

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>697</b>
Land:	Tyrkiet
Kilde:	US Department of State
Titel:	2024 Trafficking in Persons Report: Turkey (Türkiye)
Udgivet:	24. juni 2024
Optaget på baggrundsmaterialet:	22. juli 2024

# 2024 Trafficking in Persons Report: Turkey (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; therefore Türkiye remained on Tier 2. These efforts included convicting more traffickers, identifying more victims, and providing protection services to more victims. The government increased the number of forensic interview rooms in courthouses. The government increased funding for government-run anti-trafficking shelters and the Turkish Human Rights and Equality Institution (TIHEK) published a report and inspected anti-trafficking shelter operations. However, the government did not meet the minimum standards in several key areas. The government investigated and prosecuted fewer traffickers and courts continued to acquit most of the defendants prosecuted for trafficking, particularly due to the lack of victim-witness assistance available for foreign national victims and witnesses to testify and voluntarily participate in criminal justice proceedings after their repatriation. Some prosecutors lacked experience and specialization and often referred trafficking cases to general investigative police departments, which did not possess specialized skills and knowledge necessary to investigate trafficking, rather than available specialized investigation units. The government continued to rarely consult with the few local NGOs in victim protection efforts, lacked the capacity to accommodate and provide specialized support to all victims and denied accommodation to transgender victims.

### **PRIORITIZED RECOMMENDATIONS:**

Work with armed groups to prevent the unlawful recruitment or use of child soldiers, including in support roles. \* Vigorously investigate and prosecute trafficking crimes and seek adequate penalties for convicted traffickers, which should involve significant prison terms. \* 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 care for all victims, including transgender victims. \* Implement a systematic victim-witness assistance program to increase protective services for victims participating in criminal justice proceedings, including using remote testimony or funding for travel and other expenses for victims to attend court hearings. \* Increase efforts to proactively identify trafficking victims by screening for trafficking indicators among vulnerable populations, such as refugees and asylum-seekers, persons in LGBTQI+ communities, migrants awaiting deportation, Turkish women in commercial sex, and children begging in the streets and working in the agricultural and industrial sectors. \* Expand partnerships with civil society to improve victim identification 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 decreased 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 291 new cases with 444 suspects, compared with 468 new cases with 689 suspects in 2022. Law enforcement continued to investigate 209 cases with 544 suspects from previous years. The Chief Prosecutor's Offices (CPO) prosecuted 82 new cases with 198 defendants, compared with 120 new cases with 315 defendants in 2022. CPO continued to prosecute 170 cases with 965 defendants from previous years. Courts convicted 55 traffickers, compared with 47 traffickers in 2022. For the first time, the government reported sentencing data for traffickers. Judges sentenced 29 traffickers with imprisonment between six years and eight months and 10 years but issued only a fine for 26 traffickers. Courts continued to acquit most suspects prosecuted for trafficking; courts acquitted 127 of the 174 defendants (73 percent) prosecuted in 2023, 256 of the 328 defendants (78 percent) prosecuted in 2022, and 267 of the 339 defendants (79 percent) in 2021. As in prior years, the government did not disaggregate law enforcement data by type of trafficking. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking crimes. However, the government provided support to elements of the Syrian National Army (SNA), a coalition of nonstate armed groups in Syria that recruited and used child soldiers.

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 conducted 865 proactive investigations on unregistered businesses for indicators of trafficking, compared with 664 investigations last reported in 2021. The Gendarmerie maintained the Department of Counter Migrant Smuggling and Human Trafficking with jurisdiction to investigate trafficking in rural areas. The Gendarmerie maintained specialized officers in all 81 provinces and 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, reclassified cases to offenses with lesser penalties, or acquitted defendants due to a lack of evidence, particularly a lack of testimony, as victims and witnesses rarely chose to participate 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, immigration officers, and TNP. The government cooperated with authorities from Austria, Azerbaijan, Bulgaria, Germany, France, Georgia, Greece, Iran, the Netherlands, Pakistan, Serbia, Sweden, Ukraine, and Uzbekistan on various law enforcement efforts on anti-trafficking.

## **PROTECTION**

The government maintained victim protection efforts. The government identified 223 victims, compared with 345 in 2022. Of the 223 victims, traffickers exploited 103 victims in sex trafficking, 90 in labor trafficking, and 30 in an unspecified form of trafficking. The government did not report the number of victims who were women, men, children, and foreign nationals. The government maintained SOPs 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. PMM maintained two identification experts in each of the 81 provincial offices to interview victims; PMM interviewed 20,335 potential victims, compared with 21,236 potential victims in 2022. 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 among Turkish nationals, children, and persons in the LGBTQI+ community. The government did not proactively identify victims in highly vulnerable refugee and migrant communities, and media and civil society reports continued to indicate authorities forcefully repatriated Afghans and Syrians without screening for indicators of trafficking.

The government provided 896,640 lira (\$27,710) to international organizations for trafficking-related projects, compared with approximately 1.9 million lira (\$58,720) provided to two international organization in 2022. The government did not provide funding to domestic NGOs. PMM allocated 959,460 lira (\$29,650) to the anti-trafficking shelter in Ankara and 168,576 lira (\$5,210) to the anti-trafficking shelter in Kirikkale, which included operation costs, vehicles, food, and office and cleaning supplies. PMM also allocated 600,000 lira (\$18,540) for renovations of the anti-trafficking in Kirikkale. In 2022, the government did not report the total amount allocated to the anti-trafficking shelter in Ankara but disbursed 40,000 lira (\$1,240) for in-kind assistance to victims, including hygienic products and travel costs. The law entitled officially identified trafficking victims to services, including shelter, medical and psycho-social care, work options, education, translation services, temporary residency, repatriation assistance, vocational training, and legal counseling; the government provided support services to 299 victims (98 victims in 2022). The Kirikkale and Ankara Municipal governments continued to disperse 600 lira (\$20) per month to adult victims with an additional 150 lira (\$5) for each of their children staying at the anti-trafficking shelters; 56 victims received financial assistance. The Kirikkale Municipal government allocated 308,079 lira (\$9,520) for cash assistance, compared with 31,635 lira (\$980) in 2022. The Ankara Municipal government allocated 47,550 lira (\$1,470) for cash assistance, compared with the last reported amount of 27,500 lira (\$760) in 2021.

PMM operated specialized shelters for trafficking victims in Kirikkale, Ankara, and Aydin. The Kirikkale shelter had the capacity to accommodate 20 victims, while the Ankara and Aydin shelters had the capacity for 30 and 40 victims, respectively. However, shelters denied accommodation to transgender victims. 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. The Ministry of Family and Social Services (MOFSS) operated 112 shelters for victims of violence with the capacity to accommodate 2,805 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; for at-risk victims, security officials generally completed an assessment and deemed conditions safe before their departure. 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, which assisted six victims in finding employment, compared with the last reported number of three victims in 2020. In 2022, 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 maintained 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 repatriation centers, covered costs, and maintained repatriation protocols, including escorting victims to passport control; the government repatriated 100 foreign national victims back to their home country (71 in 2022). 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 victims often chose not to participate in criminal justice proceedings due to limited victim-centered approaches, protection measures, and legal assistance, which further exacerbated the high number of acquittals and cases prosecuted under offences with lesser penalties. Judicial Support and Victims Services Offices provided legal assistance and psycho-social support at 167 courthouses. The government also maintained “forensic interview rooms,” which allowed victims to testify in private to reduce re-traumatization; the government increased the number of “forensic interview rooms” to 170 in 162 courthouses, compared with 152 rooms in 147 courthouses in 2022. The 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 proceedings, compared with the last reported number of 40 victims 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. Civil courts did not issue restitution or compensation in 2023, 2022, and 2021.

## **PREVENTION**

The government maintained prevention efforts. 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. The government has not adopted a NAP since 2009; however, the government conducted research, held workshops, and drafted a new NAP. TIHEK continued to act as the national rapporteur for anti-trafficking with the responsibility to monitor government anti-trafficking efforts; TIHEK published an annual report and conducted inspections of anti-trafficking shelters. The government organized awareness campaigns targeting the public and local communities. PMM maintained a 24-hour migration-related national hotline in seven languages, whose operators were also trained to handle trafficking-related calls; the hotline identified 24 potential trafficking victims in 2023.

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, and Syria. Of the foreign national victims identified in 2023, most were Syrian (43), followed by Uzbek (33), Indonesian (26), Afghan (25), and Colombian (11). Traffickers reportedly exploit some Georgian men and women in forced labor and some Turkish men in forced labor in Israel, Moldova, and Montenegro. Romani children frequently are seen on the streets in major cities, where they work as garbage collectors, street musicians, and beggars, and are vulnerable to forced labor. Human rights groups reported commercial sexual exploitation, including sex trafficking, remains a problem in the LGBTIQ+

community, which faces discrimination and hostility from both authorities and the local population. Traffickers increasingly focus on recruitment of victims through use of online recruitment methods, including social media, dating sites, and online job search platforms. Agricultural workers, particularly working on hazelnut farms, are 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. Similarly, workers in garment factories are vulnerable to forced labor and face dangerous work conditions, low wages or withheld wages, and harassment. The Kurdistan Workers' Party, a U.S.-designated foreign terrorist organization, recruits and forcibly abducts children to use as child soldiers. Reports indicated that some women detained by non-state armed groups in Syria are likely transported and exploited in Türkiye. The February 2023 earthquakes resulted in approximately three million IDPs, including refugees, children, and LGBTQI+ community members, all of whom are vulnerable to trafficking. The government provided support to elements of the SNA, a coalition of nonstate armed groups in Syria that recruits and uses child soldiers.

Türkiye continues to host a large refugee population that remains highly vulnerable to trafficking and exploitation; approximately 3.4 million displaced Syrians and more than 330,000 refugees of other nationalities resided in Türkiye during the reporting period. 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 as an economic coping mechanism is increasing as a result of deteriorating economic conditions and as a result of the February 2023 earthquakes. Syrian and other refugees, including children, engaging in street begging and reportedly working in agriculture, restaurants, textile factories, markets, shops, and other workplaces are vulnerable to forced labor. Experts report children work long hours, with low wages, in some cases in substandard working conditions. Reports indicated 32 government-affiliated Cuban medical professionals traveled to Türkiye to help in the aftermath of the 2023 earthquake. Government-affiliated Cuban overseas workers may have been forced to work by the Cuban government.