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Trafficking in Persons Report 2010 - Turkey

TURKEY (Tier 2)

Turkey is a destination and transit country for women and children subjected to trafficking in persons, specifically forced prostitution, and for some women and men in forced labor. Victims originate predominately from the former Soviet Union and Eastern Europe. Officials identified an increased number of women subjected to forced prostitution from Uzbekistan, Turkmenistan and Kyrgyzstan in 2009. The IOM, in conjunction with the Turkish government, repatriated a significant number of reported forced labor and sex trafficking victims to Mongolia in 2009. During the year, there was evidence of a Pakistani man subjected to forced labor. According to local experts, sex trafficking victims are generally forced into prostitution in illegal brothels or are "leased" by clients and kept in private residences or hotels. Although a much smaller problem, some internal trafficking involving Turkish citizens in both the legal and illegal prostitution sectors may occur. Some victims are reportedly smuggled through Turkey to the area administered by Turkish Cypriots, or on to other destinations in Europe, where they are subjected to forced prostitution and forced labor.

The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government expanded use of its anti-trafficking law, aggressively prosecuted sex trafficking offenders, established a third trafficking shelter in the country, and improved its capacity to identify potential sex trafficking victims. The government's lack of funding for NGOs providing critical services to victims and inconsistent application of its procedures for identifying trafficking victims continued to affect Turkey's ability to deliver consistent, comprehensive protection services to victims of trafficking, particularly those who are victims of forced labor.

Recommendations for Turkey: Follow through on long-standing plans to provide government funding for specialized trafficking shelters, and for the "157" hotline; consider establishing a victim assistance fund using assets seized from convicted traffickers; continue to include NGOs and international organizations more consistently in the initial identification process and consider expanding the best practice of allowing NGOs access to detention centers; increase the proactive identification of potential victims of forced labor and the prosecution of such cases; and continue to improve witness protection measures to provide victims with more incentives to cooperate with law enforcement.

Prosecution

The Government of Turkey continued aggressive investigation, prosecution, and conviction of trafficking offenders during the reporting period. Article 80 of the Penal Code prohibits trafficking for both sexual exploitation and forced labor, and prescribes

penalties of from eight to 12 years' imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as sexual assault. In 2009, the government continued to expand implementation of Article 80, convicting 23 trafficking suspects under its specific anti-trafficking article, an increase from 13 in 2008. Of the 23 trafficking suspects convicted, two received sentences of 11 to 12 years, eight received sentences of nine to 10 years, seven received sentences of six to eight years, five received sentences of four to six years, and one received a sentence of one to two years. The government reported it seized assets of all trafficking offenders convicted during the year, and it imposed sentences based on the number of victims each trafficker exploited. The Government of Turkey convicted a total of 50 trafficking offenders in 2009, compared with 58 convictions in 2008. The government reported other trafficking cases were initially prosecuted under Article 80, but convictions were obtained using other criminal statutes. Penalties for convictions obtained under other statutes ranged from zero to twelve years' imprisonment. Turkish law allows for the suspension of prison sentences of two years or less under certain conditions. The government reported a joint investigation in 2009 with the Government of Mongolia on a case of labor trafficking involving Mongolian citizens discovered working in a Turkish garment factory for low wages.

The government continued its institutionalized and comprehensive anti-trafficking law enforcement training in 2009, including training for 164 judges and prosecutors. Trafficking-related complicity of law enforcement personnel continued to be a problem; however the government took steps to address it. In 2009 the government investigated and prosecuted three police officers under Article 80; the case was sent to a serious crimes court. The government did not report any follow up regarding its 2008 investigation of 25 security officials for trafficking-related complicity. The government continued an investigation of a prison warden who was arrested and jailed in February 2007 for facilitating trafficking activities. In September 2009, a Turkish trafficker convicted in the Netherlands for forcing more than 100 women into prostitution escaped Dutch detention. The Dutch media subsequently reported he was running a nightclub in Antalya with members of his trafficking network. While Turkish authorities met with Dutch counterparts to discuss the case, the government did not initiate proceedings against him in 2009.

Protection

The Government of Turkey made some important improvements to increase its capacity to identify and protect victims of trafficking in 2009. It did not, however, provide adequate financial support to its specialized anti-trafficking shelters during the reporting period. In July 2009, the police, in partnership with IOM and an NGO, signed a tri-party agreement to establish the country's third anti-trafficking shelter in Antalya; the municipality donated the facility. The government reported that it made securing long-term funding a priority in 2009; however, it has yet to provide adequate funding to either of its shelters in Ankara and Istanbul. Notably the Ministry of Foreign Affairs independently provided approximately \$20,000 to the shelter in Istanbul and Ankara. Both shelters continue to require external donor funding to stay in operation and assist trafficking victims. These two NGO-run shelters provided care to 85 trafficking victims in 2009. While the government encouraged victims to participate in trafficking investigations and prosecutions, most trafficking victims chose to return to their country of origin and declined participation in prosecutions of their traffickers, most often due to victims' perceived fear of authorities, retribution from their traffickers, and slow court procedures. During the reporting period, the government began to allow video testimony for trafficking victims to provide statements in court and prosecutors worked with shelter staff to tape video testimony to encourage more trafficking victims to testify against their traffickers.

The government took important steps to improve its capacity to identify and refer potential trafficking victims during the reporting period. In 2009, police signed an agreement with the Istanbul trafficking shelter to allow shelter staff into immigration detention facilities to interview foreign women who may have been too afraid to disclose elements of their exploitation to police. The shelter staff began efforts to identify potential trafficking victims held in the detention facility in Istanbul as of June

2009; police agreed to accept the NGOs assessments of identified trafficking victims. Further, in April 2009, police signed an agreement with translators to provide broader translation services during interviews of potential victims. In 2009, the government identified a total of 102 trafficking victims, a continued decline from 118 in 2008 and 148 in 2007; IOM facilitated the repatriation of 75 of these victims. Gaps in the referral process may have resulted in some victims not receiving adequate care and assistance after providing information about their traffickers to law enforcement, and some victims may be missed and not identified as such. The government offered victims legal alternatives to their removal to countries where they would face retribution or hardship. Foreign victims may apply for humanitarian visas and remain in Turkey up to six months with the option to extend for an additional six months. However, no such visas were requested during the reporting period.

Prevention

The Turkish government improved its anti-trafficking prevention efforts in 2009, launching an international televised campaign in partnership with the Government of Moldova targeting both potential victims and clients. The government reported that consular and border officials continued to insert anti-trafficking material in passports it reviewed; this material publicized its national IOM- run anti-trafficking ("157") hotline. IOM reported that the highest percentage of calls continued to come from Turkish clients of victims. Although the government signaled in 2007 that it would take over funding and operation of the "157" hotline from IOM, it has yet to do so. The Turkish government provided anti-trafficking training to its military personnel prior to their deployment aboard for international peacekeeping duties.
