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## USDOS – US Department of State

## 2022 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 with the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Turkey remained on Tier 2. These efforts included convicting more traffickers and identifying more victims. The government improved coordination by convening anti-trafficking boards in all provinces and continued to expand delivery of trainings. The Turkish National Police Department of Migrant Smuggling and Border Gates (DMSBG) increased its number of officers dedicated to trafficking and conducted joint inspections with labor inspectors for the first time. The Gendarmerie created working groups to coordinate law enforcement efforts, and the government expanded the number of Judicial Support and Victims Services Offices (JSVSO) and judicial interview rooms. The government allocated more resources to in-kind assistance to victims and designated the Turkish Human Rights and Equality Institution (THREI) as the National Rapporteur for anti-trafficking. However, the government did not meet the minimum standards in several key areas. Courts continued to acquit most of the defendants prosecuted for trafficking, and prosecutors often referred trafficking cases to general investigative police departments, which did not possess specialized skills and knowledge necessary to investigate trafficking. Many judges and prosecutors lacked experience and resources to prosecute complex cases and lacked efforts to encourage victims to voluntarily cooperate in investigations, resulting in the government dropping, acquitting, or reclassifying cases to lesser crimes. The government did not maintain the capacity to accommodate and provide specialized support to all victims, and domestic civil society stakeholders did not participate in anti-trafficking efforts. The government did not update its national action plan, in place since 2009.

## PRIORITIZED RECOMMENDATIONS:

- Vigorously investigate, prosecute, and convict traffickers.
- Expand and institutionalize training to investigators, prosecutors, and judges on victim-centered approaches to trafficking cases, including advanced training on trafficking investigations and prosecutions.
- Establish procedures or structures, such as a specialized prosecutorial unit, to ensure trafficking cases are handled by trained prosecutors and investigators.
- Increase and strengthen specialized services, including shelter and psycho-social support for all victims.
- 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.
- Expand partnerships with civil society to better identify victims and provide victim services.
- Encourage victims' participation in investigations and prosecutions, including using remote testimony or funding for travel and other expenses for victims to attend court hearings.
- Continue to improve interagency cooperation and adopt a national action plan.
- Train judges on restitution in criminal cases, establish procedures to seize assets from traffickers, and create effective methods to allocate restitution in a timely manner.
- Inform all identified victims of their right to pursue compensation and encourage them to do so.
- Increase resources to the labor inspectorate to fully inspect and monitor businesses and workplaces for forced labor.

## PROSECUTION

The government increased prosecution 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, which were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. The government investigated 408 new cases with 591 suspects, compared with 269 cases with 880 suspects in 2020. The government continued to investigate 198 cases with 535 suspects from previous years. The Ministry of Justice (MOJ) prosecuted 78 new cases with 238 defendants, compared with 68 new cases with 347 defendants in 2020. The MOJ continued to prosecute 314 cases with 1,808 defendants from previous years. Courts convicted 72 traffickers, compared to 30 traffickers in 2020. Judges sentenced all traffickers with imprisonment and 61 traffickers with an additional fine, but the government did not report length of sentences. Courts continued to acquit most defendants prosecuted for trafficking; courts acquitted 267 of 339 defendants and 177 of 214 defendants in 2020. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking crimes.

Turkish National Police (TNP) maintained DMSBG that specialized in trafficking investigations. DMSBG increased the number of officers at headquarters to 141 from 114 in 2021 and maintained offices in all 81 provinces with approximately 1,600 officers. For the first time, DMSBG conducted 664 joint inspections with labor inspectors on unregistered businesses; joint inspections identified labor violations but did not lead to any trafficking cases. The Gendarmerie maintained the Department of Counter Migrant Smuggling and Human Trafficking (DCST) with jurisdiction to investigate trafficking in rural areas. The Gendarmerie created trafficking working groups in 33 provinces identified as "high risk" to share intelligence and coordinate investigations and inspections.

Prosecutors often referred cases to general investigative departments, rather than the specialized TNP or Gendarmerie units, which did not possess the skills and knowledge necessary to investigate trafficking. Additionally, a lack of experience and specialization among prosecutors and judges regarding trafficking limited the government's ability and means to prosecute complex crimes like trafficking. 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 dropped and/or reclassified cases to lesser offenses, or acquitted defendants 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 to TNP, Gendarmerie, prosecutors, and judges. The government cooperated with authorities from Austria, Bulgaria, Indonesia, Moldova, Germany, Georgia, and Taiwan on trafficking investigations. The government also extradited a suspected trafficker from Germany and requested the extradition of five suspected traffickers from Georgia.

## PROTECTION

The government increased victim protection efforts. The government identified 349 victims, an increase compared with 276 victims in 2020. Of these, 201 were victims of sex trafficking, 133 were victims of forced labor, 14 were victims of child soldiering, and one victim's exploitation was not reported; 322 were female, and 81 were male; 120 were children; and 361 were foreign nationals. The government continued to support children recruited by the PKK, successfully reintegrating 14 victims. Standard operating procedures (SOPs) provided guidelines for identifying and referring victims to assistance and required first responders to refer potential victims to the Presidency of Migration Management (PMM), which officially recognized victims. DMSMG referred 145 potential victims, and DCST referred 360 potential victims to PMM. PMM maintained two identification experts in each of the 81 provincial offices to interview victims; PMM interviewed 8,077 potential victims, a significant increase compared with 4,919 potential victims in 2020. The Ministry of Family and Social Services (MOFSS) operated 274 mobile teams in all 81 provinces that conducted outreach to children who were homeless or used the streets as a source of livelihood. While international organizations reported awareness and implementation of screening procedures increased from trainings over the past years, law enforcement and other first responders did not consistently screen or proactively identify victims. Law enforcement did not effectively differentiate elements of sex trafficking and "encouragement of prostitution;" and observers continued to report limited capacity among first responders and inadequate proactive identification efforts, particularly for forced labor, Turkish nationals, children, and persons in the LGBTQ+ community. The government did not proactively identify victims in highly vulnerable refugee and migrant communities. For example, media and civil society reports continued to indicate forced repatriation to Syria without screening for indicators of trafficking. PMM trained police, civil servants, migration specialists, social workers, psychologists, hotline operators, officials, and PMM staff on victim identification.

The government did not report the total amount allocated for anti-trafficking efforts in 2021 or 2020 and did not provide funding to domestic NGOs. However, PMM reported allocating 313,967 lira (\$24,230) for in-kind assistance to victims, including hygienic products and travel costs, an increase

compared with 172,083 lira (\$13,280) in 2020. The Ankara Municipality government also provided 38,311 lira (\$2,960) for operational costs at the anti-trafficking shelter in Ankara. 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 149 victims, a decrease compared with 209 victims in 2020. The Kirikkale Municipal government dispersed 100 lira (\$7.72) per month to adult victims with an additional 100 lira (\$7.72) for each of their children, and the Ankara Municipal government dispersed 300 lira (\$23) per month to adult victims and 50 lira (\$3.86) for each of their children. The government did not report the number of victims that received financial assistance (22 in 2020). The Kirikkale and Ankara Municipal governments allocated 39,970 lira (\$3,090) and 27,500 lira (\$2,120) for cash assistance, respectively.

PMM operated three specialized shelters for trafficking victims; 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. While PMM started plans to open two new shelters by the end of 2022, observers continued to report the lack of capacity to accommodate and provide specialized support to all victims and shortages in clothing and supplies at the shelter in Ankara. Additionally, victims stayed at PMM-run shelters for longer than expected due to the pandemic, which exacerbated limited capacities. MOFSS operated 145 shelters with the capacity to accommodate 3,482 people 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 PMM-run shelters and MOFSS-run shelters allowed victims to leave the shelter voluntarily once security officials completed an assessment and deemed conditions safe. PMM maintained a manual for shelter staff with SOPs on service provision and rules for shelter operations. The government provided COVID-19 tests and personal protective equipment to victims staying at the shelters. The government provided job placement support to victims but did not report the number of victims that found employment through job placement (three in 2020). PMM drafted protocols and procedures for cooperating with domestic NGOs on shelter operations; however, civil society actors continued to express concern that the government's victim protection efforts were not sufficiently inclusive of NGOs, including funding of independent organizations.

The government reported screening migrants for trafficking indicators in deportation centers. The law entitled foreign 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. PMM, in cooperation with an international organization, operated 26 repatriation centers, covered costs, and maintained repatriation protocols, including escorting victims to passport control; the government voluntarily repatriated 91 victims. Observers reported victims often chose not to participate in prosecutions and repatriate as soon as possible, partly due to the lack of options for accommodation outside of shelters. Judges and prosecutors reported procedural law does not allow victim statements prior to repatriation as evidence in court proceedings, and observers reported that limited opportunities to encourage victim cooperation in prosecutions with victim-centered approaches, protection measures, and legal assistance exacerbated the high number of acquittals and cases prosecuted under lesser charges. The government expanded the number of JSVSO dedicated to providing legal assistance and psycho-social support to 161 courthouses (106 in 2020) and increased the number of judicial interview rooms, which allowed victims to testify in private to reduce re-traumatization, to 120 rooms in 115 courthouses (86 courthouses in 2020). The law provided witness protection and legal aid; the government provided legal support to 40 victims but did not report how many victims participated in criminal investigations or legal procedures. Criminal courts often did not issue restitution and recommended victims pursue compensation through civil suits; however, civil courts often required a criminal conviction, which could take years, before awarding victims with compensation. Criminal courts did not issue restitution, and the civil courts did not issue compensation in 2021, 2020, and 2019.

## PREVENTION

The government maintained prevention efforts. The government did not update its national action plan, in place since 2009. The Coordination Board for Combating Trafficking (the Board) coordinated interagency anti-trafficking efforts and convened in December 2021. The Board adopted a decision to officially designate the THREI as the national rapporteur for anti-trafficking, for the first time, with the responsibility to monitor government anti-trafficking efforts. The government also maintained provincial coordinating boards for anti-trafficking for all 81 provinces that met at least once during the year and implemented anti-trafficking efforts at the provincial level. The Board and PMM continued to publish annual data reports. PMM and other government institutions organized awareness campaigns targeting the public, rural areas, and students. PMM maintained a 24-hour migration-related national hotline in seven languages, whose operators were also trained to handle trafficking-related calls; calls to the hotline led to six identified victims and initiated 10 prosecutions.

The law required recruitment agencies to maintain a license, approve all contracts with the government, seek worker agreement in contract changes, and provide foreign workers with information on trafficking. 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 349 victims identified in 2021, most were Syrian (159), followed by Uzbek (63), Afghan (22), and Kyrgyz (12). Traffickers reportedly exploited some Georgian men and women in forced labor and some Turkish men in forced labor in Israel and Moldova. Romani children were frequently 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 servitude and increased their use of online recruitment methods, including social media, dating sites, and online job search platforms. Due to COVID restrictions on business operations that historically employ victims, such as entertainment venues, beauty centers, and massage parlors, traffickers were more likely to exploit victims in private homes for both sex trafficking and forced labor. Agricultural workers, particularly hazelnut farmers, were vulnerable to forced labor with low pay, wage withholding, long hours, and hazardous working conditions, and at times, middlemen coerce farmers into indentured servitude with loans between harvests. The PKK, a U.S.-designated terrorist organization, recruited and forcibly abducted children for conscription. There were also reports that some women detained by non-state armed groups in Syria were likely transported and exploited in Turkey. In previous years, reports from human rights groups and international bodies indicate the government provided operational, equipment, and financial support to a Turkish-supported armed opposition group in Syria that recruited child soldiers.

Turkey continues to host a large refugee population that remains highly vulnerable to trafficking and exploitation: approximately 3.7 million displaced Syrians and more than 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 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 poor and rural regions, and subsequently are 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, as did the rate of children participating in child labor. 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.

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