate in court proceedings. Judges and prosecutors reported procedural law did not allow victim statements prior to repatriation as evidence in court proceedings. The law provided witness protection and legal aid, but observers reported that limited opportunities to encourage victim cooperation in prosecutions with victim-centered approaches, protection measures, and legal assistance resulted in a high number of acquittals and downgraded cases. The government did not report how many victims participated in criminal investigations or legal procedures. The government maintained 106 Judicial Support and Victims Services Offices dedicated to providing legal assistance and psycho-social support and 86 judicial interview rooms, which allowed victims to testify in private in order to reduce re-traumatization. Criminal courts often did not issue restitution and recommended victims to pursue compensation through civil suits; no victims received restitution in 2019 or 2020, and the government did not report whether any victims filed for or received compensation.

PREVENTION

The government maintained prevention efforts. The government did not update its national action plan in place since 2009. The Coordination Commission for Combating Trafficking coordinated interagency anti-trafficking efforts and convened in December 2020. Thirty-six provincial coordinating commissions for anti-trafficking implemented anti-trafficking efforts at the provincial level. The Commission and DGMM continued to publish annual data reports, and DGMM organized an awareness campaign, including the production of an anti-trafficking video on social media. DGMM maintained a migration-related national hotline that also received trafficking-related calls; calls to the hotline launched two investigations, and hotline operators referred nine potential victims to DGMM, resulting in seven identified victims. The law required recruitment agencies to maintain a license and approve all contracts with the government. MOFLSS fined 36 employers a total of 1.1 million lira (\$148,170) in violation of labor law regarding foreign workers. However, resources and inspections were insufficient to effectively monitor and enforce prohibitions against the use of child labor. Inspectors did not generally visit private agricultural enterprises employing 50 or fewer workers unless a complaint was filed, resulting in enterprises vulnerable to forced labor.

The law allowed both Syrians under temporary protection and non-Syrian conditional refugees the right to work, provided they were registered in the province they wished to work in for at least the preceding six months. Applying for a work permit was the responsibility of the employer, and refugee advocates reported the procedure was burdensome and costly, resulting in few employers pursuing that path. As a consequence, the vast majority of conditional refugees and those under temporary protection remained without legal employment options, leaving them vulnerable to exploitation, including trafficking. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Turkey, and traffickers exploit victims from Turkey abroad. Trafficking victims in Turkey are primarily from Central and South Asia, Eastern Europe, Azerbaijan, and Syria. Of the 276 victims identified in 2020, most were Syrian (159), followed by Uzbek (38), Kyrgyz (14), and Afghan (11). Traffickers reportedly exploited some Georgian men and women in forced labor, and some Turkish men in forced labor in Moldova. Romani children from marginalized communities often were seen on the streets in major cities where they worked as garbage collectors, street musicians, and beggars, raising concerns about exploitative conditions and forced labor. Human rights groups reported commercial sexual exploitation, including sex trafficking, remained a problem in the LGBTQI+ community, which faced discrimination and hostility from both authorities and the local population. Due to the pandemic, traffickers increasingly focused on recruitment of victims for domestic labor and housekeeping and increased their use of online recruitment methods.

Turkey continues to host a large refugee population that remains highly vulnerable to trafficking and exploitation: approximately 3.6 million displaced Syrians, and over 350,000 refugees of other nationalities resided in Turkey during the reporting period. Criminal networks coerce and pressure Syrian women and girls into sex trafficking. NGOs report that refugee camp officials and volunteers collaborate with criminal networks to recruit girls with false job offers into sex trafficking, while Syrian boys remained vulnerable to sex trafficking with allegations of rape and sexual abuse at refugee camps. Syrian girls as young as 12 are married to adults in unofficial religious ceremonies, particularly in refugee camps and poor and rural regions, in which they were vulnerable to domestic servitude and sex trafficking. Reports claim the number of Syrian refugee families who married off their underage daughters to Turkish men as an “economic coping mechanism” increased in the wake of the pandemic. Syrian and other refugees,

including children, are vulnerable to forced labor from engaging in street begging and also reportedly working in agriculture, restaurants, textile factories, markets, shops, and other workplaces. Experts report children work long hours, with low wages, in some cases in substandard working conditions. The Kurdistan Workers’ Party (PKK), a U.S.-designated terrorist organization, recruited and forcibly abducted children for conscription. Reports from human rights groups and international bodies indicate the government provided operational, equipment, and financial support to a TSO in Syria that recruited child soldiers.

ecoi.net summary:

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