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2019 Trafficking in Persons Report: Turkey

TURKEY: Tier 2

The Government of Turkey does not 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; therefore Turkey remained on Tier 2. These efforts included collaborating with a foreign government to identify 200 potential Turkish victims of forced labor. The Directorate General for Migration Management (DGMM) established provincial protection desks, a social security system to provide monthly cash benefits to victims, and consistent legal assistance and specialized support to victims. In addition, DGMM allocated more funds to international organizations to work on trafficking issues and provided robust training. However, the government did not meet the minimum standards in several key areas. Prosecutors and judges lacked experience and resources to prosecute complex cases and issues with interagency coordination at times hampered anti-trafficking efforts. In addition, government efforts to proactively identify internal trafficking victims was limited, some first responders lacked an understanding of trafficking, and the government convicted fewer traffickers compared to previous year. Some civil society remained excluded from anti-trafficking efforts, particularly victim protection.

PRIORITIZED RECOMMENDATIONS

Institutionalize and provide 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, LGBTI communities, migrants awaiting deportation, Turkish and foreign women and girls in prostitution, and children begging in the streets and working in the agricultural and industrial sectors. • Vigorously investigate, prosecute, and convict traffickers. • Designate trained prosecutors and judges to handle trafficking cases and allocate adequate staff and resources for law enforcement to effectively combat trafficking. • Expand partnerships with civil society to better identify victims and provide specialized victim services, including Turkish victims exploited in Turkey. • Improve interagency cooperation and adopt a national action plan. • Increase training to first responders and staff at provincial offices of the Directorate General of Migration Management on victim identification, including recognizing the signs of non-physical methods of control used

by traffickers. • Encourage victims’ participation in investigations and prosecutions, such as 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 did not report the number of investigations in 2017 or 2018. The Ministry of Justice (MOJ) prosecuted 43 new trafficking cases with 198 defendants in the first three quarters of 2018 (41 new trafficking cases with 291 defendants in the first three quarters of 2017). MOJ continued to prosecute 172 cases with 1,617 defendants from previous years (174 cases with 1,624 defendants in 2017). Courts convicted 37 traffickers in the first three quarters of 2018 (44 in the first three quarters of 2017); judges sentenced all traffickers with imprisonment and 34 traffickers also received a fine but the government did not report the length of the sentences and the amount of the fines. Courts acquitted 177 suspected traffickers in the first three quarters of 2018 (93 suspected traffickers in the first three quarters of 2017).

The Department of Combatting Migrant Smuggling and Human Trafficking (DCMH) within the Turkish National Police (TNP) conducted specialized investigations. DCMH consisted of 28 officers at headquarters and operated branches in 22 provinces. The government did not designate specialized prosecutors for trafficking cases. Observers reported law enforcement in some cases lacked sufficient resources to fully investigate trafficking cases involving refugees, and experts continued to report misperceptions about trafficking among law enforcement authorities, including confusion about the distinction between trafficking and the aggravated form of encouragement of prostitution (Article 227). A lack of experience and specialization among prosecutors and judges regarding trafficking, particularly after the dismissal of more than 150,000 government workers during the state of emergency, also limited the ability and means to prosecute complex crimes like trafficking. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. The government, independently and with technical and financial support from international organizations, provided anti-trafficking training for TNP, coast guard, Jandarma, and DGMM officials. Authorities cooperated with Moldova on a case with 200 potential Turkish male forced labor victims; the investigation was ongoing. The government did not extradite any traffickers in 2018.

PROTECTION

The government maintained victim protection efforts, despite identifying fewer victims. DGMM identified 134 victims (303 in 2017); 95 were victims of sex trafficking and 39 of forced labor (186 were victims of sex trafficking, 52 of forced labor, and 65 of forced begging in 2017); 111 were female and 23 were male (212 females and 18 males in

2017); 15 were children (98 children in 2017). First responders referred potential victims to DGMM, which officially recognized victims; DGMM interviewed approximately 3,612 potential victims (5,000 in 2017). DGMM established protection desks in 61 provinces to assess vulnerable populations. In previous years, observers reported DGMM staff's ability to accurately identify victims varied among provinces and, in some cases, staff were reluctant to act on cases referred by civil society groups. Observers reported a lack of understanding and awareness of trafficking among some first responders and inconsistent attention towards internal trafficking. 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; however, observers reported the government continued to face difficulty in identifying victims in highly vulnerable refugee and migrant communities outside of camps and had insufficient protection resources to address trafficking in these communities. DGMM trained first responders on victim identification and referral and, in cooperation with MOFLSS, trained teachers, health workers, local administrative officials, guards, and imams on trafficking issues in several refugee temporary accommodation centers.

The law entitled equal services to officially identified trafficking victims, including shelter, medical and psycho-social services, work options, education, translation services, temporary residency, repatriation assistance, and legal counseling. The government provided support to 134 victims (151 victims in 2017). DGMM established a social security benefit system with an international NGO to provide monthly cash benefits to victims. The government offered one victim diagnosed with HIV specialized treatment at a state healthcare facility. DGMM allocated 1.05 million lira (\$198,860) for anti-trafficking efforts and separately allocated 4.75 million lira (\$899,110) to international organizations working on migration, which included a trafficking component, compared to 3.51 million lira (\$664,210) in 2017; it did not provide funding to domestic NGOs. DGMM operated two specialized shelters for victims of trafficking. One-hundred-two MOFLSS-run shelters also provided accommodation for victims of violence, including men and children, and 32 locally administered shelters offered general support services to trafficking victims.

The DGMM provided specialized and comprehensive victim support services to all trafficking victims which included psychological support, health care, access to legal aid, and vocational training for female sex trafficking victims. 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. Government-operated Monitoring Centers for Children provided support to child victims of violence, including trafficking. The government solicited feedback from civil society on a draft handbook on victim identification for first responders and other relevant actors and observers reported improved government cooperation with civil society, but 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.

The government likely deported and inappropriately detained some trafficking victims due to inadequate identification efforts. 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 82 residence permits (145 in 2017). DGMM voluntarily repatriated 52 victims with support from an international organization (193 victims in 2017). Observers reported the government consistently provided legal representation and assistance to victims. The government maintained regulation on “legal interview rooms,” which allowed victims to testify in private rooms in order to reduce re-traumatization. The government reported difficulties in encouraging foreign victims to cooperate in prosecutions as most preferred immediate voluntarily repatriation; the government did not report how many victims participated in criminal investigations or legal procedures. The law entitled victims to pursue restitution from their trafficker through civil suits. Regulation entitled victims to one-time compensation but it did not define the amount or procedures to access it.

PREVENTION

The government maintained prevention efforts. The government did not have an updated national action plan. A national commission coordinated interagency anti-trafficking efforts and convened annually. The DGMM produced a documentary on trafficking issues and the government organized awareness campaigns at border entry points, airports, and universities. The commission and DGMM continued to publish annual data reports, while OSCE in previous years reported discrepancies in the statistics of the different databases managed by various state institutions, such as the Ministry of Interior, MOJ, and courts. DGMM maintained a migration-related national hotline that also handled trafficking calls; the hotline received 258 trafficking-related calls. The law required recruitment agencies to maintain a license and approve all contracts with the government.

The government continued to implement comprehensive migrant registration protocols for the nearly four million Syrian and other refugees, including by providing birth registrations for newly born refugee children. The law allowed both Syrians under temporary protection and non-Syrian conditional refugees the right to work, provided they registered in the province they wish 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 both conditional refugees and those under temporary protection remained without legal employment options, leaving them vulnerable to exploitation. The government, in collaboration with an international organization and domestic labor unions, implemented various efforts to decrease child labor, including training businesses on regulations employing children and awareness campaigns. MOFLSS fined 50 workplaces for violating child labor laws, a two-fold increase from the 23 fined in 2017; however, resources and inspections were insufficient to effectively monitor and enforce prohibitions against the use of child labor. In the absence of a complaint, inspectors did not generally visit private

agricultural enterprises employing 50 or fewer workers, resulting in enterprises vulnerable to forced labor. The government continued efforts to reduce the demand for commercial sex and forced labor.

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, Indonesia, Morocco, and Syria. Of the 134 victims identified in 2018, most were Uzbeks (29), followed by Afghans (21), Moroccans (18), Syrians (15), and Kyrgyz (14). Syrians were the largest number of victims from a single country in previous years with 86 victims in 2017 and 36 in 2016. Some Georgian men and women were reportedly subjected to forced labor. Some Turkish men were subjected to trafficking and forced labor in Moldova. Romani children from marginalized communities were often 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 remained a problem in the LGBTI refugee community, who faced discrimination and hostility from both authorities and the local population.

Turkey continues to host a large refugee population that remains vulnerable to trafficking and exploitation: approximately 3.65 million displaced Syrians, and over 350,000 refugees of other nationalities resided in Turkey during the reporting period. Syrian and other refugees, including children, engaged in street begging and also reportedly worked in agriculture, restaurants, textile factories, markets, shops, and other workplaces, at times acting as the breadwinners for their families. Some are vulnerable to forced or exploitative labor. Experts reported children worked long hours, with low wages, in some cases in substandard working conditions. Some reports claimed some Syrian and other girls were sold into marriages in which they were vulnerable to domestic servitude and sex trafficking.

Reports indicate some youth in Turkey joined the Kurdistan Workers’ Party (PKK), a U.S.-designated terrorist organization. The government alleged the PKK recruited and forcibly abducted children for conscription, while many in the country’s Kurdish community asserted that youth generally joined the terrorist group voluntarily. Reports document one victim who was forced to join the group at age 13 and that children as young as 11 were lured by promises of monetary compensation and were taken to PKK training camps in Iraq.

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