

2006 REPORT ON COMBATING HUMAN TRAFFICKING TURKEY



2006

Foreword

Foreword

The Republic of Turkey is decisively continuing its combat against human trafficking, which represents re-emerging of slavery in this century. This combat is an commitment that degrading treatment of women will not be allowed in Turkey, indicating the contemporary approach of our state and society to women.

The “Report on Combating Human Trafficking in Turkey for the year 2006” has been prepared by a Technical Authoring Group established under the coordination of the Ministry of Foreign Affairs of the Republic of Turkey, as the “Chair of the National Task Force on Combating Human Trafficking.”

Officials from General Directorate of Security under the Ministry of Interior, the General Command of Gendarmerie, General Directorates of International Law and Foreign Affairs, Legislation, Judicial Records and Statistics under the Ministry of Justice, the Human Resource Development Foundation, the Women's Solidarity Foundation, and Mission of the International Organization for Migration in Turkey have participated in the Technical Authoring Group, and the report has been approved by the “National Task Force”.

The Report for the Year 2006 has been recognized as a “National Report” through the contribution of all institutions in Turkey combating human trafficking.

In summary, the Report on Combating Human Trafficking in Turkey for the year 2006; describes the progress achieved in the field of combating human trafficking under the titles of prevention, protection and law enforcement and report also provides comprehensive information regarding the legal and administrative measures taken in the field of combating human trafficking in Turkey and includes statistical data for the year 2006.

Printing of the Report was supported and financed by the Norwegian Government, Swedish International Development and Cooperation Agency (SIDA) and the Turkish Government, under the project “Local Action and Direct Assistance in Combating Human Trafficking” implemented by the Mission of the International Organization for Migration in Turkey.

We hope that this report will contribute to international promotion of our efforts in this field.

Kemal Gür
Ambassador
Director General of the Consulate
Ministry of Foreign Affairs

Table of Content

1. INTRODUCTION.....	9
1.1. Legal Arrangements.....	10
1.2. Administrative Arrangements.....	11
1.3. Arrangements for Protection of Trafficked Persons.....	12
1.4. Implemented and Planned Projects.....	13
2. PREVENTION.....	17
2.1. 157 Helpline.....	18
2.2. Supporting Statistical Data.....	19
3. PROTECTION.....	25
3.1. Identification of Trafficked Persons.....	26
3.2. National Referral Mechanism.....	27
3.3. Assistance Provided to Trafficked Persons.....	28
3.4. Activities of Shelters.....	30
3.4.1. Counter Trafficking Activities Conducted by the Human Resource Development Foundation (HRDF) in 2006.....	30
3.4.2. Counter Trafficking Activities Conducted by the Women's Solidarity Foundation (WSF) in 2006.....	33
3.5. Testimony by Trafficked Persons.....	34
3.6. Supporting Statistical Data.....	35
4. LEGAL FRAMEWORK.....	43
4.1. International and National Legislation.....	43
4.2. International Cooperation.....	45
4.3. Enforcement.....	46
4.3.1. Counter Trafficking Manual.....	46
4.3.2. Training Activities.....	47
4.4. Supporting Statistical Data.....	47
5. CONCLUSION.....	51

1

Introduction

Introduction

Human trafficking is one of the most serious forms of human rights abuse, represents the re-emergence of slavery in this century, and is known to be the third most profitable organized illegal activity following drugs and arms trafficking. It has been acknowledged that the problem needs to be tackled seriously and immediately.

Turkey is a major destination country in human trafficking due to its geographical location and higher level of prosperity relative to its neighboring countries. Those trafficked to Turkey are mostly citizens of former Eastern Block countries that have low average national incomes per capita.

Although human trafficking in Turkey mostly involves the sexual exploitation of women and girls, when determining its strategy for combating human trafficking, Turkey always considers the fact that men, as well as women and children, are exposed to this crime.

In regards to measures taken by the Republic of Turkey to combat human trafficking, legal arrangements, administrative arrangements, and arrangements for the protection of trafficked persons are outlined below.

1.1. Legal Arrangements

The United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime was ratified on March 18, 2003.

In Article 80 of the Turkish Penal Code, number 5237 and effective since 1 June 2005, the crime of human trafficking was defined in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime, with the prison-term for this crime set to up to 8 to 12 years and administrative fines set to up to ten thousand days are given as punishment for this crime. This article also envisages provisions for safety measures that will be applied to legal entities with respect to human trafficking crimes. On 19 December 2006, the term ‘forced prostitution’ was added to Article 80 in its definition of human trafficking making it possible for those who have committed human trafficking crimes, for the purpose of forcing the trafficked persons into prostitution, to be punished under the provisions of Article 80. It is expected that this amendment will yield positive results.

As an additional step in combating human trafficking, related crimes committed within the scope of a terrorist organization are considered terror crimes through an amendment of Article 4 of the Prevention of Terrorism Act titled Crimes Committed for Terrorism Purposes.

The Ministry of Labor and Social Security was authorized to prevent uncontrolled employment of foreign labor and to grant work permits to foreigners under the Law on Work Permits for Foreigners effective since 6 September 2003.

In 2003 an amendment was made to the Citizenship Law in order to prevent those being exploited by traffickers from being given Turkish citizenship. This puts an end the problem of citizenship being automatically awarded to foreigners marrying Turkish citizens simply through a declaration at the time of marriage. This amendment also requires the parties to stay married for a minimum period of three years in order for the person to obtain citizenship through marriage.

In order to limit the ability of human traffickers to relocate quickly, without detection and in order to curb their use of transportation vehicles to abduct trafficked persons, the Highway Transport Law and the Highway Transport Regulation came into force on 19 July 2003 and 25 February 2004, respectively.

Turkey’s first Action to Combat Human Trafficking was prepared by the National Task Force for Combating Trafficking in Human Beings and is being successfully implemented. It convenes regularly with respective institutions as approved by the Prime Ministry. The Project on Organizational Capacity Building for Combating Human Trafficking, which began implementation by the Ministry of Interior in January 2006 within the scope of Turkey-EU Financial Cooperation 2003, was completed in July 2007 and consequently an action plan was prepared. The new action plan will be approved soon.

1.2. Administrative Arrangements

The National Task Force for Combating Trafficking in Human Beings was established under the coordination of the Ministry of Foreign Affairs in 2002. The Task Force convenes regularly and the Ministry of Foreign Affairs acts as chair and national coordinator.

In May 2005, a toll-free 157 telephone Help Line, set up for trafficked persons in Turkey, began its operations. The line is operational on a round-the-clock basis and operators provide services in Russian, Romanian, English, Turkish and other languages. The operators receive training in counseling, emergency assistance and sensitive information solicitation. The Help Line can be reached by dialing 157 from landlines and mobile phones anywhere in Turkey and can also be reached from abroad by dialing 90.312.157 11 22.

Within the scope of the project, implemented by the International Organization for Migration (IOM), passport inserts were prepared to raise awareness of the Help Line for those entering Turkey from key countries of origin, particularly during the tourism season. These inserts are distributed at key points of entry, primarily Istanbul, Antalya and Trabzon airports and seaports. Short television broadcasts about human trafficking have also been made for the same purpose. The first public awareness campaign titled ‘Have You Seen My Mother?’ was launched by IOM under the coordination of the Turkish Government on 2 February 2006.

Social Assistance and Solidarity Fund under the Turkish Prime Ministry has taken the necessary precautions and provided financial support in order to have NGOs assisting trafficked persons benefited from the support provided for needy people in line with National Action Plan.

In 2005, the General Command of the Gendarmerie prepared counter-trafficking leaflets. 100,000 Turkish copies, 25,000 English copies and 25,000 Russian copies were distributed throughout Turkey. Likewise, in 2006, the Directorate General of Security under the Ministry of Interior issued a Counter-trafficking Manual that includes information on what constitutes the basis for investigating the crime of human trafficking and guidelines for the identification and treatment of trafficked persons. 3280 copies of the Manual were circulated to relevant organizations, institutions and governorships with the aim to ensure inter-institutional coordination and to highlight issues under the jurisdiction of institutions pertinent to combating human trafficking.

1.3. Arrangements for Protection of Trafficked Persons

In accordance with the Action Plan for Combating Human Trafficking, as prepared by the National Task Force and approved by the Prime Ministry, non-governmental organizations (NGOs) have also been involved in counter-trafficking efforts, primarily through the provision of legal, psychological and medical counseling. This is pursuant to the protocols signed by the Directorate General of Security under the Ministry of Interior, which stipulates that shelters be operated by NGOs for the purpose of supporting trafficked persons. Hence, the NGO Human Resource Development Foundation (HRDF) established a shelter in Istanbul in 2004, while the Women's Solidarity Foundation (WSF) established a shelter in Ankara in 2005. The sustainability of this process is ensured through the support provided by the Metropolitan Municipalities of Istanbul and Ankara who supply space and contribute to operational costs. It is important to note that before sending trafficked persons to shelters necessary measures are taken to provide them with accommodation in appropriate training or social centers.

Trafficked persons are granted residence permits of up to six months unconditionally and on their request in order to allow them with time to receive medical and psychological support and to testify and to cooperate with the police. This permit also allows them to access the job market and can be extended for periods of 6 months upon consideration of their medical treatment and trial proceedings. Free treatment for trafficked persons is ensured by the Ministry of Health through the decree issued by the Council of Ministers dated 5 December 2003 number 2003-6565.

The safe and voluntary return to the home countries of trafficked persons is ensured through cooperation between law enforcement officers in Turkey and countries of origin, IOM, and local non-governmental organizations.

Certain rights have been granted to trafficked persons during the investigation and prosecution phases pursuant to the provisions of Article 234 of the Code of Criminal Procedure. Trafficked persons are granted the right to request an attorney from the Bar Association if they do not have one, to request the gathering of evidence and copies of documents from the Public Prosecutor's office through their attorney, to examine the investigation documents and personal belongings retained, and to appeal the decree by the public prosecutor. During the prosecution phase, they are also granted the right to ask for an attorney from the Bar Association if they do not have an attorney, to be informed of the hearing, to attend proceedings, to ask for copies of reports and documents through their attorney, to ask for the invitation of witnesses, and to seek legal redress against the decree. Free legal counseling is provided to trafficked persons through voluntary attorneys of the Bar Association and non-governmental organizations. The Prime Ministry Directorate General on the Status of Women organized an international conference on cross border cooperation on combating human trafficking with the participation of NGOs and government representatives from Moldova, Russia, Ukraine, Georgia, Azerbaijan, Belarus, Kyrgyzstan and Uzbekistan in June 2006. The final report of the conference was published on the web page of the Directorate General on the Status of Women (www.ksgm.gov.tr). The International Organization for Migration (IOM) and the Human Resource Development Foundation (HRDF) contributed to the organization of the conference.

1.4. Implemented and Planned Projects

In addition to other activities undertaken by the Ministry of Interior to combat human trafficking, the Project on Organizational Capacity Building for Combating Human Trafficking was launched under the Twinning Mechanism within the scope of Turkey-EU Financial Cooperation for 2003. Under the coordination of the Ministry of Interior, this Project is being implemented through the participation of the Ministries of Justice, Labor and Social Security, Foreign Affairs, and Health, as well as the Society for Social Services and Protection of Children, the Directorate General on the Status of Women, the General Command of Gendarmerie, the Women's Solidarity Foundation, the Human Resource Development Foundation and IOM. In order to underpin relevant institutions' efforts in combating human trafficking, the goal of this project was to achieve minimum standards and to ensure action through the implementation of sectoral action plans aimed at preventing human trafficking. The German partner, the primary project partner, consisted of officials from the Berlin State Criminal Department while the other partner was the Austrian Ludwig Boltzman Human Rights Institute. With a total budget of 1.2 million euros, the project was launched with an inauguration conference on 6 January 2006 and was completed in July 2007. The project components included the Development of a Strategy for Combating Human Trafficking, the Development and Implementation of Awareness Raising Programmes, Increasing Assistance and Support to Victims, Increasing Assistance in Returning Home and Adapting to Social Life, Improving the Legal Framework, Training and Strengthening the Law Enforcement Agencies and Improving the Cooperation and Coordination between International Law Enforcement Agencies.

Also, in coordination with Turkish Government, the International Organization for Migration (IOM) has since 1 January 2005 implemented more than ten projects to combat human trafficking. This has included setting up, operating and promoting the 157 Help Line, running the first national information campaign to raise public awareness on the subject in Turkey, technically and financially supporting NGOs and shelters, ensuring the safe and voluntary return of trafficked persons to their home countries, organizing training workshops in cooperation with law enforcement agencies and NGOs, and developing regional initiatives to combat human trafficking.

Supported by Norwegian, Swedish and Turkish governments, IOM is currently implementing a project in Northeastern Anatolia on developing and implementing local strategies to combat human trafficking, identifying and protecting trafficked persons and strengthening preventive activities. It is envisioned that this project will be completed on 31 January 2008.

Furthermore, a new project with a budget of 3 million Euros and duration of 2 years under the scope of the European Union Grant Scheme will shortly be implemented by IOM, the Ministry of Interior and the participation of several ministries and non-governmental organizations. Activities related to building capacity in the National Task Force, raising public awareness, improving community-based activities regarding combating human trafficking, building capacity in law enforcement agencies, strengthening international mutual judicial assistance mechanisms, protecting and rehabilitating trafficked persons, identifying the demand towards human trafficking in sociological terms, as well as gathering and analyzing information related with human trafficking will be undertaken under this project.

Also, the draft project entitled Strengthening Operational Law Enforcement Capacity to Combat Trafficking in Turkey, which is currently being prepared, will be submitted to the Programmes and Projects Committee (PPC) of the UN Office of Drugs and Crimes (UNODC).

2

Prevention

Prevention

Being the bridge between the East and the West, Turkey is a strategically important transit point in the region. Turkey is an attractive country for a better standard of living for its neighbouring Central Asian, Black Sea and eastern countries. The geopolitical position of Turkey has its disadvantages and advantages such as being in the center of international commercial routes. In this context, Turkey is a destination country for human trafficking networks. The majority of 246 trafficked persons identified in Turkey in 2006 are from the former Eastern Block countries, entering Turkey mostly through Istanbul, Antalya and Trabzon.

The main factor behind the movement of trafficked persons to Turkey has been the deterioration of economic living standards in the former Eastern Block since the collapse of the Soviet Union. Illustratively, in 2006, 77% of the trafficked persons who were assisted by the Turkish authorities and IOM were from poor families from these countries.

As such, the Turkish Government is currently implementing programmes to combat human trafficking in close cooperation with IOM under three main headlines, namely prevention, protection, and law enforcement. As it is already known, one of the most effective strategies for preventing human trafficking is to increase the opportunities for legal migration and employment. In other words, the provision of opportunities for legal employment and relocation to people who are subjected to all kinds of exploitation, including sexual violence, in order to earn their living is the most effective measure and may also prevent human trafficking. Although the level of provision of social security facilities to these people is not as high as desired, the Ministry of Labor and Social Security has already started to grant work permits to foreigners pursuant to the Law on Work Permits for Foreigners number 4817, effective since 6 September 2003.

Raising public awareness on the prevention of human trafficking is one of the most important bases for combating human trafficking. Within this context, IOM has been running two major promotional campaigns since 2005, namely the promotion of the 157 Help Line, which is one of the most important elements of the national referral mechanism (for detailed information please see section 3.2), and a campaign for raising public awareness, Have You Seen My Mother?

2.1. 157 Helpline

As mentioned above, the 157 Help Line began operations on 23 May 2005. Set up by the Turkish Government and operated by IOM, the Help Line works in close cooperation with law enforcement agencies.

The 157 Help plays an important role in rescuing trafficked persons in Turkey. In 2006, fifty-six women identified as trafficked persons by Turkish law enforcement agencies were rescued through the 157 Help Line. Furthermore, a total of 122 trafficked persons have been rescued by law enforcement agencies through information obtained by the 157 Help line since the Help Line began operating. 19% of calls for help are made directly by the trafficked persons themselves while 81% of calls are made by their clients, friends or relatives.

The brochures promoting the 157 Help line, prepared within the scope of the project titled Helping Victims of Human Trafficking in Turkey, implemented by IOM and the Turkish Government in accordance with the objectives identified in the action plan of the National Task Force for Combating Human Trafficking, have been distributed by the customs officers to women, mostly between the ages of 16 and 40, who enter Turkey through Istanbul Atatürk Airport, Sabiha Gökçen Airport, as well as Karaköy Seaport, Antalya Airport and Trabzon Seaport.

In order to promote the 157 Help Line, a promotional campaign was launched throughout Turkey and in the countries of origin through the press and the visual media. The campaign, Have You Seen My Mother?, was launched on 2 February 2006. This campaign was based on the fact that all of the 220 trafficked persons who were provided with assistance by IOM in 2006 were women, one third of who were mothers. This campaign also aims to raise public awareness by highlighting that the crime of human trafficking affects the trafficked person but also their families, particularly their children, and consequently the entire society. The most important element of this campaign is the short film, prepared for broadcasting on TV channels throughout Turkey. This campaign has played an important role in changing attitudes towards trafficked persons.

The importance of the media in identifying and rescuing trafficked persons is highlighted in diagrams 2 and 3 (Page 20). The number of rescued trafficked persons and the number of news pieces published in the press regarding the 157 Help Line are directly linked.

2.2. Supporting Statistical Data

Country of Origin

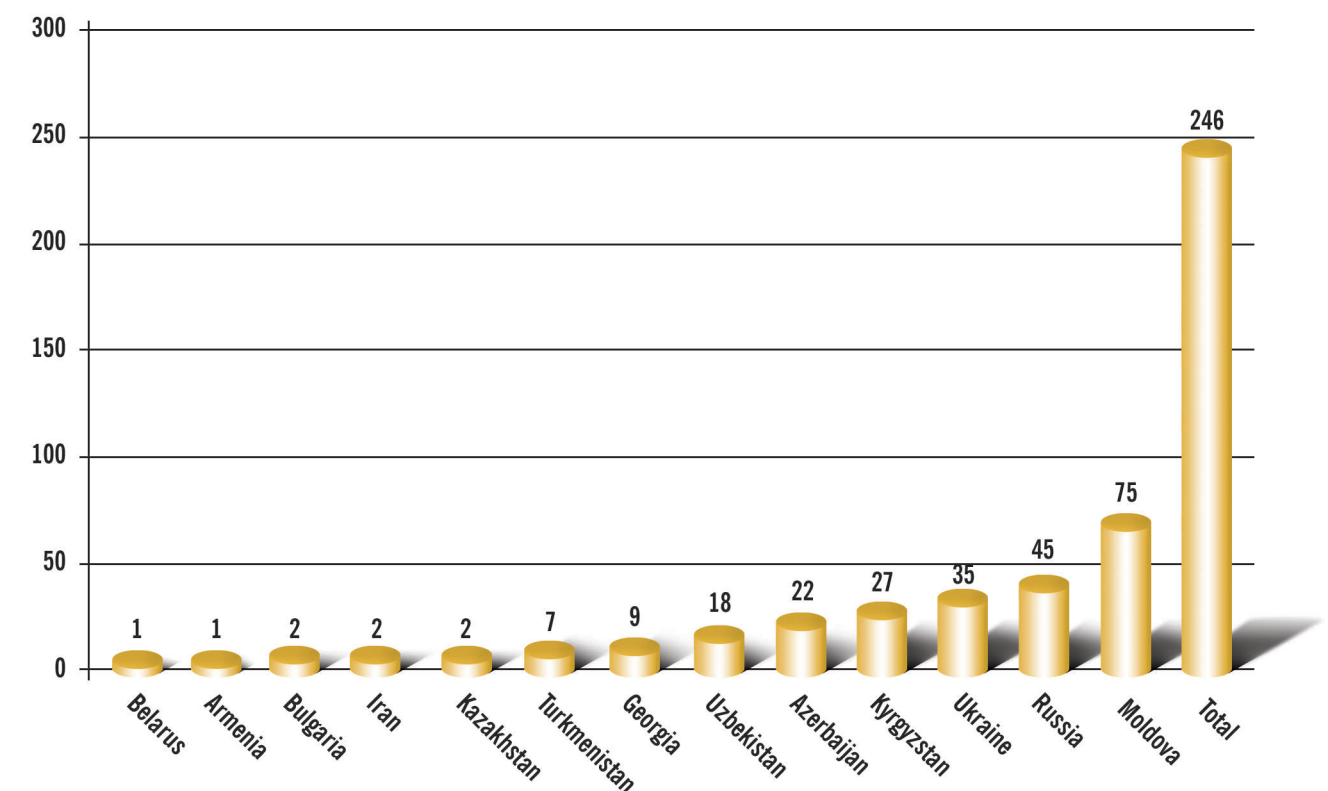


Diagram 1

IOM ensured the safe and voluntary return of 191 trafficked persons, among a total of 246 identified by Turkish law enforcement agencies in Turkey in 2006, to their home countries.

The Correlation between the Number of Rescued Trafficked Persons and the Number of News Pieces Covered in the Media

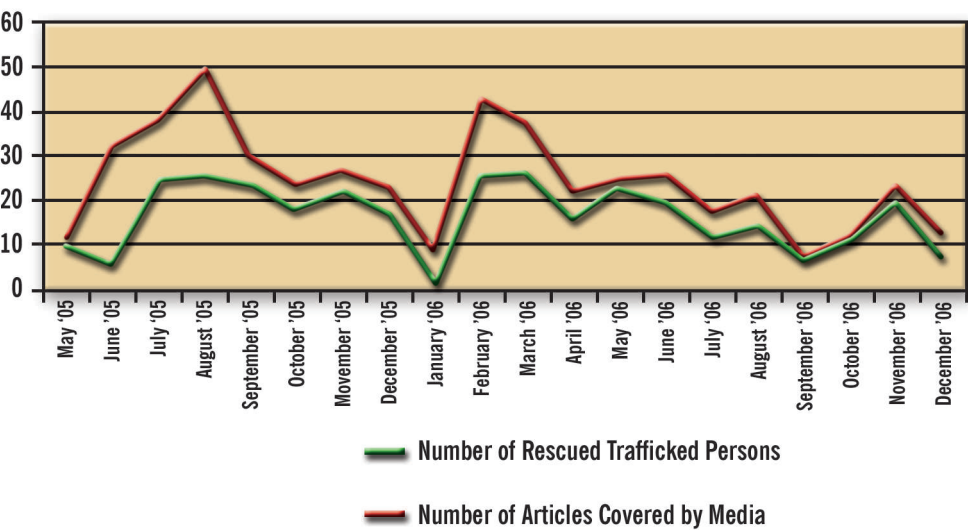


Diagram 2

The provision of accurate information to the media on human trafficking will help raise public awareness. The above diagram illustrates the direct correlation between the number of news pieces covered in the media on human trafficking and the number of rescued trafficked persons.

Percentage Breakdown of 157 Helpline Information Sources Based on All Reported Rescued Requests, 2006

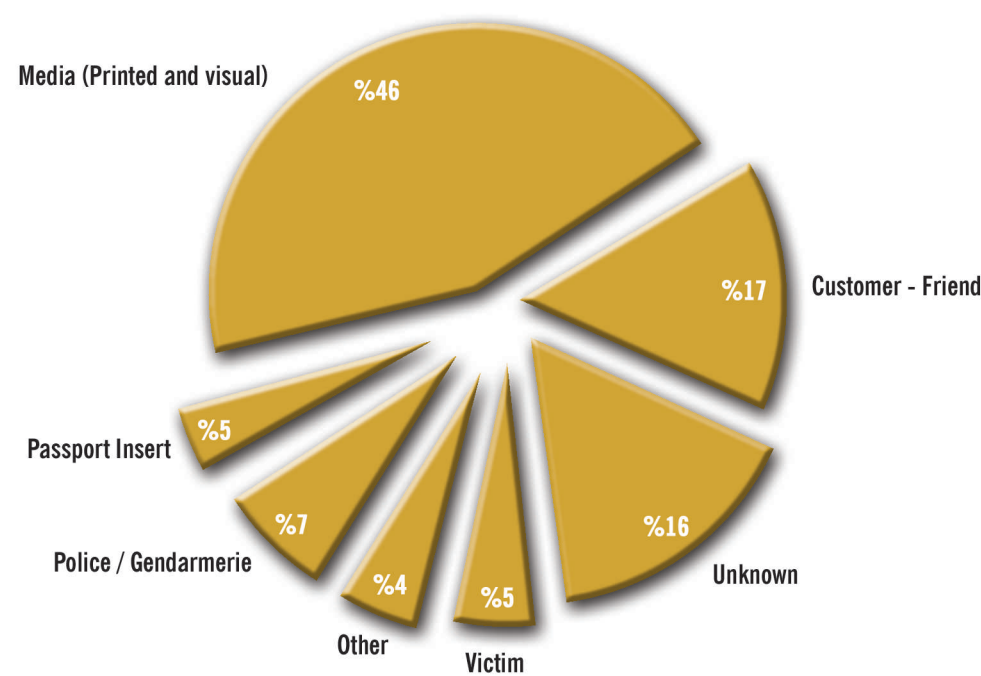


Diagram 3

Number of Rescued Trafficked Persons through the 157 Help Line, 2006

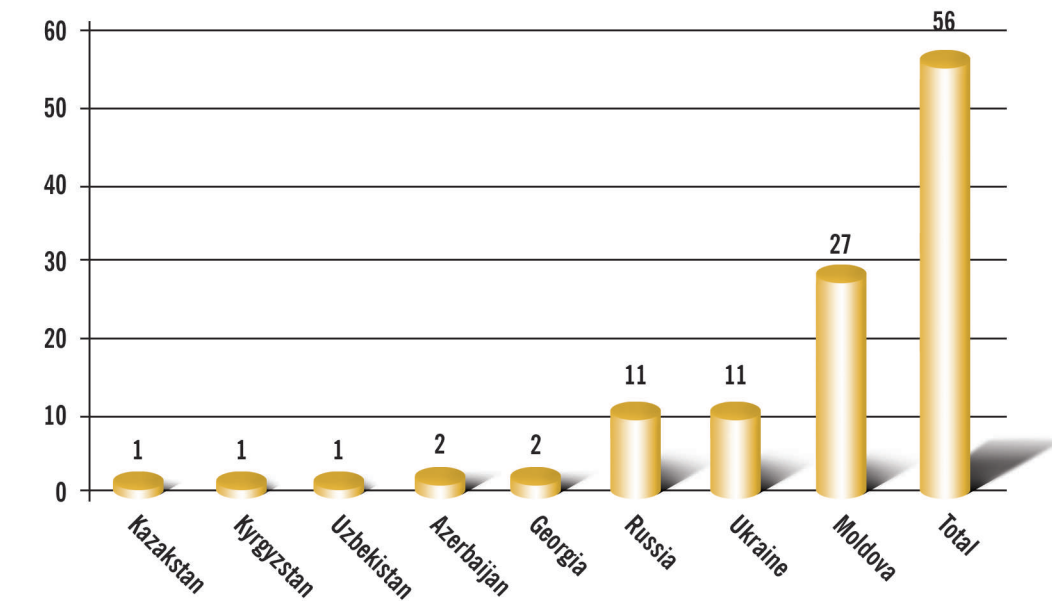


Diagram 4

One Kazakhstani, 1 Georgian and 2 Moldovan were rescued through the 157 Help Line and identified as trafficked persons by the Ministry of Interior. However, they did not receive assistance from IOM.

Relation of the persons calling the 157 Help Line to the Trafficked Persons, 2006

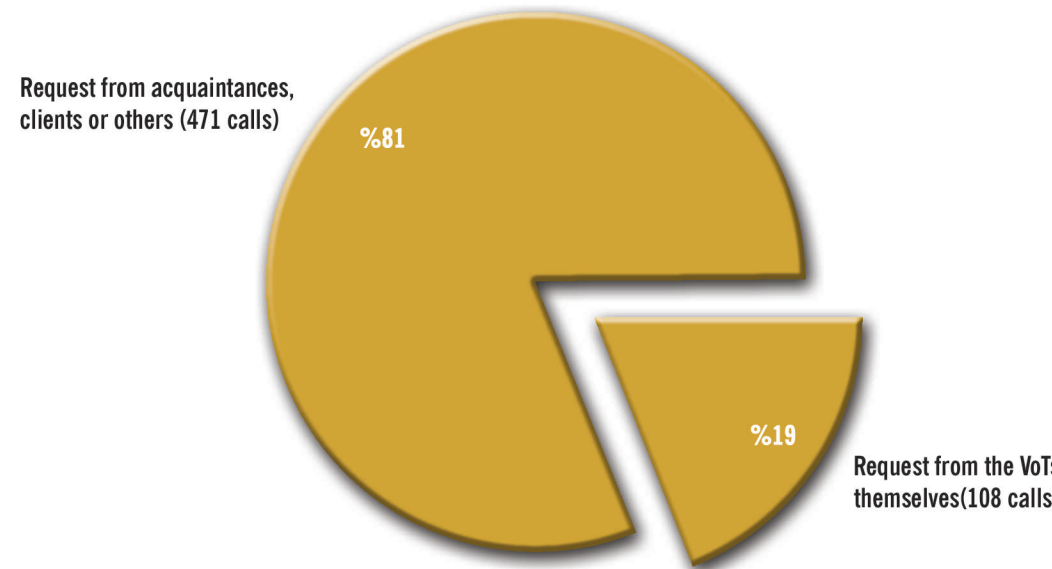


Diagram 5

3

Protection

Protection

In Turkey, 239, 256 and 246 trafficked persons were identified by law enforcement agencies in 2004, 2005 and 2006 respectively. When identifying and protecting trafficked persons, national legislation and international best practices are taken into consideration as are the United Nations Convention against Transnational Organized Crime, its supplement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the 2002 Brussels Declaration and the Stability Pact documents.

3.1. Identification of Trafficked Persons

Several activities including awareness rising and trainings for law enforcement agencies are being undertaken in order to improve the process of identifying trafficked persons and combat human trafficking more efficiently.

During intervention in prostitution cases, it is always considered a possibility that a given individual could be a trafficked person, and this dimension is investigated in every case. Also, efforts to identify trafficked persons are informed by the results of other law enforcement activities, such as those obtained through communications monitoring and technical surveillance. These are then used to build cases regardless of complaints made by individuals.

After completing an initial screening procedure, law enforcement officers send potentially trafficked persons to the Foreigners' Department in the province where the incident has taken place. The process of identifying trafficked persons is completed after finalization of interviews with the trafficked persons by trained staff, an attorney and a psychologist as required, together with any other necessary work and coordinating relevant documents with the Foreigners, Borders, and Asylum Departments of the Directorate General of Security. The Foreigners' Department in the city where the trafficked person is identified then contacts the liaison officers of the Foreigners' Departments of the Directorates of Security in Ankara and Istanbul to place the trafficked person in one of the shelters. They are then delivered to the liaison officers in Istanbul or Ankara by security officers. Following this stage, officials of respective NGO's operating the shelters then take over responsibility for the trafficked persons.

Minors (those below the age of eighteen) are considered trafficked persons even when no intermediary actions relating to the crime of human trafficking have been committed in cases where they are procured, abducted, transported or transferred, or in cases where they are harbored with the intention of subjecting them to forced labor or service, to slavery or other similar practices, or for the intention of removal of their organs by means of securing consent by use of threat, force, coercion, violence or the abuse of authority, or through deceit, or the abuse of vulnerabilities and desperations as described in Article 80 of the Turkish Penal Code.

The Ministry of Interior gives foreigners identified as trafficked persons a trafficked person identification document, valid for a period of 1 month, allowing them a grace period to consider cooperation with authorities to provide information that may lead to prosecution.¹

¹ One development has seen foreigners, particularly those from former Eastern Block countries, who have attempted to take advantage of the benefits available to the victims of human trafficking (e.g. residence permits and state benefit), even though they themselves are not trafficked persons. Another trend has seen trafficked persons who have been repatriated become repeat victims.

3.2. National Referral Mechanism

A national directing mechanism has been established in Turkey to meet three main aims: to protect and meet the needs of trafficked persons, to co-ordinate counter human trafficking efforts with the countries of origin and to prosecute those responsible.

Participating in this mechanism are national law enforcement agencies, non-governmental organizations, Turkish and foreign embassies and IOM (see diagram 6, page 35). The system is designed to ensure effective and expedient coordination of the major stakeholders involved in combating human trafficking and providing assistance to trafficked persons.

Of the 246 trafficked persons identified in Turkey in 2006 the majority was between aged 18 to 24 years old, mainly had a secondary school education, had encountered social and economical problems in their countries of origin and was seeking a brighter future overseas. In so doing, these individuals were often vulnerable to abuse.

When we consider the fact that all trafficked persons assisted by IOM to return to their home countries safely in 2006 were women and that 40% of them were mothers, it becomes clear that the trauma they experience affects not only the trafficked persons but also their families and particularly their children. Crimes committed in human trafficking are extensive while individuals and their families who are exposed to international violations of human rights face many social and physical problems both during and after the exploitation process. Social taboos in the countries of origin often make it very difficult for the trafficked persons to reintegrate back into society and cause them to be ostracized.

3.3. Assistance Provided to Trafficked Persons

Trafficked persons are often subjected to psychological and physical exploitation, primarily sexual exploitation, as soon as they become involved in the human trafficking networks. This violence and pressure causes trauma in the lives of the trafficked persons, which is very difficult to recover. Legal and administrative arrangements have been made to provide free medical and legal assistance to reduce the impact of this trauma and to prevent them from expulsion due to their illegal status. Trafficked persons are returned to their countries of origin voluntarily after they have been provided with necessary medical and psychological support.

In addition, through the cooperation among Ministry of Interior, Department of Foreigners, Borders and Asylum and Ministry of Foreign Affairs, IOM and non-governmental organizations (including the Human Resource Development Foundation and the Women's Solidarity Foundation) have co-operated to assist trafficked persons in Turkey to retrieve the legal documentation from the representative of trafficked person's country of origin.

No trafficked persons with illegal status have been expelled from Turkey. Much attention and care is exercised on this issue. Under the Council of Ministers' Resolution dated 05 December 2003 and numbered 2003/6565 regarding physical and mental treatment of the trafficked persons, trafficked persons requiring medical attention are provided with free health services from state health institutions and organizations. A total of 155 trafficked persons in shelters in Ankara and Istanbul benefited from this service in 2006. The examination, testing and treatment costs of these trafficked persons are covered by the budget of the Ministry of Health.

The Prime Ministry Social Solidarity and Aid Foundation provides shelters with financial aid and has provided assistance to asylum seekers, illegal migrants and trafficked persons with foreign nationalities.²

The process of taking statements interviews and/or cross examinations from trafficked persons is performed in the presence of a psychologist and/or social services specialist in order to minimize any additional distress. Care is taken to assign casually dressed female staff trained in treating trafficked persons, during the administrative (including sending individuals to shelters and assisting their safe and voluntary return to their home countries) and judicial process. Following the rehabilitation process in the shelters, the trafficked persons are taken to airports for the safe and voluntary return to their home countries by officials from respective shelters and IOM under the national directing system (See diagram 6, page 35). The return to the home countries of the trafficked persons who do not want assistance is undertaken by law enforcement agencies. Immigration officials assist the process.

To ensure the safe return of trafficked persons to their home countries, measures are taken to prevent trafficked person from being disturbed by the media. The trafficked person is not required to complete normal customs and check-in procedures. They are charged no fees and are exempted from long-term entry bans. Officials in their country of origin assist their arrival and take the necessary measures to protect them.

Although all necessary measures are taken for the safe return of trafficked persons, and although authorities in the countries of origin are informed through appropriate channels, the whereabouts of a trafficked person upon returning to her home country is mostly unknown. In order to rectify this problem, the Ministry of Interior and IOM are working together with the countries of origin to develop a strategy that will eliminate this problem.

Since 2004, a total of 35 trafficked persons have been granted humanitarian visas which are additional temporary residence permits provided to ensure the medical and psychological support and treatment of trafficked persons.

² A total of 2.213.569,00 YTL has been provided under the Social Risk Mitigation Project supported by the World Bank.

3.4. Activities of Shelters

3.4.1. Counter Trafficking Activities Conducted by the Human Resource Development Foundation (HRDF) in 2006

In 2003, the Human Resource Development Foundation initiated the Programme for Combating Human Trafficking and signed protocols for cooperation in combating human trafficking with the Ministry of Interior, the Directorate General of Security (4 September 2003), the General Command of Gendarmerie (14 June 2004) and the Metropolitan Municipality of Istanbul (29 June 2004). In July 2004, the component for supporting trafficked persons within the Programme for Combating Human Trafficking was launched and in November the first shelter providing services to trafficked persons began its operations.

The Programme for Combating Human Trafficking consists of 3 components:

1. Training;
2. Support for trafficked persons;
3. National and international cooperation and communication through networks

Training

Since 2004 the HRDF has organized training activities and information meetings for law enforcement agencies and other service providers. The training programme, titled Extent and Prevention of Human Trafficking in Turkey and in the World, is implemented by the Ministry of Justice, Directorate General of Security and IOM and is financed by the EU and the British Council. In 2005, three workshops were organized for staff of the Ministry of Justice with the participation of 63 trainees; six workshops were organized for staff of the Directorate General of Security with the participation of 151 trainees; one workshop was organized for officials of the Foreigners, Borders and Asylum Department of the Directorate General of Security; and an information meeting was organized for the chief physicians of selected hospitals in Istanbul.

HRDF also added a module on human trafficking to the curriculum of a programme providing training to health professionals on violence against women. This was implemented in 2005 and 2006.

Support for Trafficked Persons

Between November 2004 and May 2007, approximately 300 trafficked persons were assisted by the shelter where the HRDF provides accommodation, psychological support and health care services. In 2006, 107 trafficked persons were assisted by the shelter.

Shelter: Four full time shift advisers in Russian, Ukrainian and Georgian languages work in shifts in the two-storey shelter with a capacity of 10 beds. The duties of these consultants include accompanying trafficked persons to the shelter from the police headquarters, taking them to the airport from the shelter, and accompanying them to the airplane. The consultants also ensure that the trafficked persons feel comfortable in the shelter and that they act in accordance with the rules of the shelter. The consultants run the shelter, manage the activities and the budget of the shelter, act as interpreters during the interviews with the psychotherapist and legal adviser, and accompany them to the hospital as needed.

Health Support: Trafficked persons can be treated in state hospitals free of charge in accordance with the circular published pursuant to the Council of Ministers' Resolution adopted in January 2003. Until May 2007, a total of 110 trafficked persons benefited from this service in state hospitals with transfer orders issued by the district governorships.

The HRDF medical coordinator, who conducts general check-ups on all trafficked persons staying in the shelter, can be reached 24 hours a day and seven days a week. The medical coordinator also provides training to shelter staff regularly, especially on sexually transmitted diseases and provides consultancy services to trafficked persons on their health conditions as necessary.

The medical and psychological support, provided with the consent of the patient, is completely compliant with medical ethics and international patients' rights protocols.

Psychological Support: A psychologist interviews each trafficked person upon his or her arrival at the shelter and conducts a psychological assessment. The psychological needs of the trafficked person are determined based on this assessment and consultancy services are provided on ways of coping with problems effectively and lastingly. The psychologist will also refer the trafficked person to a psychiatrist if necessary and sessions with the psychologist will continue until the trafficked person's return to her home country if necessary. The psychologist also supervises shelter staff and organizes group meetings and individual staff interviews. As of today, a total of 4 trafficked persons have been referred to a psychiatrist. However, three did not want to receive psychiatric treatment while one of them was taken to a psychiatry clinic by the psychologist and shelter staff.

3.4.2. Counter Trafficking Activities Conducted by the Women's Solidarity Foundation (WSF) in 2006

In cases where health services need to be continued their return home, HRDF mediates to ensure continuity of the treatment in cooperation with IOM and NGOs in the countries of origin.

Legal Counseling: The shelter provides legal counseling in two stages. Firstly, upon arrival to the shelter, each trafficked person is given a Legal Support Brochure in both Russian and Turkish. The shelter staff, who are trained on this subject, are present while they examine the brochure. Individual legal counseling is provided to those who ask for a private attorney after reading the brochure. This is done on a case-by-case basis, through the representatives of a law firm cooperating with the pro bono with HRDF. In 2006, legal counseling services were provided to 4 trafficked persons.

Social Rehabilitation Activities: Audio-visual equipment provided in the shelter is as follows: 2 PC's, 2 TV sets, a VCR, a music player and a DVD player. Everyone can use this equipment during common-use hours. Furthermore, several activities are undertaken by expert trainers in the shelters in order to support and provide development-opportunities for trafficked persons. These include handcrafts training such as in jewelry design and weaving and also self-defense courses provided by 2 trainers. Activities such as dancing, painting, music, and gymnastics are done under the supervision of consultants.

Cooperation and Communication

HRDF has been carrying out studies on developing national and international communication, information exchange and cooperation in the field of combating human trafficking since 2003. It has also been a member of a communication network that includes Eastern European and Southeastern European countries since 2005. This communication network, called ARIADNE, is implementing numerous projects. A book containing the reports, prepared in English by the member countries, was published in 2006 and will be printed in Turkish shortly and shared with the respective institutions.

In November 2005, the shelter for trafficked persons operated by the Women's Solidarity Foundation in Ankara admitted its first trafficked person. Since then the shelter has served a total of 111 women and in 2006 83 trafficked persons were assisted. The average age of trafficked persons assisted is 23, with the range of ages being between 15 to 38. Children of those trafficked are not included in these figures.

The shelter is run by a women-only team and consists of a coordinator, responsible for ensuring coordination between the shelter and respective institutions, an administrator, a social services specialist, a psychological counselor, a part time clinical psychologist, a medical doctor who does medical check-ups twice a week, two attorneys and 5 part time interpreters who are fluent in Turkish, Russian, Romanian and English.

The shelter, located at an undisclosed address in Ankara, has a capacity for 12 women. This shelter space, allocated by the Metropolitan Municipality of Ankara for this purpose, was furnished in a way to meet the needs of the trafficked persons. Natural gas, water and maintenance costs are covered by the Metropolitan Municipality of Ankara while basic needs are met free of charge. In addition, some pocket money is given to the trafficked persons every week to meet their personal needs.

Trafficked persons are also exempt from treatment costs in hospitals in accordance with the circular published pursuant to the Council of Ministers' Resolution adopted in 2003. They are treated as inpatients or outpatients depending on their health condition. Furthermore, the medical doctor visiting the shelter twice every week performs check-ups upon request of the trafficked persons. In 2006, 75 of the 83 women admitted to the shelter received free medical support.

Private psychological support is also provided in the shelter through private interviews conducted by a specialist psychologist while group therapy is conducted under the supervision of the psychological counselor and a social services specialist. In 2006, 58 of the 83 women admitted to the shelter received free psychological support whereas 3 received free psychiatric support.

The voluntary attorney of the Women's Solidarity Foundation provides trafficked persons with consultancy services on judicial procedures. In 2006, 36 of the 83 women admitted to the shelter received these legal consultancy services.

Under the supervision of the social services specialist, trafficked persons participate in group studies such as drama, painting, dancing, gymnastics, wood painting, weaving, Turkish, English, Russian, and Romanian lessons (where they may also lecture) as well as computer and jewelry design courses.

Trafficked persons are accompanied by shelter staff to hospitals or other institutions, as required, to ensure their safety until they return to their home countries. The trafficked persons' safe and voluntary return to their home countries is ensured through the coordination between WSF, the Ministry of Interior and the International Organization for Migration. WSF is currently preparing a brochure that will enable trafficked persons to access information about the shelter immediately after they have been identified as trafficked persons. A joint study is currently being undertaken to finalize this brochure.

WSF is also currently preparing a workshop to provide information on human trafficking for approximately 60 women's advisory centers that provide support to victims of domestic violence. This workshop will also aim to help such advisory centers provide consultancy services to trafficked persons throughout Turkey.

3.5. Testimony by Trafficked Persons

Regarding the provision of protection and support during testimony by trafficked persons, great care is taken to ensure their safety and security. Measures are also taken to ensure that they are not compromised or exposed and to ensure that they do not share the same environment with suspects of human trafficking or their accomplices. In case the identification of a suspect is required, confrontation is ensured that the trafficked person is not subjected to any pressure by using mirrored rooms or other technical appropriate facilities. Special measures are taken for trafficked persons who are children in line with the principle of "paramount interest of the child." Pursuant to the provisions of Article 234 of the Code of Criminal Procedure, during investigations an attorney experienced in human trafficking, provided by the Turkish Bar Association, assists trafficked persons who do not have one.

3.6. Supporting Statistical Data

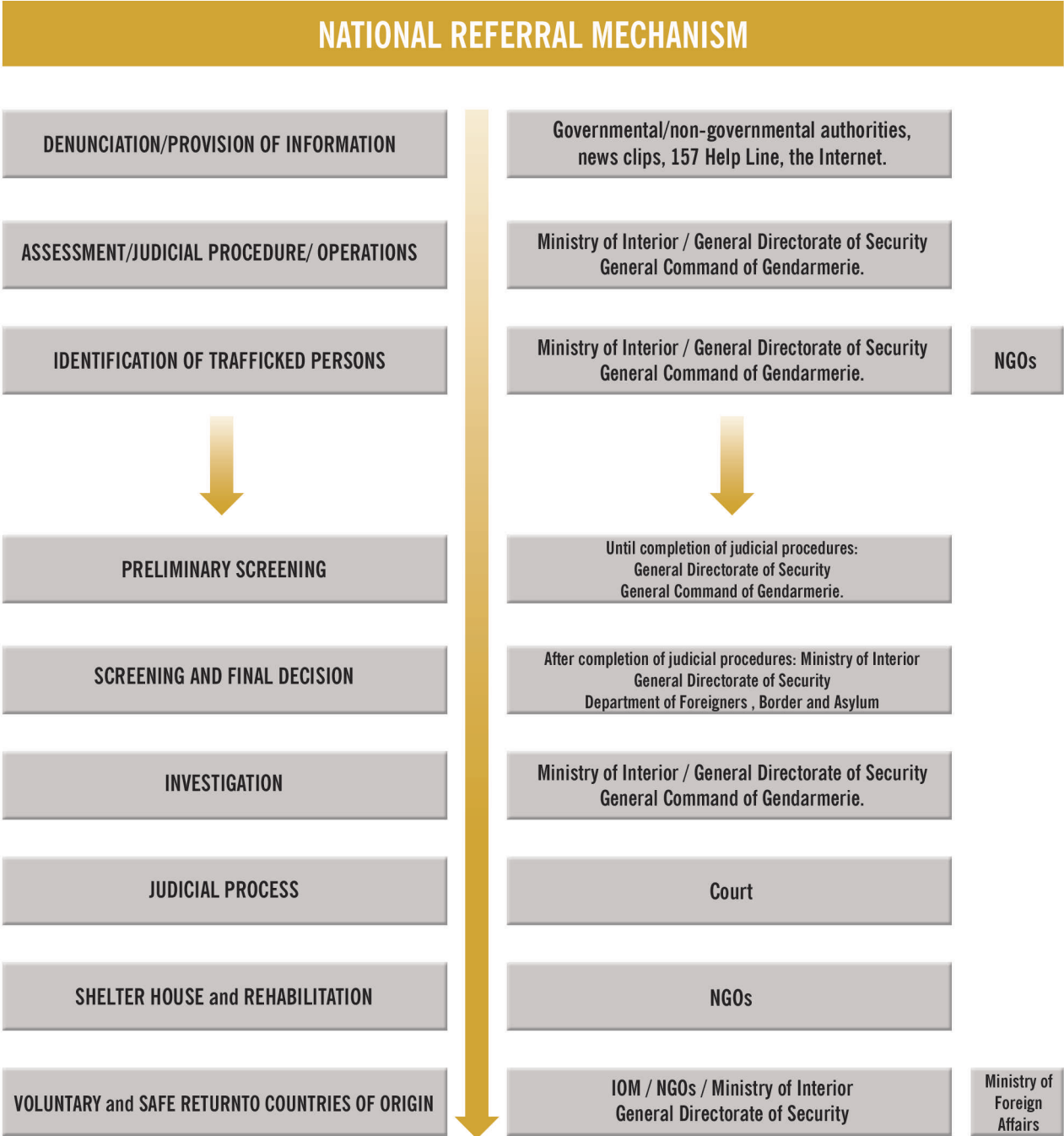


Diagram 6

Number of Trafficked Persons Identified by the Ministry of Interior and Provided with Safe and Voluntary Return by IOM from 2004 to 2006

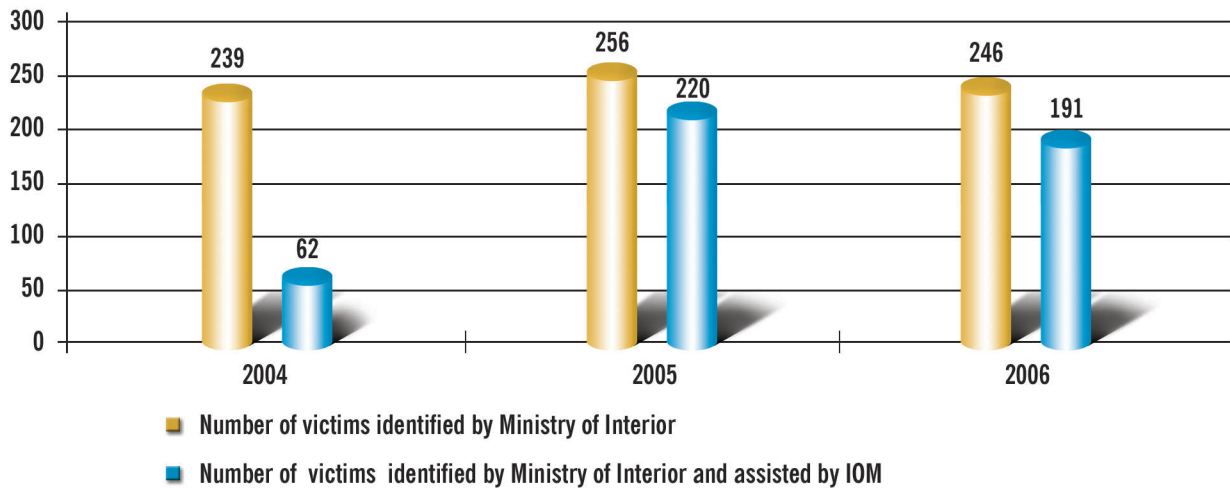


Diagram 7

IOM Turkey provided direct assistance for 473 trafficked persons identified by the Turkish law enforcement agencies between 2004 and 2006 in returning safely to their home countries. Others have either stayed in Turkey through the issuing of humanitarian visas or have been sent back to their countries through embassies or other sources.

Age Profile, 2006

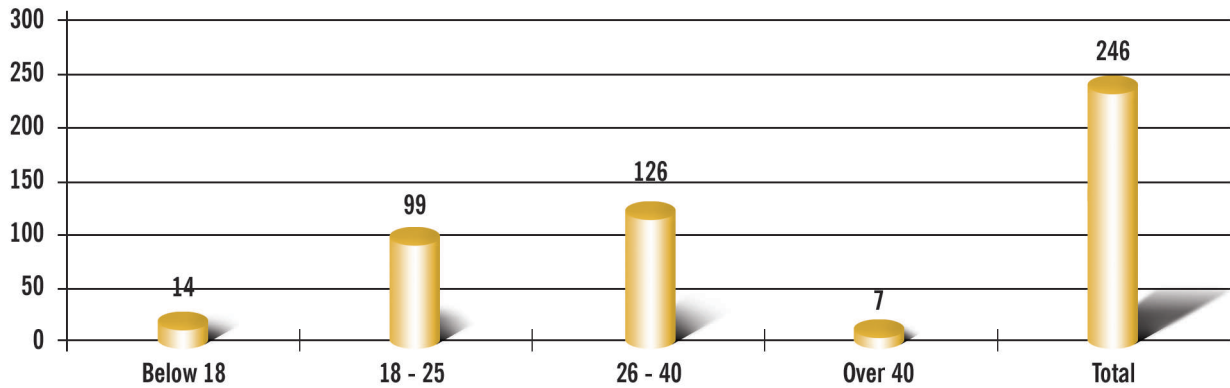


Diagram 8

Education Level, 2006

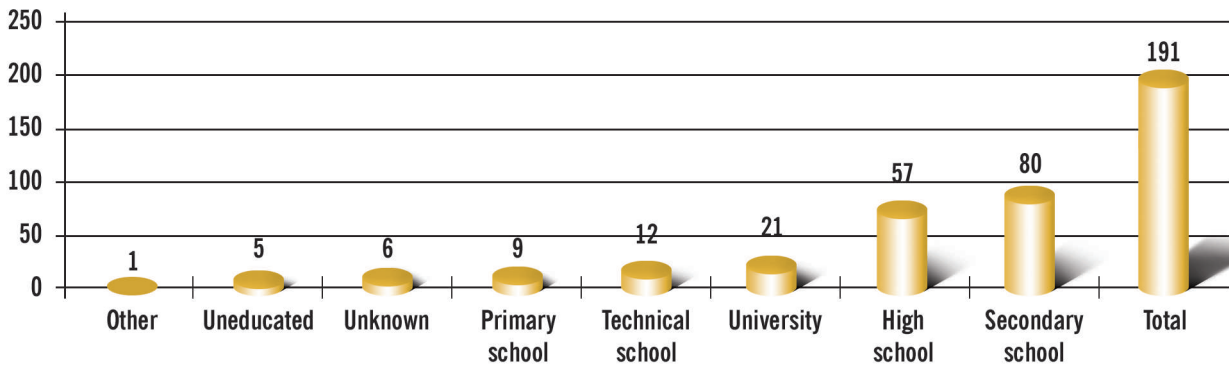


Diagram 9

This diagram is based on 191 trafficked persons who returned to their home countries safely and voluntarily in 2006 through IOM.

Motherhood, 2006

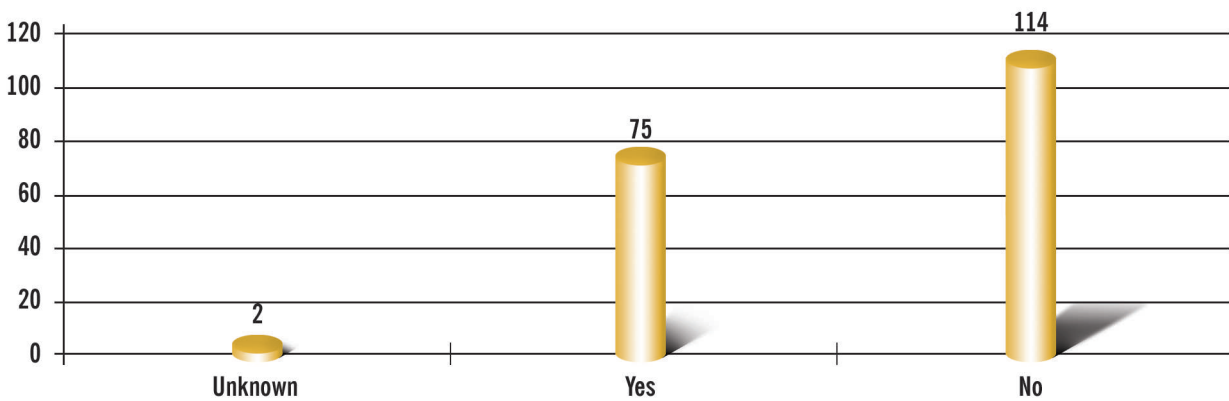


Diagram 10

This diagram is based on 191 trafficked persons who returned to their home countries safely and voluntarily in 2006 through IOM.

Reason for the Trafficked Individual to Come to Turkey, 2006

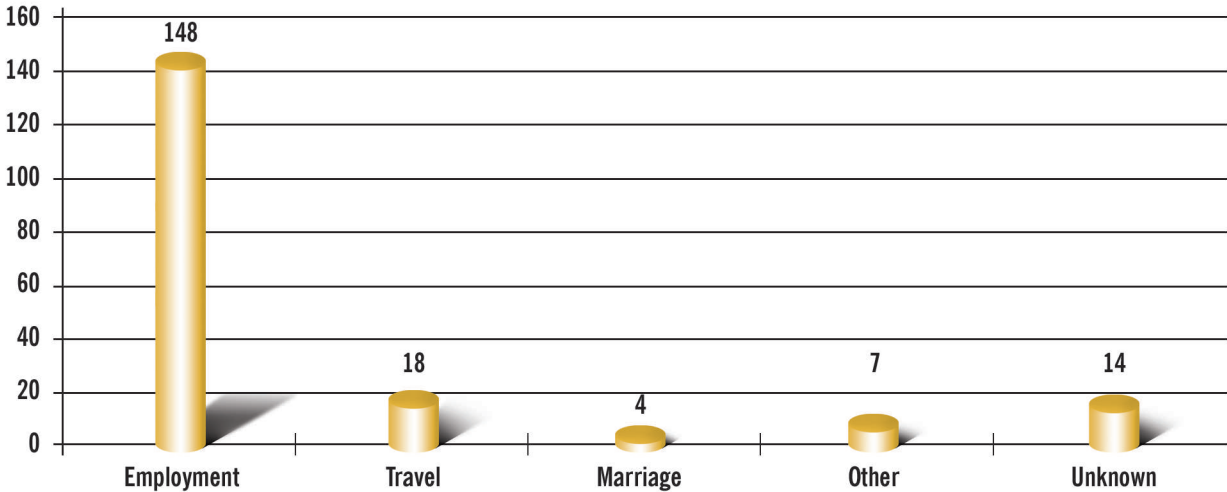


Diagram 11

This diagram is based on 191 trafficked persons of human trafficking who returned to their home countries safely and voluntarily in 2006 through IOM.

Type of Exploitation, 2006

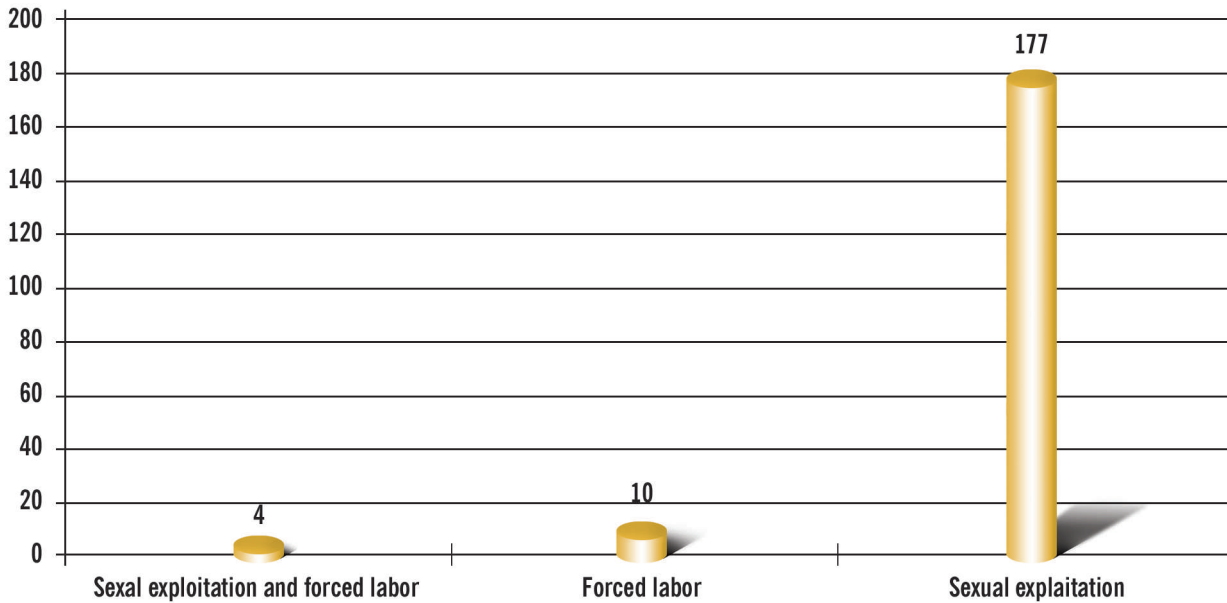


Diagram 12

This diagram is based on 191 trafficked persons who returned to their home countries safely and voluntarily in 2006 through IOM.

The Number of Trafficked Persons State in the Shelters Who were Provided with Health Services by Ministry of Health, 2006

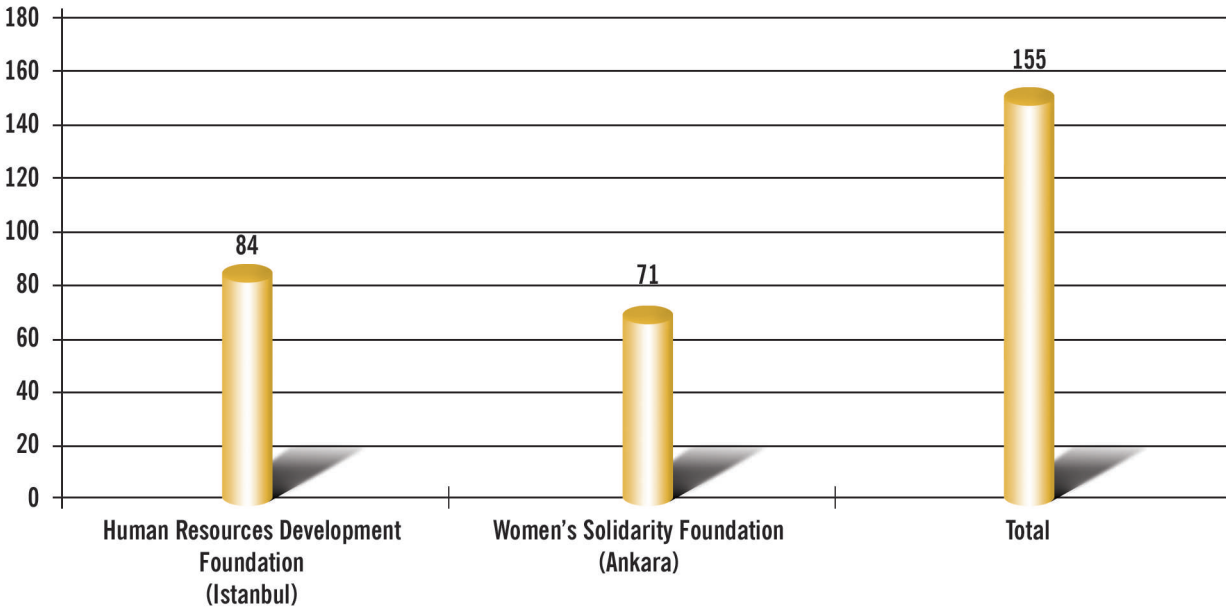


Diagram 13

This diagram is based on 191 trafficked persons who returned to their home countries safely and voluntarily in 2006 through IOM.

4

Legal Framework

4.1. International and National Legislation

The crime of human trafficking is committed by criminal organizations across the region and therefore affects many countries. Effective international co-operation against this crime is therefore essential. Turkey takes all measures for combating human trafficking within the framework of international conventions and plays an active role in establishing operational and diplomatic cooperation.

In this context, the Republic of Turkey is party to the following conventions:

- The United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol Against Smuggling of Migrants by Land, Air and Sea;
- The United Nations Convention on the Rights of the Child;
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
- The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- The International Labor Organization (ILO) Forced Labor Convention No. 29, the Abolition of Forced Labor Convention No. 105, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, No. 182;
- The International Convention on the Protection of the rights of All Migrant Workers and Members of Their Families.

Turkey has made necessary legal arrangements in its domestic law to fulfill international obligations and for the first time with Article 201/b added to the Turkish Penal Code Numbered 765 with the Law Numbered 4771, sanctions are applied to the crime of human trafficking.

In Article 80 of the Turkish Penal Code numbered 5237, which came into effect on 1 June 2005, the following is stipulated regarding the crime of human trafficking: “Those who provide, abduct, transport or transfer from one place to another, or harbor persons with the intention of subjecting them to forced labor or service, or subjecting them to slavery or other similar practices, or for the intention of removal of the person’s organs, by means of securing the consents of such persons by use of threat, force, coercion or violence, of abuse of authority, of deceit, or by abusing the vulnerabilities and desperations of such persons shall be sentenced to eight to twelve years of imprisonment and an administrative fine corresponding to not less than ten thousand days”. On the other hand, in cases where minors are procured, abducted, transported, or transferred or harbored with the intentions specified here above, the penalties foreseen here above shall still be applied to the perpetrator.

4.2. International Cooperation

Turkey plays an active role in many international cooperation platforms such as the United Nations Office on Drugs and Crime (UNODC), the Organization for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organization (NATO), the European Union, the Council of Europe, the Southeast European Cooperative Initiative (SECI), the Stability Pact Task Force on Trafficking in Human Beings, the International Centre for Migration Policy Development (ICMPD), the International Organization for Migration (IOM), the Bali Process, and the Black Sea Economic Cooperation (BSEC). UNODC started to implement the Global Program Against Trafficking in Human Beings (GPAT) in March 1999 in cooperation with the United Nations Interregional Crime and Justice Research Institute (UNICRI). Turkey has made a total voluntary contribution of 75.000 USD dollars to GPAT, with 25.000 USD given in 2004, 2005 and 2006. Meanwhile, the process for Turkey's being a party to the European Council Convention on the Struggle against Human Trafficking is ongoing.

Combating human trafficking, particularly by means of law enforcement, is only possible through the cooperation and decisiveness of authorities in the countries of origin and destination, beyond unilateral efforts. In this context, Turkey has signed and implemented Security Cooperation Treaties with 57 countries stipulating cooperation in fighting against organized crime and terrorism.

Furthermore, bilateral cooperation protocols have been proposed to prospective countries of origin, taking the importance of the crime of human trafficking into consideration. They include:

- The Memorandum of Understanding between the Ministry of Interior of the Republic of Turkey and the Ministry of Internal Affairs of the Republic of the Belarus on Cooperation in the Field of Combating Trafficking in Human Beings and Illegal Migration, signed on 28 July 2004;
- The Protocol Between the Republic of Turkey and Georgia on the Implementation of the Ninth Article of the Agreement on Fighting Terrorism, Organized Crime and Other Important Crimes between the Republic of Turkey, Georgia and the Republic of Azerbaijan, signed on 10 March 2005;
- The Additional protocol on the Implementation of Article 1 on the Cooperation Agreement Against Crime between the Government of the Republic of Turkey and the Government of Ukraine, signed on 07 June 2005;
- The Protocol between the Government of the Republic of Turkey and the Government of the Republic of Moldova on the Cooperation in the Field of Trafficking in Human Beings in the Framework of the Agreement on Fighting Against International Illicit Drug Trafficking, International Terrorism and Other Organized Crime, signed on 8 February 2006;
- The Additional Protocol on Cooperation in the Field of Trafficking in Human Beings, signed with Kyrgyzstan on 5 September 2006.

These protocols are implemented effectively, particularly with Moldova, Ukraine and Belarus, through the provision of information to authorities in the countries of origin about trafficked persons who have been returned to their home countries safely and voluntarily. Communication is done through fax messages or telephone calls with the country of origin to prevent the victims to be re trafficked.

Since “forced prostitution” was not included in this legal arrangement, it does not comply with the Palermo Protocol. Thus, an amendment was made in Article 80 of the Turkish Penal Code (TPC) numbered 5237 on 19 December 2006, which includes the term “forced prostitution” within the scope of the crime of human trafficking, rendering the legal arrangement compliant with the Palermo Protocol. Furthermore, a provision was added to Article 80 for punishing “perpetrators bringing persons into the country or taking them out of the country by means of securing the consents of such persons.” Trainings are foreseen for the public prosecutors and judges to ensure effective implementation of the amendment to Article 80 of the TPC.

As an additional step in combating human trafficking, the crime of human trafficking committed within the scope of activities of a terrorist organization for the purposes stipulated in Article 1 of the Law is considered a terror crime through an amendment in Article 4 of the Prevention of Terrorism Act titled Crimes Committed for Terrorism Purposes on 29 June 2006, numbered 5523.

Several provisions have been integrated to the new Code of Criminal Procedure number 5271 regarding protection measures to be taken and the investigation and prosecution methods to be implemented in combating this crime. Articles that may be used in the investigation of human trafficking include stipulations such as the Seizure of Immovable Properties, Rights and Receivables, pursuant to Article 128 under the Code of Criminal procedure (CCP) and subsequent articles, the Supervision of Communication via means of Telecommunication pursuant to Article 135 and subsequent articles, and the Surveillance by Secret Investigators and Technical Devices pursuant to Article 139 and also subsequent articles. On the other hand, provisions allowing special investigation and prosecution methods in combating human trafficking that has been committed by using force and threat within the framework of an organization established for the purpose of gaining unjust economic benefits are included in Article 250-252 of the Code of Criminal Procedure.

Actions of laundering proceeds from crimes are sanctioned in Article 282 of the Turkish Penal Code. Arrangements for preventing criminal organizations from doing this are included in the Law on Preventing Laundering Proceeds from Crime number 5549, effective since 18 October 2006.

Pursuant to Articles 12 and 13 of the Law on Probation and Aftercare Centers and Protection Boards numbered 5402, the local directorates of probation have been assigned the duty of providing consultancy services in resolving psychological, social, and economical problems incurred by persons who have suffered from crime, and to assist such persons as necessary.

4.3. Enforcement

For crimes related to human trafficking, 227, 379 and 422 persons of Turkish and foreign nationality were captured and prosecuted in 2004, 2005 and 2006 respectively. In 2006, 156 of the 422 persons were arrested after following the initial prosecution; and 127 of them were released pending trial. The nationalities of the persons prosecuted in 2006 were as follows:

Turkish: 375, Azerbaijani: 7, Georgian: 3, Kyrgyzstani: 5, Moldovan: 12, Uzbekistani: 5, Russian: 10, Turkmenistani: 1, Ukrainian: 4

4.3.1. Counter Trafficking Manual

The Counter-Trafficking Manual published by the Ministry of Interior in 2006 includes the following measures in the investigation of the crime:

- a) Strictly follows the principle of confidentiality, considering the fact that operations undertaken by law enforcement agencies within the scope of combating prostitution and human trafficking are closely monitored by persons involved in these kinds of activities (i.e. hotel owners, procurers and traffickers) and that those who are held against their will can be transferred to other locations during such operations;
- b) Emphasizes activities such as supervision, listening and recording of communication and surveillance by using technical devices, pursuant to Articles 135 and 140 of the Turkish Penal Code, for the purpose of uncovering the crime and organized criminal structures after receiving denunciations regarding human trafficking in cases where trafficked persons deny that they were subjected to human trafficking;
- c) Takes necessary measures to prevent factors such as threats, blackmail and frightening, which can affect the testimony of trafficked persons during the investigation and evidence gathering stages and attempts to collect material evidence such as passports, pictures, plane tickets, money transfer vouchers, address/telephone books, video cameras and CD's, which could prove that the crime of human trafficking has been committed;
- d) Ensures expedient internal coordination for expanding investigations regarding aspects of location, telephone numbers and accomplices of the traffickers, in line with the information supplied by trafficked persons and other sources of information;
- e) Establishes coordination with countries of origin to share information obtained during investigations regarding international accomplices and their methods in order to investigate international accomplices of the crime;
- f) Strictly follows the principles of confidentiality during judicial and administrative procedures, particularly to prevent disclosure of information regarding trafficked persons to the media;
- g) Assesses denunciations made to the 155 Police Help line, the 156 Gendarmerie Help Line, and the 157 Help Line with utmost care, and undertakes operations expediently after making necessary preparations and ensuring coordination.

4.3.2. Training Activities

Training is ongoing for law enforcement agencies to improve enforcement in combating human trafficking. In 2006, a total of 1150 policemen working in various units related to human trafficking received training on the extent of the crime, internal coordination, directing mechanisms, and identifying and treating trafficked persons. In the same year, a total of 148 Gendarmerie staff received training titled Smuggling and Trafficking Human Beings under the Courses for Combat against Smuggling and Organized Crime.

Furthermore, the Specialist Training Programmes for Migrant Smuggling and Human Trafficking were organized in 2006. Training courses were organized on combating migrant smuggling and human trafficking at the Turkish Academy against Drugs and Organized Crime (TADOC) in cooperation with various countries in order to share the experiences of Turkey in this field with participators from other countries.

4.4. Supporting Statistical Data

Number of Visitors Entering and Leaving Turkey

(NB: Only the citizens of countries that are subject to human trafficking in Turkey are taken into consideration.)*

	Number of visitors to Turkey (2004-2006)	Number of trafficked persons (2004-2006)	Number of persons involved in prostitution (2004-2006)	Ratio of Trafficked persons / prostitution (%)
Azerbaijan	1121122	58	914	6.35
Belarus	225698	10	82	12.2
Armenia	111088	2	97	2.06
Georgia	1150484	32	939	3.41
Kazakhstan	324921	19	65	29.23
Kyrgyzstan	96686	68	380	17.89
The Rep. of Moldova	269177	203	1214	16.72
Uzbekistan	73532	33	173	19.08
Russian Federation	5291875	132	975	13.54
Turkmenistan	109769	16	198	8.08
Ukraine	1113937	139	1084	12.82
Bulgaria	4111464	3	42	7.14
Romania	615173	22	101	21.78
Total	14614926	737	6264	

Diagram 14

As it can be seen from the chart, only a fraction of the foreigners coming from prospective countries of origin were in fact trafficked persons. This fact is very important in analyzing the extent of the crime of human trafficking in Turkey.

Provinces where Trafficked Persons were Identified in Turkey in 2006

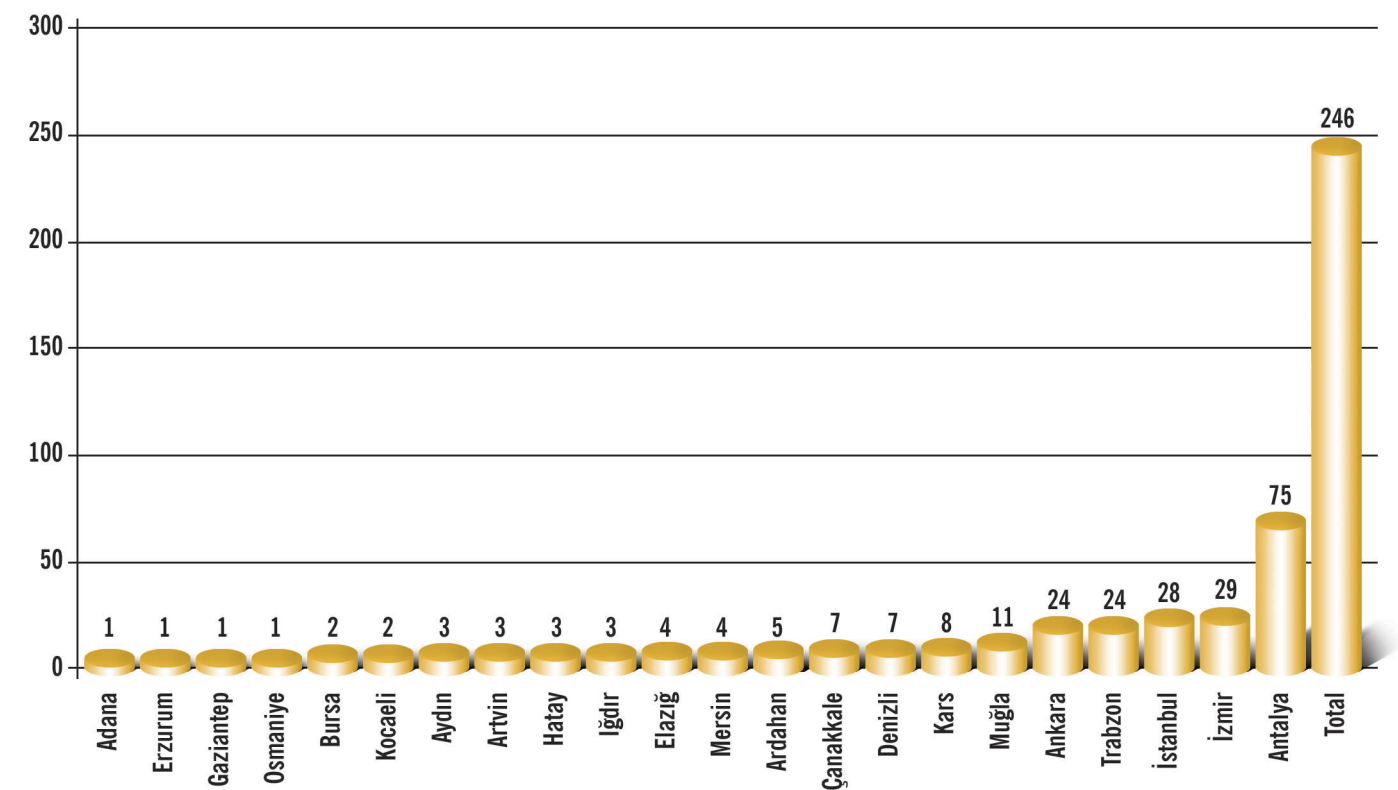


Diagram 15

Provinces where the Majority of Trafficked Individuals were Identified, 2006

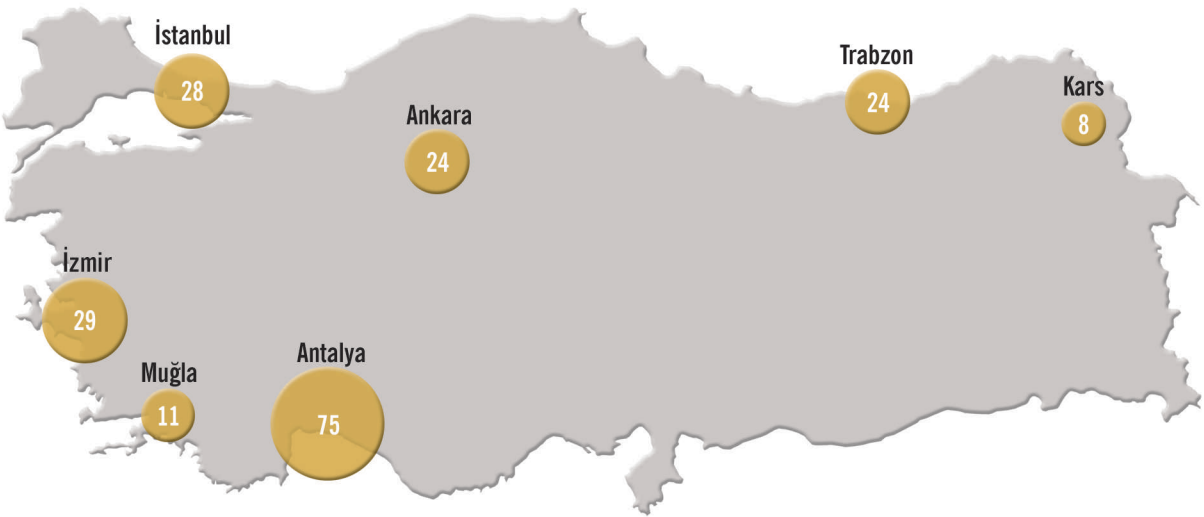


Diagram 16

Number of Persons who were Referred to Cudiciary by Law Enforcement Agencies 2004 to 2006

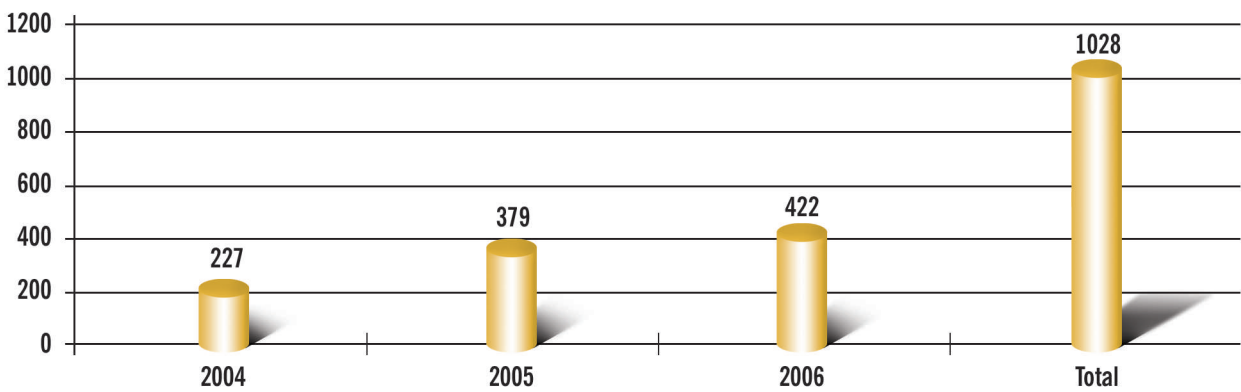


Diagram 17

Nationalities of Persons who were Referred to Cudiciary by Law Enforcement Agencies, 2006

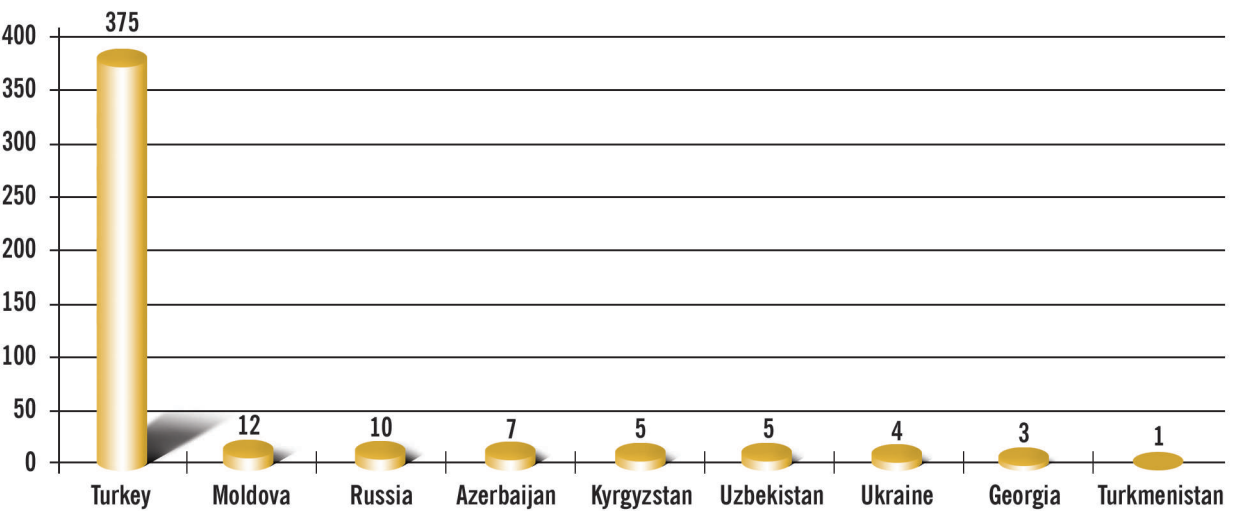


Diagram 18

5

Conclusion

Conclusion

Turkey is now better equipped and more efficient in preventing, detecting and prosecuting human trafficking related crimes and assisting those who have been victims of such crimes.

National counter-trafficking endeavours can only succeed through the collective will and efficient collaboration of countries of origin, transit and destination. With this in mind, Turkey participates in related activities of various international organizations and initiatives, including the OSCE, the Council of Europe and NATO. Turkey also joined IOM as a full member in 2004 and since the beginning of 2006, Turkey also assumed the Chairmanship of the Budapest Process, an important platform for combating migration-related challenges.

The project idea Strengthening the Criminal Justice Response to Trafficking in Persons in the Black Sea (XCE/S45,) to be implemented jointly with UNODC and BSEC Permanent Secretariat, was officially approved in the Extraordinary Assembly of the Council of Ministers of Foreign Affairs at the 15th Anniversary Summit of BSEC in Moscow on 1 November 2006 and it is planned that the project will be initiated this year.

In line with Turkey's willingness to enhance international relations to combat human trafficking, Turkey welcomed a proposal by IOM to set up a sustainable data collection strategy (clearing house) for combating human trafficking within the Black Sea region.

Turkey has also called upon the BSEC member countries to establish durable structures within the organisation in order to consolidate the struggle.

International cooperation against human trafficking must and indeed does go on. This is very much a work in progress and the Turkish Government is fully dedicated to ensuring that this effort succeeds so that people, women and children in particular, no longer suffer from this crime.

For more information:

International Organization for Migration

Phone: +90 312 454 11 52

Fax: +90 312 496 14 95

E-mail: ctturkey@iom.int



Designed by Atıl Kurttekin

www.atilkurttekin.com