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2023 Trafficking in Persons Report: Türkiye

TÜRKIYE (Tier 2)

The Government of Türkiye 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 Türkiye remained on Tier 2. These efforts included investigating more trafficking cases, prosecuting more defendants, and the Presidency of Migration Management (PMM) forming a working group on victim protection to increase coordination among victim service providers. Provincial coordinating boards for anti-trafficking met at least once and the Turkish Human Rights and Equality Institution (THREI) continued as the national rapporteur for anti-trafficking and established a working group and published its first annual report. However, the government did not meet the minimum standards in several key areas. The government convicted fewer traffickers and 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. The government continued to exclude local NGOs in victim protection efforts; and law enforcement sometimes investigated trafficking under lesser offences with lesser penalties, particularly “encouragement of prostitution” rather than sex trafficking. The government continued to lack the capacity to accommodate and provide specialized support to all victims, denied accommodation to transgender victims, and decreased funding for in-kind assistance to victims. The government did not update its NAP (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, including transgender victims.
- Encourage victims’ participation in investigations and prosecutions, including using remote testimony or funding for travel and other expenses for victims to attend court hearings.
- 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.
- Convene coordinating bodies and adopt an updated 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.

- Standardize data collection and disaggregate statistics for sex trafficking and labor trafficking.

PROSECUTION

The government maintained 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. Law enforcement investigated 468 new cases with 689 suspects, compared with 408 new cases with 591 suspects in 2021. Law enforcement continued to investigate 208 cases with 544 suspects from previous years. The Chief Prosecutor's Offices (CPO) prosecuted 120 new cases with 315 defendants, compared with 78 new cases with 238 defendants in 2021. CPO continued to prosecute 311 cases with 1,702 defendants from previous years. Courts convicted 47 traffickers, compared with 72 in 2021. Judges sentenced all 47 of those convicted traffickers with imprisonment and all but one trafficker with an additional fine. The government did not report length of sentences. However, courts continued to acquit most suspects prosecuted for trafficking; courts acquitted 256 of the 328 prosecuted defendants in 2022, 267 of the 339 defendants in 2021 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 the Department of Migrant Smuggling and Border Gates (DMSBG) that specialized in trafficking investigations. DMSBG maintained 141 officers at headquarters and offices in all 81 provinces with approximately 1,600 officers. DMSBG did not report the number of joint inspections with labor inspectors on unregistered businesses, compared with 664 joint inspections reported in 2021. The Gendarmerie maintained the Department of Counter Migrant Smuggling and Human Trafficking (DCST) with jurisdiction to investigate trafficking in rural areas. The Gendarmerie maintained 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 who lacked the skills and knowledge necessary to investigate trafficking. Additionally, some prosecutors and judges lacked experience and specialization, which 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 Gendarmerie, judges, labor inspectors, prosecutors, and TNP. The government did not provide information on international cooperation or extraditions.

PROTECTION

The government maintained victim protection efforts. The government identified 345 victims, compared with 349 victims in 2021. Of these, 161 were sex trafficking victims, 123 were labor trafficking victims, and 45 were victims of an unspecified type of trafficking; 284 were female and 62 were male; 72 were children; and 213 were foreign nationals. SOPs provided guidelines for identifying and referring victims to assistance and required first responders to refer potential victims to PMM, which officially recognized victims. PMM maintained two identification experts

in each of the 81 provincial offices to interview victims; PMM interviewed 21,236 potential victims, compared to 8,077 potential victims in 2021. 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 over the past years, law enforcement and other first responders did not consistently screen or proactively identify victims. For example, 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, and among Turkish nationals, children, and persons in the LGBTQI+ community. The government did not proactively identify victims in highly vulnerable refugee and migrant communities. Media and civil society reports continued to indicate authorities forcefully repatriated Syrians without screening for indicators of trafficking. PMM trained border police, consular officers, and other ministry officials on victim identification.

The government did not report the total amount allocated for anti-trafficking efforts in 2022 or 2021 and did not provide funding to domestic NGOs. The government allocated approximately 1.9 million lira (\$101,940) to both IOM and UNHCR for trafficking-related projects. PMM allocated 40,000 lira (\$2,140) for in-kind assistance to victims, including hygienic products and travel costs, compared with 313,967 lira (\$16,780) in 2021. The Ankara Municipality government did not report the amount allocated for operational costs at the anti-trafficking shelter in Ankara, compared with 38,311 lira (\$2,050) in 2021. 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 98 victims (149 in 2021), while 176 victims declined support. The Kirikkale Municipal government continued to disperse 100 lira (\$5.34) per month to adult victims with an additional 100 lira (\$5.34) for each of their children and the Ankara Municipal government dispersed 300 lira (\$16) per month to adult victims and 50 lira (\$2.67) for each of their children. However, the government did not report the number of victims that received financial assistance in 2022 or 2021 (22 in 2020). The Kirikkale Municipal governments allocated 31,635 lira (\$1,690) for cash assistance, compared with 39,970 lira (\$2,140) in 2021. The Ankara Municipal governments did not reported the amount allocated for cash assistance, compared with 27,500 lira (\$1,470) in 2021.

PMM operated three specialized shelters for trafficking victims: Kirikkale, Ankara, and Aydin. Kirikkale had the capacity to accommodate 20 victims, Ankara 30 and Aydin have capacity for 40. However, shelters denied accommodation to transgender victims. Observers also 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. MOFSS operated 145 shelters for victims of violence with the capacity to accommodate 3,482 victims, including trafficking victims; and the government-operated Monitoring Centers for Children that 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. Observers reported the lack of interpreters and translation services caused delays in foreign victims receiving assistance, particularly in emergency situations. Additionally, the absence of a digital case management system created inefficiencies in coordinating victim protection efforts across relevant ministries and international organizations. 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 civil society organizations. PMM also formed a working group on victim protection to increase coordination among victim service providers.

The government reported screening migrants for trafficking indicators in deportation centers, but observers reported due to a lack of formal identification procedures, authorities likely detained some unidentified trafficking victims. 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 repatriated 71 foreign national victims back to their home country (91 in 2021). Judges acquitted many traffickers because the government did not consistently ensure the continued inclusion of victim testimony after the repatriation of foreign national victims and witnesses. Judges and prosecutors reported procedural law did not allow victim statements prior to repatriation as evidence in court proceedings and observers reported limited opportunities to encourage victim cooperation in prosecutions with victim-centered approaches, protection measures, and legal assistance further exacerbated the high number of acquittals and cases prosecuted under lesser charges. Judicial Support and Victims Services Offices provided legal assistance and psycho-social support at 167 courthouses and maintained 152 judicial interview rooms in 147 court houses, which allowed victims to testify in private to reduce re-traumatization. Law required psychologists and social workers participate in trials with child victims. The government did not report how many victims received legal support or participated in criminal investigations (40 in 2021). 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. The government reported law did not allow criminal courts to issue restitution for victims. Civil courts did not issue compensation in 2022, 2021, and 2020.

PREVENTION

The government slightly increased prevention efforts. The government did not update its NAP in place since 2009. The Coordination Board for Combating Trafficking coordinated interagency anti-trafficking efforts, but cancelled its annual meeting due to the earthquake in February 2023. 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. THREI continued as the national rapporteur for anti-trafficking with the responsibility to monitor government anti-trafficking efforts; THREI established a working group and published its first annual report. The government, in cooperation with international organizations, organized awareness campaigns targeting municipalities and local communities. 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 or informal work. 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 in which they wished to work 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 Türkiye, and traffickers exploit victims from Türkiye abroad. Trafficking victims in Türkiye are primarily from Central and South Asia, Eastern Europe, Azerbaijan, and Syria. Of the 345 victims identified in 2023, most were Syrian (108), followed by Uzbek (57), Afghan (33), and Kyrgyz (15). Traffickers reportedly exploited some Georgian men and women in forced labor, and some Turkish men in forced labor in Israel and Moldova. Romani children frequently were seen on the streets in major cities where they worked as garbage collectors, street musicians, and beggars, and are vulnerable to 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. Traffickers increasingly focused on recruitment of victims through use of online recruitment methods, including social media, dating sites, and online job search platforms. 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 Türkiye. 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. The approximately three million internally displaced persons from the earthquake in February 2023, including refugees, children, and the LGBTQI+ community, are vulnerable to trafficking.

Türkiye continue to host a large refugee population that remains highly vulnerable to trafficking and exploitation: approximately 3.4 million displaced Syrians, and over 330,000 refugees of other nationalities resided in Türkiye during the reporting period. Criminal networks coerce and pressure Syrian women and girls into sex trafficking. NGOs report instances where 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 can be married to adults in unofficial religious ceremonies, particularly in poor and rural regions, subsequently they 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.