

# ASSESSING THE IDENTIFICATION PROCESSES OF TRAFFICKED PERSONS IN TURKEY



IOM International Organization for Migration



**UTSAM**  
INTERNATIONAL CENTER for  
TERRORISM and  
TRANSNATIONAL CRIME



SWEDEN

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# FOREWORD

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The most vulnerable group in the human trafficking is the victims. Thousands of human trafficking victims including men, women and children are faced with forced labor, slavery, removal of organs and forced prostitution. Even in today's modern society, governed by the values of civilization and an education system based on technology, a number of people continue to make a living by exploiting others, cheating and defrauding them and overriding their legal rights. It is a high-priority obligation of the state not only to combat this shameful crime and take necessary measures to prevent it, but also to protect and support its victims.

Lately, Turkey has become a country of interest not only for tourists and foreign investors but also for migrants in search of employment and settlement. Since the beginning of 1990s thousands of foreigners from the former Soviet Union have sought after settlement possibilities in Turkey, a number of them settling in the country for short-term or long-term, finding employment in various sectors and some of them even obtaining citizenship.

Developed regions are not an attraction to foreigners only. Thousands of people have migrated within the country from rural areas to urbanized regions in search for employment. For instance, the urban population in Turkey rose from 19,6 million in the beginning of 1980s to 56,2 million in 2010 (Demir, 2012).

This internal and external mobility holds a number of social, cultural, economic and political advantages for Turkey, such as cultural cohesion and adaptation, economic investments, creating new sources of employment, tourism income, establishment of strong, positive relations among states and social richness created by different groups living together.

On the other hand, such mobility results in the establishment of heterogeneous, multi-national or multi-cultural structures which, in turn, cause an erosion in the rules and norms of a society, thus rendering social control mechanisms ineffective. People who wish to leave their homeland and settle elsewhere for a number of reasons, or those forced to do so, become targets for crime groups who make a living by exploiting others. Human trafficking is an international felony committed by groups taking advantage of such exploitation.

Turkey is mainly a target country in terms of human trafficking. The most common form of human trafficking in Turkey is forced prostitution and some cases of forced labor, where Turkish nationals may become victims as well. "Human Trafficking National Action Plans" adopted in 2003 and expanded in 2009 serve as the basis of "Protection, Prevention and Prosecution" programs and policies to combat and prevent this crime.

Prevention programs actively implemented for more than a decade have centered on the victims of human trafficking. Identification of the victims, their protection, support and voluntary repatriation are commonly used terminology within the framework of the process.

Still, an assessment study has yet to be conducted, regarding the budget and sources allocated to the state policy of combating human trafficking, accomplishments, victims identified, protected and supported, involvement of state institutions and NGOs in the process and success levels of the actions taken. A systematic study has not been conducted, revealing the lessons learned throughout the process, strengths and weaknesses of the policy, difficulties, gaps or shortcomings in the system.

This study aims at assessing the “identification process of human trafficking victims”, an important component of the combat against human trafficking. The inherent objective of this report is not to determine the achievement of people and institutions involved in the process.

Objectives of the report;

- Determining institutions responsible for victim identification process and their duties,
- Explaining legal and administrative grounds for the delicate issue of identification,
- Determining implementation capacity of the administrative and legal infrastructure,
- Determining the authority and duties of security forces in the victim identification process,
- Understanding the collaboration among institutions,
- Determining best practices in implementation,
- Revealing any gaps, shortcomings or difficulties in the system and,
- To come up with suggestions to improve the functioning of human trafficking victim identification process.

The report is comprised of four sections. The first section focuses on the research method, data sources, classification and analysis of gathered data. The second section summarizes information found in the literature as well as national and international reports, regarding current/ideal processes in human trafficking victim identification.

Research findings are systematically presented in the third section. From first encounter with the victims to procedures followed by law enforcement authorities, legal process, role of the NGOs, protection and return procedures, all stages of the identification process are addressed in detail in this section. The last section of the report offers a SWOT analysis of the process and delivers suggestions towards a more efficient system.

This study, aiming to improve Turkey’s current capacity to combat human trafficking has been coordinated by the International Organization for Migration (IOM) Ankara Mission and conducted by the Police Academy, International Center for Terrorism and Transnational Crime (UTSAM).

This document is in no way of binding nature to persons or institutions. As explained above, it is a study conducted with the purpose of providing guidance to decision makers, policy makers and implementing institutions in the field of human trafficking. We sincerely hope that identified traits and suggestions will contribute to improving the implementation of policies regarding human trafficking.

**SECTION 1:  
METHOD**

This research is a “process assessment” study, analyzing human trafficking identification process. Process assessment in public policy covers the analysis of all stages of implementation as well as the impact of all related actors, direct or indirect. Process assessment aims at explaining the systematic relationship between policies and their impacts, reflections in implementation and functions. Factors involved in achievement/failure of policies along with deviations in implementation are discussed (Schmidt, 1996). Referred to as “process model” in the literature, this technique of analysis is used for the gradual assessment of the process. The main goal behind process assessment is to fully understand it in detail, feed the decision making process with quality information (Demirci and Çevik, 2008) as well as assist in the determination of existing problems and developing effective solutions.

The first stage of process assessment is determining the problem resulting from the implementations of a government (Dye, 1987) and/or the need for a new policy. The next step involves formulation of all cases/conditions to meet the requirements or resolve the problem, followed by the steps of legislation, implementation and finally measuring the success in achieving the goal. Process assessment model analyzes each and every stage mentioned above, to better understand public policies (Lasswell, 1956). In short, process assessment model can be defined as identification of issues or needs by the actors involved, developing suggestions, determining the most appropriate suggestion for legislation, monitoring its implementation and measuring its success (Sabatier, 1999).

Such process assessment studies offer systematic process alternatives in addition to providing decision makers with quality information (Akgül and Kaptı, 2010). The biggest strength of the process model is that it clearly defines mandate for governmental and non-governmental organizations involved in all stages of public policy, while its weakest area lies in not taking into account political impacts and environmental issues for each stage (Demirci and Çevik, 2008).

Human trafficking is a transnational crime that involves a great number of victims. Authorized bodies combating this crime and governing the decision making process for prevention of it are also expected to protect victims of this crime and coordinate efforts to enable them to lead a normal life through rehabilitation. Hence, certain administrative measures need to be taken and essential support services must be provided so that victims will not continue to suffer throughout the legal procedures.

Within the scope of this assessment study, national and international documents and legal framework regarding victim identification process have been screened. Legal and administrative rights granted to victims, management of victim identification process, issues to focus on throughout the process and data regarding identified victims in the past were analyzed. An assessment form has been prepared for each stage of the process. Questions stated in the form center around the identification process of the victim prior to, during and following the operation by security forces, the role of judicial bodies, contribution or role of NGOs, victims themselves and other parties that may be involved in the process.



A field study including 6 provinces was designed to understand methods used in the enforcement of human trafficking victim identification, issues, best practices, problems and expectations pertaining to the process. Within the scope of this study, officials and volunteers actively working for official/ non-governmental organizations combating human trafficking were interviewed face to face in Antalya, İstanbul, Trabzon, Rize, Artvin and Ankara, where majority of human trafficking cases are reported.

During the field study in Antalya, we have interviewed specialists at General Directorate of Security Department of Public Order, Counter-Narcotics and Organized Crime Department (KOM) and Department of Foreigners. We have also held a focus group meeting with the chairman and members of Family Consultants Association, an NGO in support of combating human trafficking in charge of the shelter in Antalya.

The second field study was held in İstanbul. Officials of İstanbul Provincial Office of Security Departments of Public Order, Financial Crimes, Foreigners, and Minors along with officials of Kumkapı Detention Center have been interviewed. Kumkapı Detention Center has been visited for observation. Then, officials of IOM İstanbul Office and Human Resources Development Foundation (İKGV), in charge of the İstanbul shelter, were interviewed.

Thirdly, officials from Trabzon Provincial Security Office, Counter-Narcotics and Organized Crime Department (KOM), Departments of Public Order and Foreigners were interviewed, along with a public prosecutor involved in the combat against human trafficking. In Rize, officials from Rize Provincial Security Office, Departments of Public Order, Counter-Narcotics and Organized Crime Department (KOM) and Foreigners were interviewed.

In Artvin, officials from Hopa District Security Office Department of Counter-Narcotics and Organized Crime Department (KOM) were interviewed. Sarp Border Gate was visited for observation and the officials working at the border were interviewed. The Georgian side of the border crossing was observed. An IOM official working at a desk established with the purpose of identifying victims of human trafficking among deported foreigners was also interviewed.

In Ankara, interviews were held at Ankara Provincial Security Office Departments of Public Order, Counter-Narcotics and Organized Crime Department (KOM) and Foreigners as well as a public prosecutor involved in the process and representative of a shelter run by an NGO. Finally, with the purpose of filling in any gaps in the study and clarifying some issues, officials working at related departments of General Directorate of Security were contacted for their views and ideas.

As a result, a total of 49 officials directly or indirectly involved in the human trafficking victim identification process were interviewed face to face (Table 1).

**Table 1- Distribution of Officials Interviewed in Field Studies, by Office**

	<b>Antalya</b>	<b>İstanbul</b>	<b>Trabzon</b>	<b>Rize</b>	<b>Artvin</b>	<b>Ankara</b>
Division of Public Order	1	3	3	3	2	3
Division of Anti-Smuggling and Organized Crime	2	1	1	2	2	2
Division of Foreigners	3	3	3	1	-	2
Division of Minors	-	2	-	-	-	-
NGO	3	2	-	-	-	1
International Organization for Migration (IOM)	-	2	-	-	-	-
Public Prosecutor	-	-	1	-	-	1
<b>TOTAL</b>	<b>9</b>	<b>13</b>	<b>8</b>	<b>6</b>	<b>4</b>	<b>9</b>

Officials were first contacted by phone to set an appropriate date and time for the interviews. Duration of the interviews ranged between 30 minutes to 4 hours. Voice recording was avoided for the ease of the participants. Notes, taken instead, were later digitalized. It was observed during the interviews that participants were eager to share views and information they had regarding human trafficking victim identification.

Data collected via interviews were systematically analyzed and categorized into subtitles defined in Section 3, for SWOT analysis, a method first used by Albert Humphrey in the 1960s, which is especially efficient in project, management and process applications. To summarize, this method involves a four stage assessment of an application, namely Strengths - S, Weaknesses - W, Opportunities - O and Threats - T.

**SECTION 2:  
HUMAN TRAFFICKING VICTIM  
IDENTIFICATION PROCESS**

## LEGAL AND SOCIOLOGICAL BASIS OF HUMAN TRAFFICKING

Unfortunately, the world history is abundant with stories of people who have been enslaved or exploited as a result of their race, color, gender, age or deprivation by malicious groups wanting to take advantage of their state of destitution. Especially, the processes of industrialization, urbanization and globalization have made such destitution more apparent.

The number of 12,3 million victims of human trafficking in the world, as per International Labor Organization (ILO) 2005 forecast, has gone up to 20,9 million in 2012. It is estimated that 55% of this number is comprised of forced employment of girls and women, 98% of which involves sexual abuse and forced prostitution. Furthermore, it is stated that sexual abuse has notably increased compared to previous years and stands out as the major issue in victimization (ILO, 2012). More concrete data have been included in the US Human Trafficking reports, where the number of victims have gone from 30,961 in 2008 to 41,120 in 2012 (USDOS, 2012).

What is meant by the term “human trafficking”? Human trafficking involves forced labor or servitude, sexual abuse by means of forced prostitution, abuse of human rights and/or freedom or exploitation of organs and tissues of an individual. Other acts of human trafficking include forcing an individual into debt, slavery, marriage, housekeeping or guarding services, child abduction and forcing minors into military service (Hughes, 2000). As human trafficking concept of the modern world involves a wide range of exploitation and types of abuse, it is not possible to talk of a “typical” case (ICMPD, 2006). Numerous acts of threatening, pressure, violence and adulteration could be used in human trafficking, which is perceived as a crime against humanity for bearing international and multilateral issues causing great losses both materially (physical and financial) and morally (psychological).

Human trafficking is a crime that threatens multiple aspects of life. Hansen (2000) states that response to such threats can be assessed from two angles. The first one, focusing on the individual and society deals with social services, human rights, secured migration policies, protection of workers and problems of women working in the prostitution sector. The second approaches human trafficking as a threat against state security. Human trafficking is not only a shameful crime against humanity, but also a crime threatening national and international security. Studies based on this approach focus on border security, migration control policies and the need for international collaboration. This

threat becomes more apparent in border controls and national security. Hence, illegal migration and its underlying reasons are indicated as the onset of human trafficking. The truth revealed by this approach is that human trafficking has adverse impacts on societies. For this reason, combating this transnational crime against humanity largely relies on collaboration to be established on international platforms.

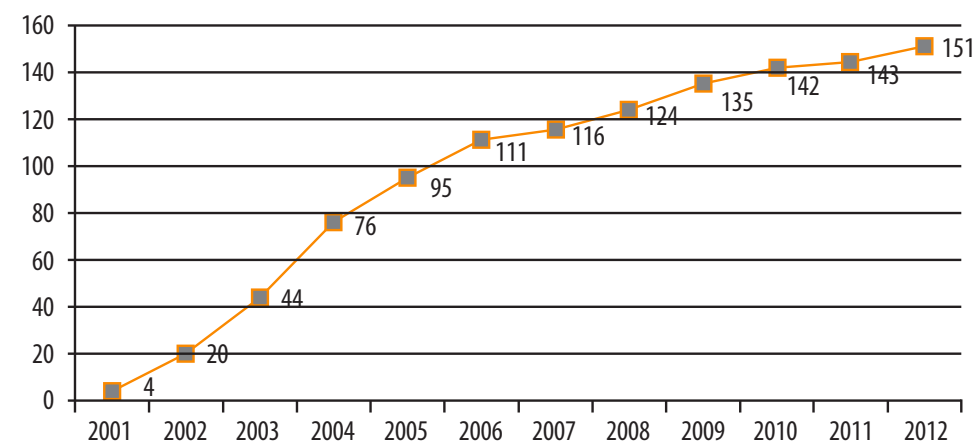
Human trafficking mostly takes place in the prostitution sector, where organized crime has lately been on the rise (Jahic and Finckenauer, 2005: 26). Women who get abducted for the purpose of forced prostitution, who are forced or deceived by false promises into sexual exploitation, are the most common victims of human trafficking. These victims are generally deceived by false promises of better life standards or are taken advantage of due to their state of desperation. Prevalence of this type of exploitation causes human trafficking to be perceived as a crime with sexual connotations. Nevertheless, this does not take away the fact that men can also be victims, because human traffickers target men of all ages just as much as women (ICMPD, 2006: 15).

The first international steps taken towards combating human trafficking are the 1904 and 1910 collaboration agreements signed by European countries to prevent white slave trafficking. These agreements aimed at combating the sale of women by force or through deceit (Özer, 2012). The 1921 and 1933 League of Nations agreements regarding women and children followed by the 1949 United Nations agreement prohibiting human trafficking and sexual exploitation are some of the leading achievements focusing attention on the issue on an international level (Lobasz, 2009: 324).

Still, in the years to follow, the issue of human trafficking lost much of the initial attention and it took a great deal of effort by international organizations, NGOs, human rights activists and various feminist groups to bring the issue up on the international agenda again in 2000s.

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime was the result of this effort. Also known as the UN Palermo Protocol, this document was opened for the signature aiming to achieve a consensus among member states. The Protocol has certainly made significant contributions to raising international awareness regarding human trafficking and its victims (Demir and Küçükuysal, 2011).

**Graph 1: Number of Member States Party to UN Palermo Human Trafficking Protocol, by Year**



As of 14 August 2012, the number of signatory states to the Human Trafficking Protocol is 117. Thirty-Four non-signatory states have declared to be parties to it, totaling 151 party states. In addition 10 states that have signed the Protocol but have yet to complete ratification process are basing their implementations regarding human trafficking on this protocol (UN, 2012). Graph 1 shows number of states party to the Palermo Protocol by year.

## WHO IS A VICTIM?

Any person who has been wronged in such a way to have suffered loss of benefits as well as deterioration of their physical and/or psychological state is a victim. The science dealing with victims (victimology) is involved with a number of different approaches and discussions regarding the victim of a crime. Hentig (1948), one of the leading scientists of the German school has focused on the perpetrator-victim relationship, underlying that the victim can play an active role in the commitment of the crime. Schneider (1982) states that it is not only individuals who may fall as victims, but also groups, states or international organizations. How the crime is defined also plays a major role in the identification of its victims.

The definition for victim of a crime varies in international documents. UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power ratified on 29 November 1985 brings two different definitions for victim in terms of “Crime and Abuse of Power”. In Article 1 of the annex to the declaration, victim is defined as “persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.” Furthermore, as per Article 2, “A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term “victim” also includes, where appropriate, the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.”

The second case of victimization is by abuse of power, defined in Article 18 of the Declaration: “Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights”.

The following article points out to the responsibility of states to incorporate into the national law norms proscribing abuses of power and providing remedies to victims of such abuses.

The EU Council Framework Decision of 15 March 2001 defines victim as “a natural person who has suffered harm, including physical or mental injury, emotional suffering or

*economic loss, directly caused by acts or omissions that are in violation of the criminal law of a Member State”.*

As per the Protocol, (Article 3):

*(a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;*

*(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph ( a ) of this article shall be irrelevant where any of the means set forth in subparagraph ( a ) have been used;*

*(c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph ( a ) of this article;*

*(d) “Child” shall mean any person under eighteen years of age.*

Furthermore, Council of Europe has gone beyond the UN protocol to effectively combat this crime and to protect the victims of human trafficking on the basis of gender equality and human rights. “The Council of Europe Convention on Action against Trafficking in Human Beings,” emphasizing the same definitions covered by the UN Protocol, encumbers states towards regulating defined actions as crime (Article-18). Turkey has signed the convention on 19 March 2009 and it is yet to be adopted. Council of Europe convention identifies the actions to be defined as crime in the states’ national legislation (Article-4):

*(a) Trafficking in human beings” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation,*

*forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs”.*

In Turkey National Action Plan to Strengthen Institutional Capacity Against Human Trafficking (2009:7) victim is defined as *“a person, who as subject of human trafficking, has suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights.”*

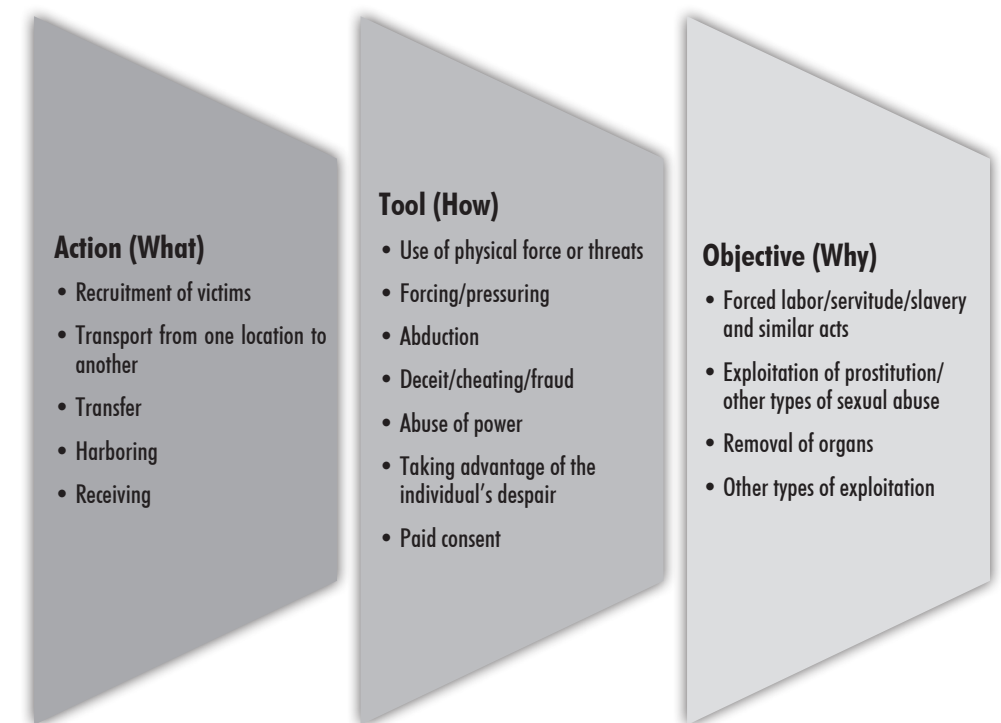
Human trafficking victims may face different types of abuse and exploitation. States that have failed to fully understand the scope of this crime and adopt necessary implementations are in neglect of a number of victims, not providing them assistance to benefit from protection measures. Thus, one should keep in mind that any illegal migrant whether male, female or child could be a victim of human trafficking (USDOS, 2012).

## TYPES OF VICTIMISATION IN HUMAN TRAFFICKING

Human trafficking involves numerous acts of inhuman treatment of victims including forced labor, servitude, exploitation of prostitution, slavery and similar acts or removal of organs. Such treatment is forced upon the victim through use of threats, pressure, coercion, violence, abuse of power, deceit or taking advantage of others’ state of despair.

UN Human Trafficking Protocol bases its description of the victim on three main pillars: action, tools and objective. This section focuses on the types of victimization that yields the processes listed in Table 1.

**Figure 1: Basic Elements of Human Trafficking**



Source: UNODC (2008)

## **Forced Labor/Servitude/Slavery and Similar Acts**

Defined by Bales (1999) as “neo-slavery, this type of victimization is characterized by “servitude against one’s will” or “labor exploitation” resembling in many ways “slavery” of the past. Victimization is caused by the unconditional surrendering of individuals to the employer to stay alive. The individual is under absolute control of the employer. The basic and minimal needs of the victims of forced labor are provided for, however they are not allowed a choice in work conditions. This is mainly due to the fact that their basic human rights are often denied by confiscating their passports to limit their freedom of movement, by use of threats or taking advantage of their state of despair. The most common victims of forced labor are illegal migrants who have to make a living in the target country without getting caught.

Sever and Arslan (2008:106) indicate two types of forced labor: The first one is where individuals, regardless of their gender, are forced to work for free, while the employer earns an income through their labor. The second type involves payment of a minimal wage, taking advantage of desolate workers in despair. For instance, an illegal migrant allowed taking shelter at a bakery and working as a porter or running errands for peanuts would be identified as a victim of forced labor. This person will feel the obligation to do anything the employer demands, as he has no other choice, knowing that otherwise there will be no roof above his head. In that case, the chances are higher for the migrant to get caught so it is a situation to avoid. Both Turkish nationals and foreigners may be subject to such exploitation. In short, desperate individuals working under harsh conditions with no social security become victims of forced labor.

Victimization by forced labor and servitude is most commonly seen in agriculture, construction and textile sectors or restaurants. Unqualified jobs such as jean stoning or portering could fall under the same category. Both adults and children, regardless of gender, are cruelly exploited in these sectors. Especially children may be forced into begging, mongering or criminal acts such as theft. It is not uncommon to maim children for purposes of forced begging, to evoke feelings of compassion and mercy in passersby (ICMPD, 2006:24).

Victimization by forced labor most often takes place in target countries where migrants coming from countries with armed conflict, political unrest, high levels of unemployment, fraud and poverty try to settle. Migration could leave people totally defenseless and desperate. Generally, such migrants do not resist forced labor, seeing it as part of the great effort to start a new life and employers take advantage of their state of desperation. It is especially common for foreign women to fall victims of forced labor

in house-care services or worse, sexual exploitation (USDOS, 2012). Their illegal status prevents them from resorting to relevant authorities for help. In addition, as they are usually not well informed about the legal mechanisms of the state they are in, they do not know where to seek help and thus simply agree to forced labor for a while. Worse still, in the hands of an organized crime structure they may get imprisoned in the system for much longer, making it more difficult for authorities to identify victims.

The 1926 UN Slavery Convention states that “slavery” differs from forced labor although it could involve similar practices to slavery and it is the advanced form of it. What is meant by slavery is that everything that belongs to an individual, including the practice of basic human rights, is fully or partially dominated by some other person or authority. Universal Declaration of Human Rights (1948) claims slavery and similar practices to be against human rights. Article 4 of the Declaration states “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and

Institutions and Practices Similar to Slavery (1956) identifies practices similar to slavery such as debt bondage and serfdom.

## **Exploitation of Prostitution/Other Types of Sexual Exploitation**

This type of victimization often involves sexual abuse of women. Human trafficking takes place in the form of sexual abuse, sale or trading of women for profit, by use of threat, pressure and deceit.

Human traffickers causing this type of victimization may use various techniques, including direct and indirect pressure and threats. For instance, as indirect pressure, a foreigner forced into prostitution may be threatened to inform her family about her indecent occupation, send them pictures or videos of her or to hurt her loved ones back home.

Direct pressure may be established through debt bondage in cases of sexual exploitation. Women victims are charged excessive prices for their basic needs such as food-beverage, shelter, transport, clothing etc., forcing them into a debt bondage from which, they are told, they will be free once they have paid their debt. This inevitably turns into a vicious circle, making it impossible for the women to escape from prostitution.

The number of cases where foreign women are exploited is much higher for those illegally residing in the country. Victims frequently enter the target country on tourist visa or false documents. Knowing they will be reported if identified by security forces,

they cannot resist their traffickers or resort to state authorities for help. As per UN Palermo Protocol and Turkish Penal Code (TCK) Article 80, the mere psychological pressure such as bondage puts on the individual provides acceptance criteria to fall within the scope of the definition of a “victim”, irrespective of whether the individual shows consent in the act or not.

Human traffickers resort to different techniques in finding the women victims they will force into prostitution depending on the circumstances, including putting false job advertisements in newspapers abroad especially for low-qualified jobs, like waitresses or baby sitters. These advertisements offer higher salaries to younger women (Levchenko, 1999: 10). Sometimes, similar ads may be issued for a beauty contest, deceiving a number of young women into forced prostitution abroad. Generally, in such cases of victimization, people from the inner circle of victims’ friends are involved as leading organizers or recruiters (Demir, 2011).

Financial, political and social problems in the source country are the push factors for victimization by sexual exploitation, as in the case of labor exploitation. Especially the economic crisis following the collapse of the Soviet Union caused a rise in migration from countries in the region into countries with developed economies.

Human traffickers with the purpose of forced prostitution mainly target young girls and women who aspire to live abroad and are interested in using the opportunities presented to them towards this end. Deceiving young girls on false promises of marriage is another method used by human traffickers, where so-called marriage agencies connect girls in the source country to gentlemen in the target country and act as middleman for their sale (Hughes, 1996). Such victimization can take place in several ways. In some cases, marriage takes place immediately while in others it is promised for a later date. However, victims who have fallen into the trap are either used for pornographic material or forced into prostitution through various threats and pressure.

In human trafficking, the first case of victimization that comes to mind is forced prostitution. Human traffickers observe and monitor global issues closely to target new victims in countries where social, financial and political stability is disturbed. Another issue that needs to be underlined is that these victims brought into the target country legally or illegally constitute a threat for security. Some target countries overlook the fact that these sexually abused people are victims of human trafficking and regard them as illegal migrants to be deported immediately. Hence, their policies reflect this view.

With respect to demand side of the prostitution sector, it is difficult to talk of an adequate and efficient combat against the reasons of the problem. Current anti-prostitution

strategies mainly focus on the prostitutes (Özerdoğan et.al, 2012). Political, social and financial changes in the society have made sexuality a commodity of trade. Karakuş and McGarrell (2012:3) point out to the relationship between social disorder and felonies like human trafficking, emphasizing the adverse effects of prostitution and other acts of social disorder on social integration and solidarity. Social disintegration surely causes an increase in crime especially for those who have criminal tendencies. Social disintegration is deemed to be the biggest cause of human trafficking in Turkey as traffickers feed on the increase in demand for prostitution.

### **Removal of Body Organs**

Removal of body organs or tissues for purpose of sale by force, abduction, deceit or taking advantage of an individual’s desperation is another type of victimization caused by human trafficking. The difficulty of finding organ and tissue donors in developed countries has resulted in the development of the organ trade. Especially people from underdeveloped countries suffering from social, political and economic challenges are prone to fall victims to this trade.

UN Human Trafficking Protocol defines “removal of organs” for trade purposes as a crime of human trafficking, irrespective of whether the donor has received payment or not for the organ removed by traffickers or other authorities, on grounds that in either case the donor is maimed. Kidneys are on top of the list of traded organs.

Forcing desperate and deceived people into removal of their organs through threats or abduction are some of the methods used by human traffickers. Some victims agree to donate one of their kidneys under the pressure of financial problems. Others are cheated on false promises of being taken to target countries illegally and their organs are removed. Worse still, traffickers take advantage of the victim’s physical weakness and helplessness following a consented operation to forcefully remove other organs with no payment made to the victim (Pearson, 2004:5).

Some victims who agree to sell their organs and tissues due to extreme poverty get paid for the removed organ, but fall seriously ill in consequence of the unhygienic conditions of the surgery. As organ trade takes place off the record and behind closed doors, there is no reliable statistics on this type of human trafficking (Pearson, 2004). Still, reported cases have revealed a profit of hundreds of thousands of Dollars for each organ traded.

The money to be made by the sale of an organ is more than most workers can earn in a lifetime. Hence victims of organ trade can fall into the trap of human traffickers and give



up their organs. Although low in numbers, there are child victims of human trafficking who get abducted, sold or killed for their organs. Adults/children get abducted off the streets by human traffickers to be sold to organized crime groups involved in organ trade. The numbers of abducted, deceived or killed victims from Latin America, Eastern Europe and Africa for their organs are notably high (Pearson, 2004: 9).

In some cases, it is argued that organs, tissues or pieces of them removed by surgical operation and treated as medical disposal are traded. Pointing out that such pieces of organs/tissues can be utilized in the cosmetics and pharmaceutical sectors, Dickenson (2009) argues that a dead body is worth more than the alive person. The difficulty of combating this crime lies with the huge profits made by human traffickers through the sale of organs and the abundance of people suffering from poverty and destitution.

### **Child Victims**

Child victims can be grouped under two categories: child soldiers and child trafficking.

#### *Child Soldiers:*

Widespread terrorism and wars around the world have led to the exploitation of children in this field. An international NGO, The International Coalition to Stop the Use of Child Soldier (2001), works to end the military recruitment of persons under-18 years of age globally and to prevent their use in armed conflict. Recruiting of child soldiers can be through official state armed forces or terrorist groups. Children can sometimes be used as fighters in close combat and sometimes for labor or sexual exploitation. They can be abducted by terrorist organizations to be trained as militants and fight in the front line.

Polat and Güldoğan (2010:105) indicate that child soldiers can be exploited in three ways: First, they can be exploited by armed forces or illegal organizations in the form of forced labor as porters, cooks, agents, messenger, watch guards and sex slaves. Young girls could be forced into marriage or intercourse with soldiers. Second, child soldiers can be used for purposes of propaganda and human shield. Third, they can be forced to fight in close combat.

The concept of child soldiers is generally associated with PKK/KCK (Kurdistan Worker's Party) terrorist groups in Turkey (Roth and Sever, 2007: 906). As per the Global Report on Child Soldiers (the Coalition to Stop the Use of Child Soldier, 2008), more than 3000 children have been used in combat by the PKK/KCK terrorist organization since

1994, 10% of which are girls. The report states that PKK/KCK terrorist organization continues to abduct children for exploitation.

As per the Human Rights Watch report, it is estimated that 120.000 children are recruited in over 30 armed conflicts around the world (As Cited by Seyhan, Doeze:104).

#### *Child Trafficking:*

Child trafficking includes crimes like mediation in international adoption services, sexual exploitation, forced labor and begging of children. Children, especially in the care of an orphanage are subject to all types of victimization faced by adults. There are also reported cases of children sold over the internet by their own families (Sever and Arslan, 2008).

Furthermore, children are traded on the internet for child pornography, forced into marriage, labor, begging and sexual exploitation. They are deprived of their rights to education and socialization. As per UNICEF data (2005) each year 1,2 million children are being traded.

In terms of legislation, Turkey is quite prepared to combat child trafficking for purposes of sexual exploitation where there is a better established and efficient system of institutional coordination and division of duties and responsibilities compared to the case of adults. While this type of human trafficking has not reached to unpreventable level, the majority of cases of child trafficking are observed in İstanbul, a center for tourism and business. (Yabaş, 2008: 65).

As per the ECPAT International 2007 study in İstanbul and Diyarbakır, the most common group of children falling victims to sexual exploitation is 12-18 year old girls. There are two ways of child sexual exploitation to take place: Either traffickers select a child that fits the requirements stated by the exploiter and the child is sent to a predetermined address by the trafficker or the exploiter goes to a location determined by the traffickers to select a child to their liking.

The data provided by IOM Ankara Office on trafficked victims reveal that only 33 out of 823 victims rescued in Turkey and safely returned back to their countries were minors. According to the 2012 figures on trafficking victims, most victims were subject to sexual exploitation.

## ROLE OF VICTIM IDENTIFICATION IN COMBATING HUMAN TRAFFICKING

Victim identification is the most critical and important stage of bringing an end to victimization and gradually diminishing its impacts as well as apprehension and conviction of traffickers. A successful identification will both secure the rights of the victims and punishment of human traffickers.

Victim identification is not an instant decision; it is a dynamic, complex and time consuming screening process involving many actors. Nevertheless, it is a process expected to be completed in a short time. Failing at victim identification at its initial stage may not only result in the breach of the victims' rights but also inadequate protection (OSCE, 2004). If identification process fails and the victimized individual is not granted "victim" status (in the appropriate time frame) victims will inevitably continue to endure the suffering.

Persons who cannot express their free will under the pressure and threats of crime organizations hide their suffering and choose not to resort to protection services offered by the state. On the other hand, if the identification process is not thorough and precise, persons who are not real victims make take advantage of the system.

Majority of the target countries of migration cannot efficiently differentiate between human trafficking victims and illegal migrants. In cases where the victim identification process is not working efficiently, victims of human trafficking are either deported or sent to removal centers where they are treated as illegal migrants.

Syndromes faced by illegal migrants or people involved in migrant smuggling are different to those faced by the victims of human trafficking. Failing at identification of such victims may result in their isolation both physically and psychologically and thus paving the way to a secondary victimization in the exploitation chain.

## KEY ISSUES IN THE IDENTIFICATION PROCESS OF TRAFFICKED PERSONS

Over 150 countries have signed and ratified the Palermo Protocol, and adopted it into their national legislation. The Protocol basically foresees the process and standardization of identification, rescue, protection and support mechanisms towards victims of human trafficking. Despite the fact that states base their principles on the same definition, practices in the identification process may differ according to each state's national law, judicial system, and structuring of public institutions. With the aim of overcoming such differences in implementation, the Council of Europe Convention assigns party states certain responsibilities in terms of reviewing their criminal law to include sanctions against the acts identified within the scope of definition of crime.

The state's position is a decisive factor regarding human trafficking. For instance, source countries of human trafficking usually focus on protecting their citizens from victimization and give priority to prevention of human trafficking. Target countries, on the other hand, need to establish and implement systems of wider scope, where not only prevention of human trafficking, but also protection and support mechanisms for victims are covered. Hence, states may differ in their approach to victims of human trafficking and victim identification process.

European Council (2008) recommends focusing on three basic issues of concern in the victim identification process:

- Authorities in the field of victim identification must move as fast as possible to determine the status of the individual based on concrete evidence. This will allow victims of human trafficking to receive appropriate treatment as soon as possible.
- All potential victims must be treated as victims of human trafficking throughout the identification process, to encourage them into giving evidence against their traffickers.
- Authorities should not return victims to their source country until identification process is complete.

As per IOM (2009), information and documents gathered in the identification process must be precisely analyzed. Such findings will provide important hints in granting "victim" status to an individual. For instance, to determine whether an individual subject to human trafficking has been "forced, abducted, deceived or imposed upon" through abuse of power or exploitation of state of desperation, authorities must first find out the answers to some indicative questions: Is the individual in any kind of debt

bondage? Does he/she have freedom of movement? Is the individual scared to be subject to violence? Is he/she worried about the safety of his/her family and loved ones? Has his/her passport been confiscated?

In interviews held to determine the status of an individual's demographic factors such as age, gender, nationality and place of residence must be assessed in relation with signs of abuse, body language, the individual's life conditions, relations with social environment and personal relationships. Furthermore, special care must be paid not to humiliate individuals or hurt their feelings. Interviews must be held in an environment where victims will feel safe and secure, where an effective channel of communication can be established. Prior to the interview, the individual must be informed about human trafficking and the rights and benefits victims of this crime have. There must be absolutely no prejudice involved. Questions must be selected very carefully, taking into consideration sensitivity of the situation the individual is in and their answers should be meticulously analyzed. Individuals must be informed that they can terminate the interview at any time. Social workers and psychologists must be present during the interviews and interpreters must be provided if the need arises (IOM, 2009).

In the process of victim identification, officials need to make a list of potential victims to facilitate their work. In the joint project of IOM and Austria Federal Ministry of Interior, a list of issues institutions authorized in human trafficking need to focus on has been prepared. It is recommended that member states adopt and utilize this list depending on the type of exploitation and conditions of the case. Some items on the list, under the headings of deception, use of force, illegal residence, vulnerability, poor working/living conditions at the level of exploitation, isolation and others, have been touched upon below (Aronowitz, 2009: 75-78).

In cases where one or more of these indications are found, chances are higher for the person to be a victim (IOM, 2006; UNODC, 2012).

**Deception:**

- The victim is deceived on false promises (promises of marriage, education or employment)

**Illegal Residence:**

- The victim is threatened to report to authorities
- The victim is worried that his/her migrant status will be revealed
- The victim is not aware of his/her irregular migrant status
- The victim carries false ID or travel documents
- The victim is not aware that his/her ID or travel documents are false
- The victim is not aware that he/she is in a foreign country and needs travel documents

**Poor Living/Working Conditions at Exploitation Level:**

- The victim is on very low income, if any.
- His/her income is not given to the victim
- The victim is living in poor/below standard conditions
- The victim is living in the workplace or paying an outrageous rent for accommodation
- The victim does not have access to medical care services
- (Frequently) the victim is changing workplace, city or country

**Forcing:**

- The victim believes he/she is forced into employment
- The victim is not allowed to leave the workplace
- The victim shows signs of being watched
- The victim believes he/she cannot change the current situation
- The victim shows signs of fear or apprehension
- The victim has been subject to violence or threats of it
- The victim's family or loved ones have been subject to violence or threats of it
- The victim cannot present passport, other travel documents or ID because they have been confiscated
- The victim is not aware that he/she is in a foreign country and needs to present such documents
- When addressed directly, the victim allows others to speak for him/her
- The victim leaves the impression that he/she is doing and saying as he/she has been told
- The victim is forced to work under determined conditions
- The victim is disciplined by punishment
- The victim works for long hours and for long periods of time
- The victim does not have a day off
- The victim is not allowed to communicate freely with others
- The victim bears a tattoo of the trafficker or group of traffickers
- The victim believes he/she is forced into debt bondage
- The victim's travel expenses into the target country have been covered by the traffickers and he/she is expected to pay this debt by employment or servitude
- The victim is forced by fear of incantation or animism
- The victim is forced into using drugs to perform some jobs (prostitution) or work long hours

**Vulnerability:**

- The victim is foreign to the local language/culture
- The victim does not know his/her home or work address
- The victim cannot negotiate better work conditions
- The victim's life is dependent on others
- The victim has signed a contract in a foreign language he/she does not understand
- The victim does not know the name of the person/persons exploiting him/her (human traffickers might have used nick names or false names)
- The victim is physically or mentally disabled
- The victim has no trust in authorized institutions

**Isolation:**

- The victim has little or no social interaction
- The victim rarely contacts his/her family or others outside the environment he/she is in.
- Workers are isolated from other people

**Others:**

- The victim has been found in a location likely to be used for human exploitation or he/she is in related to it.
- The victim has come from a location presumed to be a source of human trafficking by government officials or other stake holders.
- The victim has no trust in the authorities.
- Victims give similar or memorized answers to questions regarding their transport, employment etc.
- There is a huge difference between the down payment for their journey and the real cost of it.

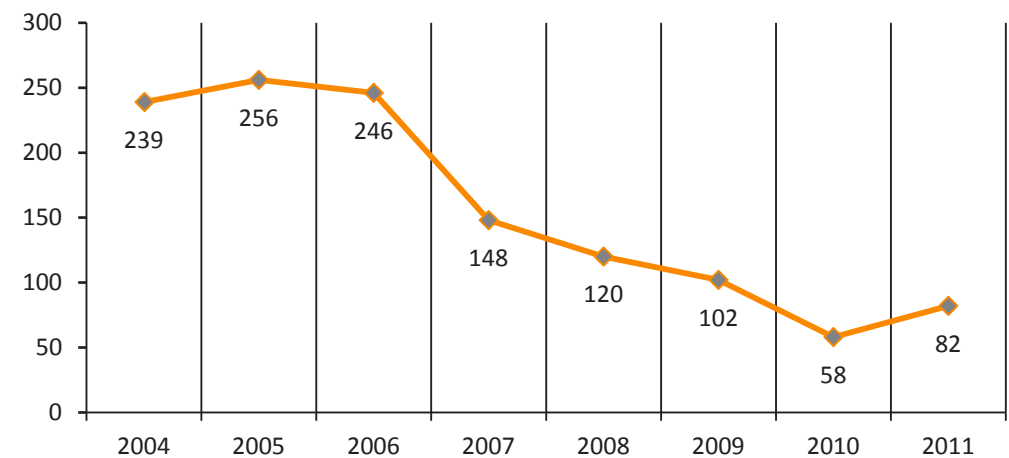
**LEGAL / ADMINISTRATIVE REGULATIONS REGARDING THE IDENTIFICATION PROCESS OF TRAFFICKED PERSONS IN TURKEY**

Turkey, as party to international agreements on combating human trafficking, has developed making necessary regulations in its national legislation and put them into practice. Turkey has also been playing an active role in the efforts to establish international collaboration in this field. Turkey has become a target country for a number of reasons. The most common forms of human trafficking in Turkey are forced labor and forced prostitution (USDOS, 2012; KOM, 2012).

The identified victim profiles in Turkey in the past decade reveal that nationals of Middle Asian countries with low socio-economic levels make up the majority of the victims of human trafficking. Numerous people have fled from economic and social problems in their countries following the collapse of the Soviet Union and, some of them targeted Turkey in search of better life standards.

In the past eight years, 1251 human trafficking victims have been rescued in Turkey. In general, number of victims by year shows a downward trend (Graph-2).

**Graph 2: Number of Identified Human Trafficking Victims by Year (2004-2012)**



**Source:** Directorate of Security General, Department of Foreigners, Borders and Asylum

Majority of the human trafficking victims in Turkey are nationals of Moldova, Ukraine, Russia, Kirghizstan, Turkmenistan, Georgia, Ukraine, Uzbekistan Azerbaijan, Bulgaria, Tunisia, Sri Lanka, Indonesia, Afghanistan, Belarus, Mongolia and Romania. In the past 5 years, the ratio among these nationalities has notably changed. Recently, majority of

the identified human trafficking victims have been nationals of Middle Asian countries, especially Turkmenistan, Uzbekistan and Azerbaijan whereas before the ratio of victims from countries like Moldova and Ukraine was higher.

### Legal Regulations with Regard to Combating Human Trafficking in Turkey

Turkey is among the first countries to sign (13 December 2000) and ratify (25 March 2003) Palermo Protocol. The crime of human trafficking has been included in Turkish Penal Code in 2002 and regulated in Article 80 of the revised Turkish Penal Law enacted on 1 June 2005. The article defines human trafficking as:

*“(1) Those who recruit, abduct, transport or transfer or harbour persons for the purpose of subjecting to forced labour or service, prostitution, enslavement or for removal of body organs, by getting their consent by means of threat, oppression, coercion or using violence, of abusing influence, of deceit or of abusing their control over or the vulnerabilities of these persons shall be sentenced to imprisonment up to eight to twelve years and a fine corresponding to 10,000 days.*

*(2) The consent of the victim shall be irrelevant in cases where the acts that constitute a crime are attempted with the intentions described in paragraph 1.*

*(3) In cases where minors below the age of eighteen are procured, abducted, transported or transferred or harboured with the intentions specified in paragraph one, the penalties foreseen in paragraph 1 shall still be applied to the perpetrator, even when no intermediary actions relating to the crime are committed.*

*(4) Legal entities shall also be subject to security measures for such crimes.”*

The provisions of the article clearly define human trafficking and foresee 8-12 years of imprisonment to its offenders as well as a judicial fine of up to ten thousand days. Furthermore, with the 2006 amendment to the law, forced prostitution has been included in the scope of human trafficking.

Forced labor is a form of human trafficking often times seen in Turkey. Hence, legal regulations were developed to protect foreigners working in the house-care/ domestic services, who are liable to get exploited. On 6 March 2003 “Law on the Work Permit for Foreigners” was issued to set the criteria for foreigners to obtain work permit in Turkey. Hence, a critical area where numerous cases of exploitation took place in the past was regulated. Amendments to the law in 2008, 2010 and 2011 targeted legal regulations required in this field. Primarily, the process governing permit or extension of permit applications has been facilitated and certain time frames were determined for the procedures involved. It is made mandatory for foreigners granted a work permit to apply

for a visa within 90 days following the grant of the permit and apply for a residency permit with the Ministry of Interior within 30 days of entry (Article 12). In the case of employing foreign workers and self employment without permit and/or failing to inform authorities within the time frame determined by law, penalties will be imposed (Article 21). In addition, a control mechanism to ensure adherence to the provisions of the law by employers and foreigners has been designed (Article 20).

Furthermore, the Council of Ministers decree number 2011/2306 dated 10 October 2011 determines the length of stay for foreigners (Article 1);

*“(1) Article 3, first paragraph of Law number 5683 Regarding Residence and Travel of Foreigners in Turkey determines the length of stay for foreigners as 90 days within 180 days as of exit date on their passport, provided that the period of visa exemption or validity is adequate.*

*(2) In cases where visa exemption or valid period is less than 90 days, extension up to 90 days can be given in Turkey.”*

The amendment to the law and new regulation enforced by a decree aimed at preventing exploitation of foreigners by prohibition of exiting the country and re-entering for another 90 days. Foreigners are now allowed to stay 90 days out of 180 as of their exit date.

To prevent exploitation of women through marriage, Turkish Citizenship Act has been amended, making the acquisition of Turkish citizenship through marriage a more complicated process. In accordance with the former regulation, foreign women who married Turkish men had the right to promptly choose Turkish citizenship. In 2003, this regulation was annulled by an amendment to the former Act. The new regulation states, “*Foreigners who have been married to Turkish citizens for at least three years and are married at the time of application may request acquisition of Turkish citizenship*”, thus making the acquisition of Turkish nationality a conditional right. In the previous regulation, human traffickers were assisting foreign women brought from abroad to obtain citizenship through marriage to employ them in forced prostitution. Shielded by their Turkish passport, these victims could not be deported and thus could not escape the vicious cycle of exploitation. The amendment to the law has been a big step towards combating human trafficking by means of preventing activities of marriage agencies.

## Administrative Regulations with Regard to Combating Human Trafficking in Turkey

Palermo Protocol includes several non-compulsory/non-binding explicit provisions regarding the establishment of support mechanisms for victims. Nevertheless, there is no regulation on “how to identify” victims of human trafficking. This issue is yet to be regulated by law in Turkey, as well.

The “National Task Force for Combating Human Trafficking” (UGG) was established in October 2002, with the participation of all related and authorized governmental/non-governmental organizations and institutions. Coordinated by the Ministry of Foreign Affairs, this task force is a platform of fifteen state institutions and NGOs:

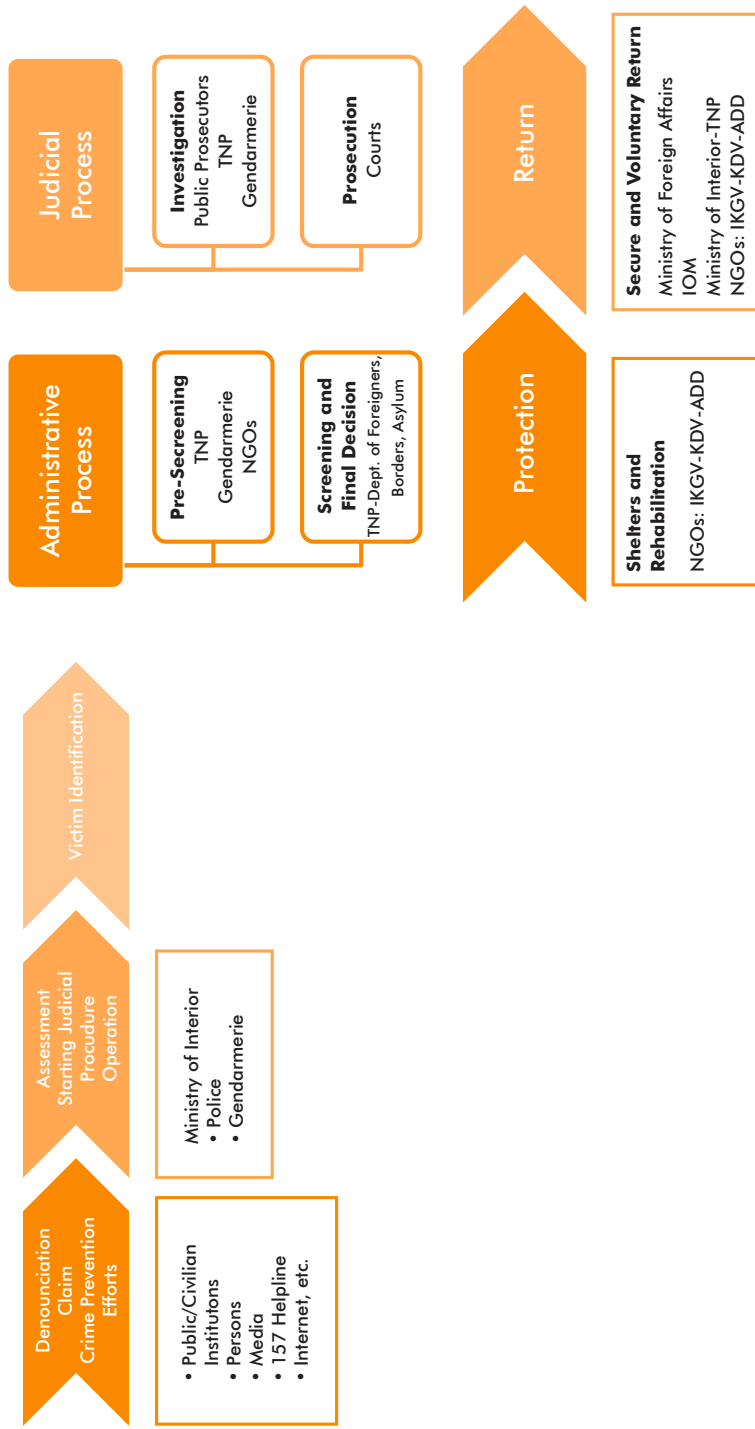
- Ministry of Foreign Affairs
  - General Directorate of Consulates (UGG Coordinator)
- Ministry of Interior;
  - EU and Foreign Affairs Department, Local Administrations
  - General Directorate of Security
    - Department of Public Order,
    - Department of Foreigners, Borders and Asylum,
    - Department of Anti-smuggling and Organized Crime,
  - Gendarmerie General Command, Department of Anti-smuggling and Organized Crime
  - Coast Guard Command
- Ministry of Justice
  - EU General Directorate,
  - General Directorate of International Law and Foreign Relations
  - General Directorate for Judicial Registry and Statistics
- Ministry of Labor and Social Security
  - EU Coordination Office
  - General Directorate for Labor
- Ministry of Health
  - EU Coordination Office
  - Primary Health Services

- Supreme Court of Appeal
- Higher Education Council
- Union of Bar Associations
- Human Resources Development Foundation / İstanbul (İKGV)
- Foundation for Women’s Solidarity / Ankara (KDV)
- Family Counselors Association / Antalya (ADD)
- International Organization for Migration (IOM) (Observer)
- European Commission Delegation in Turkey (Observer)

Two international organizations, IOM since 2005 and European Commission Delegation in Turkey since 2008, have been attending meetings as observer and supporting activities of the task force. Thus, an active environment of broad participation has been established in terms of victim identification, protection and support as well as prevention of human trafficking. This platform aims at meeting international standards in policies and implementation as well as developing definitive actions and procedures with wider scope.

National Task Force (UGG) has designed a guidance mechanism for the process and procedures to be followed with victims of human trafficking. This system summarizes the duties and responsibilities of each institution as well as the roles they will play in various stages of the process (Figure-2).

Figure 2: National Referral Mechanism in Turkey



Source: Adapted from Human Trafficking Report (UGG, 2007: 20)

### First Action Plan

National Task Force issued “Action Plan against Human Trafficking” on 06 March 2003 to identify gaps in the crime of human trafficking and to fulfill international standards with regard to the procedures and investigations in victim identification process. This action plan introduces protection measures for victims as well as administrative regulations regarding the distribution of duties and responsibilities among institutions, including:

- Establishment of safe shelters for victims,
- Providing healthcare and treatment services for victims,
- Providing for a safe voluntary return,
- Establishment of an emergency line and a human trafficking hotline,
- Amendments to be made to the Turkish Citizenship Law,
- Raising the awareness of security forces and providing them with training,
- Protection of witnesses (victims)
- Foreigners’ work permits to be granted by a single institution,
- Encouraging and increasing number of NGOs working in victim protection and support,
- Providing victims with financial support from the Fund for the Encouragement of Social Assistance and Solidarity,
- Organizing campaigns to raise awareness in the community,
- Detailed statistics to be kept by General Directorate of Judicial Registry and Statistics.

National Task Force (UGG) prepared the 2006 and 2007 Turkey Reports on Combating Human Trafficking in collaboration with IOM. Regulations covered in first action plan were assessed by National Task Force and put into force with participation and joint action by related institutions.

### Circular No 74 and Guidelines Document in Combating Human Trafficking

“Guide on Combating Human Trafficking” annex to circular no 74 issued in 2006, dealing with victim identification, protection, psychological and social support services to be provided within the scope of victim rights and prosecution has been distributed to all central and local authorities around the country, with the aim of raising awareness

in public officials. This circular provided information regarding dimensions of human trafficking on a national and international level, focusing on the sensitivity and importance of the issue.

The circular underlines the following matters in detection and identification of human trafficking victims:

- To identify potential human trafficking victims, interventions by security forces in prostitution cases should pay special attention to foreigners involved, as forced prostitution is the most common form of human trafficking in Turkey.
- In the identification process of potential human trafficking victims, information and evidence gathered by security forces should set a basis for investigation as well as claims by victims themselves, regardless of the presence of official complaint/ claim.
- Minors, below the age of 18 who have been subject to acts listed in Article 80 of Turkish Penal Code shall be identified as victims of human trafficking regardless of being subject to any act of human trafficking crime.
- In victim identification process it should be taken into account that some foreigners, who are not directly involved in human trafficking and who cannot hold victim status within the scope of international standards, try to present themselves as human trafficking victims to provide legal grounds for their informal employment or involvement in prostitution sector by taking advantage of the protection and support services provided to victims in Turkey.
- Allowing foreigners identified as victims of human trafficking a month for reflection to consider collaborating with security forces in the investigation of the crime and documentation of this offer (Circular no 74, 2006).

“Victim Identification”, “Detailed Investigation” and “Approaching to Victims” sections of the Guide on Combatting Human Trafficking (İTMR) issued by General Directorate of Security in 2006 covers guidance documents regarding issues to be considered by officials involved in the identification process.

Under the title of victim identification; clues backing up the suspicions of an individual being a victim are also discussed, aiming at supporting implementation of determined principles by officials through providing information on variables like age, gender and nationality to achieve a more successful identification process. Specialities to seek in the officials to hold interviews with potential victims following pre-assessment and identification processes are determined. Officials are required to be well trained in the field; capable of active listening; building empathy; understanding and respecting different cultures; maintaining sensitivity and interpreting the information provided by potential victims. An official is expected to be a good observer of patience and flexibility.

The guide also states that the environment of the interview should be calm and quiet, refraining from potential disturbances to the victim.

Article 8 states that certain critical questions need to be addressed in victim identification process, followed by detailed analysis of the answers obtained from potential victims, including (İTMR, 2006: 17-19):

- How was first contact established between the individual and trafficker?
- How was the victim brought into Turkey?
- What type of employment promises were given to the victim in Turkey?
- Who paid for the travel expenses?
- Is it possible that travel documents are counterfeit?
- Who is in hold of the victim’s passport?
- Who took care of the victim once in Turkey?
- When did exploitation of the victim start since her arrival in Turkey?
- How was the victim forced into labor or prostitution?
- Was the victim paid?
- Is there debt bondage between the trafficker and victim?
- What are the working conditions of the victim?
- Is the victim’s freedom of movement restricted?

Victim’s answers to the above questions will support officials in assessing victimhood of the individual and guide them in their decision. In some cases, victims turn down interview offers by officials. It is suggested in such cases for NGOs to establish contact with victims, on grounds that throughout the rehabilitation process with NGOs, the victims may change their mind and decide to cooperate with the security forces to give detailed information regarding their traffickers (İTMR, 2006: 19).

The section titled “Approaching the Victim” in Combatting Human Trafficking Guide, aims at providing information on the psychological state of the victim so that the interviewer is aware of the situation and pays special care to the victim’s vulnerability. It covers topics like how to remind victims of their rights and how to make them feel safe and secure during the interview to establish the trust needed to be able to help them. Ten basic principles have been determined by experts in the field to guide officials in the victim identification process (İTMR, 2006: 21):



- Refraining from being offensive to victim's feelings,
- Acknowledging the real situation the victim is in and assessing the risks accordingly,
- Providing guidance to the victim,
- Selection of qualified interpreters and investigation team,
- Confidentiality and protection of victim id,
- Obtaining victim's consent in all process and procedures,
- Listening to and respecting self-assessment of the victim's situation,
- Paying special care for not causing a secondary trauma in the victim,
- Being ready to provide victims with emergency support,
- Gathering sufficient information to support establishment of strategies to protect future victims and disclosing new cases of human trafficking.

- Establishing a comprehensive legal framework against human trafficking
- Making crime analysis
- Achieving logistic tools at modern standards
- Establishing a national network among security forces to improve efforts against human trafficking
- Developing international collaboration in the field of human trafficking

Issues stated above have been identified within the framework of Turkey-EU financial cooperation program with the aim of developing an anti-human trafficking strategy and sectoral action plans and putting them into practice. Activities classified under 7 sub-components are held with the participation of other related institutions coordinated by the Ministry of Interior.

### ***Second Action Plan***

A second plan, "National Action Plan for Strengthening Institutional Capacity in Combating Human Trafficking" was issued on 18 June 2009. Within the framework of this action plan, it is aimed to meet minimum standards in combating human trafficking, expanding the capacity of all authorized/related state institutions, and including NGO's active participation in psychological and social support services through short, medium and long term planning of necessary regulations. Issues targeted in this action plan are:

- Ensuring judicial access, support and guidance available to human trafficking victims
- Providing victims with health services and psychological support
- Strengthening of victim identification methods/procedures
- Making victim support programs available to all human trafficking victims
- Establishing sufficient number of shelters
- Providing language support to national institution officials and victims
- Maintaining gender equality in approaching victims
- Preventing human trafficking victims to be re-victimized
- Organizing support programs for voluntary return and reintegration into society
- Protecting integrity of personal data

**SECTION 3:  
ASSESSING THE  
IDENTIFICATION PROCESSES  
OF TRAFFICKED PERSONS IN  
TURKEY**

## JUDICIAL AND ADMINISTRATIVE PROCESSES

Procedures governing the identification of human trafficking victims in Turkey include two independent yet intertwined processes, namely “judicial” and “administrative”.

During the judicial process, security forces conduct crime investigation by instruction of public prosecutors and present the case to court along with supporting evidence. Before the trial begins, this stage includes collection of evidence regarding the case of human trafficking, seizing the offenders and preparation of required documents. Once it gets to court, routine procedures of the penal justice system, such as examination of witnesses and offender’s use of right of defense, etc., get started. Judicial process takes a long time. It may take months or even years before the court reaches to a verdict.

Security forces take on an active role during the administrative process, too. Besides, national and international institutions and organizations (IOM, Women Solidarity Foundation (KDV), Human Resources Development Foundation (HRDF), Family Counselling Association (ADD) give active support and collaborate with them. Identification of potential human trafficking victims as fast as possible, providing them with protection and their victim rights as determined by international standards and, for victims of foreign nationality, safe repatriation are the basic steps in the administrative process.

Both processes (judicial and administrative) are initiated at the first encounter with human trafficking victims. The first encounter of the victims may be i) through routine proactive policing activities of law enforcement, ii) when a complaint is received, iii) if an informant tip reaches to related authorities, or iv) as a result of joint work with national and international agencies. If any unit of law enforcement come across a human trafficking incident, they direct the case to the relevant unit or branch immediately. Based on the facts of the case and characteristics of the potential victims involved, the investigation and victim identification process are handed over to the relevant units as fast as possible.

These processes (administrative and /or judicial) differ depending on

- a) the age (child or adult) and
- b) nationality (Turkish or foreign national) of the potential victim

Local law enforcement authorities hold a pre-assessment of the situation at first encounter with potential human trafficking victims. These local authorities may be either local police departments or local branches of gendarmerie. After an initial assessment,

criminal investigation is handed over to relevant units and potential victims are promptly directed to specially designed units and experts. Cases of human trafficking are handled with special care by these relevant units of local police or gendarmerie. Depending on the nature of the investigation, anti-smuggling and organized crime unit, public order unit or foreigners unit may handle case.

**Figure 3: Judicial and Administrative Process Regarding (Potential) Adult Foreigner Victims of Human Trafficking**

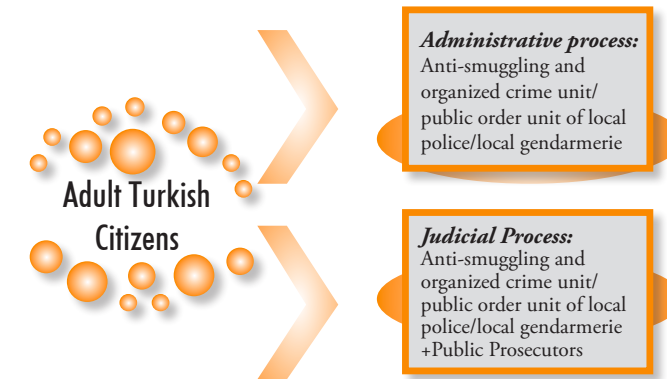


After initial procedures for criminal investigation (collecting the evidence, taking initial statements, etc.) are finalized by relevant units of local police or gendarmerie, potential adult foreigner victims are sent to foreigners unit of local police department for victim identification process. Both local police and local gendarmerie units that encounter first with the potential adult foreigner victims are required to hand over these potential adult foreigner victims to foreigners unit of the local police department. In the foreigners unit, victim identification process, including interviews, is managed by a team of well-trained staff with support from international organizations and NGOs when necessary. Still, as the staff is subject to re-deployment as a result of rotation policy throughout the country, there is a regular turnover and new staff requires some time to get used to the environment and gain experience in the field. Based on the assessment report prepared by this foreigners unit of the local police department, identified victims are officially granted victim status by Department of Foreigners, Border and Asylum.

Adult foreigners granted victim status are settled in shelters run by NGOs in Ankara, İstanbul and Antalya, to be safely returned to their home country in collaboration with IOM. Necessary health, judicial and psychological support is provided to victims during their accommodation at the shelter. There is no alternative to shelters for safe accommodation of victims. In cases where victims reject being transferred to shelters,

they are safely returned back to their countries of origin without delay based on their consent. In cases where there is a need for the victims to stay in Turkey for a longer period, humanitarian residence permits can be issued. Following this period, the victims are again safely returned to their home country by collaboration with IOM (Figure-3).

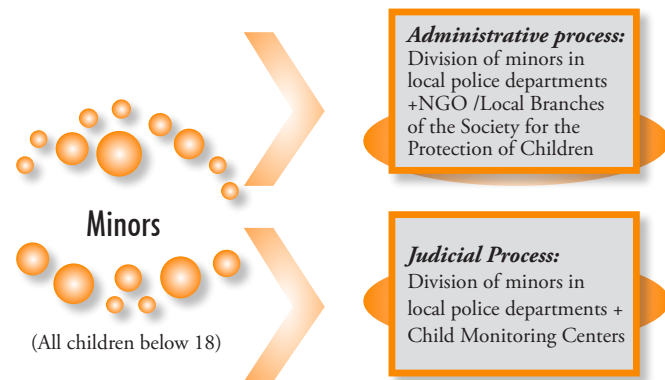
**Figure 4: Judicial and Administrative Process Follow-up Regarding (Potential) Adult Victims of Human Trafficking with Turkish Nationality**



In cases where the victim of human trafficking is an adult Turkish citizen, both judicial and administrative processes are managed by anti-smuggling and organized crime or public order units of local police and/or local gendarmerie. In some cases or based on the availability, a psychologist, social service specialist and/or doctor attend the interview for victim identification. Based on the assessment of specialists a joint decision is taken whether the individual is a victim of human trafficking or not. The victim could be handed over to his/her family, depending on the case or on the current state of the victim. Where it is found inappropriate for female victims to be returned to their families, they may be settled in “women’s shelters” with other victims of similar exploitation during their rehabilitation process. Male victims are settled in a shelter locally available (Figure-4). We have not found any statistical data on the use of shelters or other support mechanisms by victims of Turkish nationality.

Regardless of their nationality, children below the age of 18 are immediately directed to division of minors in local police departments, where adequately trained staff take charge of the situation (Figure-5).

Figure 5: Judicial and Administrative Process for Victims of Human Trafficking under the Age of 18



Division of minors in local police departments are directly in charge of the cases dealing with child victims of human trafficking. Statements of minors in the judicial process are obtained by officers of division of minors in Child Monitoring Centers (ÇİM) that is established to serve minors only. Adequately trained staff who knows how to deal with cases involving minors are available 7/24 at Child Monitoring Centers (ÇİM). Doctors, psychologists, prosecutors and other social service providers are employed at ÇİM and these officials assist in taking statements from child victims. Statements of minors are audio and video recorded so that the minor does not have to repeat the testimony over and over again to different authorities for evidence. Following this process, minors of foreign nationality are given to custody of NGOs through the foreigners unit of local police departments or related institutions of the Ministry of Family and Social Policies. Those of Turkish nationality are either returned to their families or are accommodated at child care centers of the Ministry of Family and Social Policies for rehabilitation services, as shelters are not appropriate for accommodating 13-15 age group victims.

## FIRST ENCOUNTER WITH THE VICTIMS

The first encounter with potential victims and thus first impression and pre-assessment of their situation plays a major role in victim identification process. The first encounter with victims of human trafficking in Turkey takes place through:

- Routine proactive policing activities of law enforcement authorities,
- Planned or spontaneous operations of law enforcement authorities,
- Direct contact of victims with authorities,
- Complaints and informant tips received through emergency lines like 157, 156, 155 etc, and
- Joint projects of national and international agencies and organizations.

### *First Encounter in the Course of Proactive Policing Duty*

Law enforcement authorities may encounter cases of human trafficking in the course of performing their regular duties to maintain public order and security. Units encountering victims of human trafficking by chance are often routine patrol or line officers who are not specialists in this area. Hence, it is more likely that these officers, in general, do not have a full understanding of the victim's situation which may potentially cause them to misinform victims.

Nevertheless, in majority of such cases, first encountering officers report the issue directly and immediately to related units who employ experienced and expert officers in the field, namely:

- Public order unit,
- Anti-smuggling and organized crime unit,
- Foreigners unit or
- Division of minors

### ***First Encounter Based on Complaints and Tip-offs***

In some cases, law enforcement authorities may receive information on cases of human trafficking through complaints and tip-offs. If such information is received, local police headquarters direct related units/patrols to the scene and these units are comprised of specialists equipped with adequate training and knowledge in the area. Operators of 157 emergency hot line direct calls to 155 hotline of local police department or to 156 hotline of local gendarmerie command to be dealt with by specialized units. The operators of these hotlines are very sensitive to direct these calls to the relevant unit dealing with human trafficking.

At first encounter with potential victims of human trafficking;

- If the individual is below the age of 18 (minor)
  - Specialists at Children Branch Office,
- If the individual is above 18 years of age (adult),
  - Specialists from public order unit or
  - Specialists from anti-smuggling and organized crime unit or
  - Specialists from gendarmerie are involved.

Each unit approaches the issue with their adequately equipped and experienced officers. If the first encountering unit does not employ a social worker or psychologist, support from national/international agencies and organizations is sought at first encounter. However, in some cities, law enforcement authorities declare the difficulty of getting hold of experts/psychologists with adequate knowledge of human psychology to approach the victim. It must also be noted that the support of experienced NGO workers in cities with shelters like Ankara, İstanbul and Antalya have yielded great results at this stage.

If case starts with a complaint or tip-offs, law enforcement authorities put more emphasis on the statements given by victims, since quality information obtained from potential victims may provide a valuable opportunity to facilitate the investigation process and detect offenders, in some cases big organizations, of this crime.

On the other hand, it is unlikely that a victim who has been threatened and coerced for some time will pass quality information on to law enforcement authorities, who are complete strangers to them, in the insecure and frightening environment of a police / gendarmerie operation. Victims are eager to get away from this environment as soon as possible and return to their normal life. Hence, in the case of foreigners, victims may choose to return home by deportation as opposed to make claims against their

traffickers. Prolonging this process does not offer them any advantages.

It is for this reason that law enforcement authorities stress the need of assistance from specialized psychologists and social workers at first encounter with victims. In the event of a sudden operation based on complaints or informant tips, pre-identification and pre-assessment process may last very short at first encounter, unless victims make an official complaint against their traffickers. Law enforcement authorities cannot proceed with victim identification process in the absence of sound evidence. Such evidence is solely based on individual statements when there is not enough technical support. Legal regulations do not mandate victims to file an official complaint. In recent years, traffickers show tremendous effort to refrain from all actions that can be used against them as evidence, they disappear without any trace making it difficult for law enforcement authorities to base their cases on concrete evidences. In some cases, it may be impossible to take judicial action against the traffickers without an official complaint by victims.

On the other hand, victims who manage to escape by means of help from others or individual efforts may approach security forces or other public institutions as well as consulate offices for help, and they are more willing to cooperate with officials in providing information about their traffickers. Still, adequate victim identification or protection will not be warranted if public officials involved are not specialized in human trafficking, failing to provide adequate protection or by treating the case as an ordinary public order crime (battery, injury etc).

### ***Assessment of First Encounter after Planned and Projected Operations***

Planned and projected operations against human trafficking are performed by public order units or anti-smuggling and organized crime units of Turkish National Police (local or central) and same units of gendarmerie. In such operations, officials of these units are the first to encounter potential victims. Foreigner units of local police assume the administrative part of the human trafficking victim identification process while either public order units or anti-smuggling and organized crime units deal with procedures required by the judicial process.

This longwinded process includes tapping of the phone lines of human traffickers, physical tracing, working on the network of their connections, collecting evidence of the crime and intelligence on victims held by traffickers. Security forces strive towards preventing any delays in operation of cases of human trafficking so that victims are rescued as soon as possible.

In the light of the evidence collected, victims are identified and their victimhood is documented. Thus, security forces involved in the operation are able to make an evaluation in differentiating between victims and traffickers. This pre-operation data/information offers security forces an opportunity to adequately deal with the individuals involved in the case. Female officers directly establish contact with victims and provide them immediate protection. Planned operations may also result in rescuing victims who have been kept captive for a long time and who are not known to law enforcement before. Such operations are much more efficient and successful in terms of revealing and prosecuting the crime and protecting the victim. Nevertheless, in some operations victims cannot be identified although human traffickers are captured. This is an issue to be analyzed separately. In any case, planned operations offer an opportunity to security forces to prepare for the first encounter with victims and make the process easier for both parties compared to spontaneous operations.

### *Interpreters*

Employing interpreters in operations has often been a problem. Law enforcement units often complain about not having budget for translation services. Hence, during the interviews they resort to the help of people in the community who can speak the language of the victims, a highly unprofessional approach that does not yield desired results. Still, officials declare they find themselves lucky in such cases to have some support, rather than none, in terms of communicating with the victims.

Pointing out to the difficulty in employing translators in some cities, officials of law enforcement authorities have stated that in some cases, they have no choice but to resort to the help of foreigners residing in Turkey, despite the risks involved.

Risks involved in such an unprofessional method are:

- Relationships built on personal requests as opposed to professional; this situation may lead to confused feelings in the translators over time and cause them to manipulate the victim's story.
- Failure to employ sworn translators may lead to incorrect or incomplete translation and thus a wrong decision in the victim identification process.
- Maintaining confidentiality may become an issue with unprofessional persons.
- Statements taken in the absence of a lawyer or a professional interpreter pose problems where traffickers are exempted from penalty.
- This poses a threat for the personal security of the victim.

## **DEFINING WHO THE VICTIM IS**

Within the framework of the migration movement caused by disintegration of the Soviet Union, thousands of women have come to Turkey, some of whom have been employed in the prostitution sector and some falling into the hands of criminal organizations. The most commonly recognized form of human trafficking in Turkey in the aftermath of Palermo Protocol is forced prostitution of women and girls.

Frequent mention of the prostitution sector in the media has played a significant role in this perception. Training programs and activities for raising awareness in human trafficking have largely focused on victimization of “foreigners” and “women” by means of “forced prostitution”. This in turn has resulted in insufficient recognition and negligence of other victims of human trafficking, placing them in a position of secondary importance or receive different treatment.

In addition, attitude of potential victims and certain inexplicit expressions in the law text may lead officials to different interpretations in the victim identification process. Officials especially have difficulty in identifying whether victim's consent exists or should exist in the prostitution sector.

Uncertainty in such cases can be caused by (a) psychological state of the victim and (b) differences in the interpretation and implementation law.

### *Reservations of the Victim*

Officials emphasize that victims of human trafficking, who have been forced into prostitution, do not share their full and correct story with the authorities, and are not willing to give information about their traffickers or choose not to speak at all, after they are rescued. There seems to be no significant difference between victims of foreign nationality and Turkish citizens. Nevertheless, victims of foreign nationality especially refrain from speaking to the officials for reasons such as the language barrier, being in a foreign country, being in a state of shock or trauma and desire to get out of a frightening environment as quickly as possible. Another reason for the victims' implicit attitude is the fear of worse based on false threats of their traffickers that they have informants among the security forces who will report the victims' statements back to them.

Some of the identified victims of foreign nationality have been brought to Turkey, fully aware that they would be employed in the prostitution sector on promise of a large income. Upon their arrival, they have fallen into the trap of traffickers who limit their

right to mobility and force them into prostitution. In some cases, foreign women who have come to Turkey on their own initiative have later been abducted or deceived by human traffickers to serve their business. In either case, confiscation of the women's income by the traffickers and disappointment pose a severe condition for victims. According to officials in the field, some of these women want to return to their countries as quickly as possible (without waiting for a long period of investigation) in order to join the sector once again on their own initiative for a living. Thus, in their statements, they say that "they are not victims and they are not forced into prostitution but working with their own will in the sector". Officers' persistent advices in terms of telling the their "true stories" usually do not yield desired results. At the end these persons cannot be granted victim status.

It is common situation that women rescued in planned operations, highly suspected to be victims of human trafficking, state in the interview that they are not forced into prostitution and they do not intend to make claims against anyone. Rarely, some are convinced into sharing information with the officials upon revealing of evidence collected by security forces against human traffickers. In fact, legal regulations demand that victim identification procedure should be performed, regardless of the victim's statement. This is where security forces are faced with a conflict of roles, between their judicial and administrative duties: As they are directly reporting to Prosecutor, they need to identify concrete evidence in support of the traffickers' being guilty of the crime in the same file they have opened for victim identification.

Lacking the resources to employ adequate staff, security forces rarely get any support from civilian specialists experienced in the issue during victim interviews. These specialists who have knowledge on traumatised women psychology have proved in many cases that to establish trust with the victims and convince them into giving evidence against their traffickers. However, lacking of access to specialists or closed attitude of the victim hinders desired results. Some specialists have reported that some identified victims in recent cases have low IQ and education levels and they have even failed to convince these victims into speaking.

Similar reservations may arise with victims of forced labor. Some victims (both adult and child) are cowed into submission through imprisonment for sometime, threats, beatings and similar acts and as a result they are not willing to share information with security forces. Especially victims (living in the local area) refrain from making claims against their exploiters, based on the belief that they are destined to live in the same environment, governed by the same conditions. Efforts of psychologists and social workers have proved to yield desired results with child victims; however, support mechanisms are lacking for adults.

Clearly, victim's unwillingness to collaborate in the process and failure to provide appropriate environment and conditions are among the basic problems in victim identification.

### ***Reservations Caused by the Law Text and Its Implementation***

Interviews with the officials in the field have revealed that some expressions in Articles 80 and 227 of the Turkish Penal Code create uncertainty, as units differ in their interpretation of the text. This may be the cause of a number of issues in implementation of the Law. All units need to comprehend that human trafficking is the antecedent crime.

Articles 80 and 227 show high levels of similarity while one defines the crime of human trafficking and the other defines forced prostitution and instigation to prostitution respectively. There are a number of acts that fall under both crimes while the two articles stipulate different penalty/ punishment. In other words, qualified acts named in provisions 4,5 and 6 of Article 227 (prostitution through force, violence, deceit, taking advantage of one's vulnerability and exploitation of power) coincide with the acts listed in the crime of human trafficking. This causes different interpretations and implementation of the law in terms of differentiating between 'committing an act of human trafficking by means of forced prostitution' and 'act of facilitation / instigation into prostitution'. Uncertainty arises in identifying the party "forced into prostitution" and the party "victimized by being trafficked", resulting confusion for practitioners of law. Thus, the practitioners may have a perception that "if women involved in prostitution have given consent to the act, then it is not a case of human trafficking". Especially in cases of prostitution where majority of the potential victims declare they have given consent to the act and refuse to make claims against their exploiters; thus prosecutors who would like to take an easy way to close the file do not tend to investigate the case in details from the human trafficking point of view based on the declaration of the potential victim who do not want to go to court.

Even when the women involved in prostitution have given consent to the act, use of any one of the intermediary acts stated in the law (*threats, pressure, force or violence, deceit, exploitation of power and taking advantage of one's vulnerability*) constitutes a crime of human trafficking, thus making the women involved, "victims".

Another main issue faced in victim identification is the officials' insufficient knowledge of "forced labor". The most common forms of forced labor in Turkey are forced begging, theft and house cleaning services. Sensitivity towards potential victims of such acts is



apparent in operations run by local units of anti-smuggling and organized crime. On the other hand, some cases of “forced labor” involving acts of human trafficking are handled within the framework of “Acts Against Liberties” by local units of public order, based on Turkish Penal Code Article 109 (Deprivation of liberty) and 117 (Breach of liberty to employment and labor). Both Articles require much lighter sentences compared to Article 80.

## EVIDENCE PROBLEMS IN VICTIM IDENTIFICATION

There is a decrease in the number of identified victims of human trafficking in Turkey during recent years. One of the main reasons behind this notable fall is the issues faced in documenting the evidence. Dealing with the variety of methods used by human traffickers, their connections, networks, and organizational structure since 2002, Turkish security forces have gained vast experience in the field. Officials involved in the operations for many years state that they have observed significant changes in the actions, methods and structuring of organized human trafficking groups within the past four years compared to the period between 2003-2007.

According to officials in the field, in majority of the cases between 2003-2007, passports/IDs of victims (brought to Turkey or abducted in Turkey, both local and foreigners) were confiscated by traffickers, and victims were subject to physical force, imprisonment, beatings and torture. Hence, victim identification and arresting of traffickers were relatively easy. However, it is reported that in recent cases, the use of such methods is not commonly detected in the technical and physical surveillance of the traffickers. Sentences given to traffickers in previous cases have served as a deterrent factor, forcing traffickers to resort to new methods, in search of ways to refrain from leaving substantial evidences against them to circumvent potential judicial procedures. Frequently, they tend to use disposable telephone lines for communication not to leave any substantial evidence.

Human trafficking crime is now committed by individual traffickers as opposed to the organized crime groups of the past. Without a detection of a criminal organization, they refrain from heavy criminal punishments. One of the officials have underlined that judicial authorities do not permit security forces to conduct technical surveillance as the individual traffickers in a particular territory are not governed by a strict hierarchy, thus their acts do not fall in the category of “organized crime” by definition. This allows human traffickers to get sentenced maximum within the framework of instigation to prostitution and procurement, leading to much lighter penalty compared to that of human trafficking.

This change in method has had its effects on the victims as well. Traffickers give a small share of the profit to their victims, sometimes allowing them to go shopping and make a phone call to their families. This creates an illusion in the victim’s mind that things may get better in time and they get used to living by the rules of their traffickers as opposed to going to security forces to be relieved of their victimhood.

## PHYSICAL CONDITIONS OF LAW ENFORCEMENT UNITS WHERE POTENTIAL VICTIMS ARE ACCOMMODATED

After a police operation (both against prostitution and human trafficking), security forces primarily aim at finalizing the paperwork and formal processes regarding the individuals (both victims and traffickers) and forwarding the case to the judicial authorities as soon as possible.

Specialization is a must in units combatting this crime. Each specialized unit of law enforcement serves in physically separated departments. For instance, anti-prostitution and anti-gambling branch under the public order unit is physically separated from other units. In some cities, these departments are large enough to spare space for potential victims. However this is not a common possibility for every city or branch. On the other hand, in smaller offices, it is not possible to pay attention to sensitivity requirements mentioned in this study especially if it is deemed necessary to take statements of a large group of people.

After a police operation, women with greater probability of being a victim are separated from others, kept in another room during the process, within the boundaries of physical conditions offered by the office, which have been observed in most cases to be insufficient in terms of “separation” or “offering a comforting environment”. Once they have given their statements, upon request of the potential victims, separate transportation to health care institutions (for tests) is provided for women who are potential victims of human trafficking.

Utmost care is given to prevent any interaction between traffickers arrested in an operation, women involved in prostitution and possible human trafficking victims among them. Captured traffickers are directly taken into custody, whereas the women are taken to the related offices to give their statements. The two groups have no interaction at all. Hence, potential victims who will be giving statement against their traffickers will not come face to face with them. Still, differentiating between the two groups is not an easy task for security forces during whole process as status determination can be very complicated.

Nevertheless, it must still be considered that there could be an informant among the women to testify against the traffickers, who could put pressure on potential victims and manipulate their statements. A social worker who has actively participated in several operations has pointed out that security forces have to keep an eye out for such informants and where possible, separate them from others in case of any suspicion.

Offices of the law enforcement authorities are used for statement taking purposes of adult victims so that the process is finalized without delay. Aware of the lack of adequate conditions at the offices, officials strive to create the best possible environment for potential victims where they will feel least affected and disturbed. It was observed that security forces directly involved in the process were generally trained for the job with high level of awareness, making the best of the given conditions. A security official asks:

*“Our tools, offices and equipment are designed for interrogation purposes. How can we justify keeping a potential victim in the same conditions? Is it right to perform the identification process in this environment?”*

There is an honest effort to combat this crime and security forces strive to treat potential victims with sensitivity. On the other hand, inadequacy of physical conditions and lack of qualified staff presents problems. An official has summarized the situation saying that “they are beating the clock” in the process of preassessment and pre-identification of the potential victims. Officials have only a few hours to complete this pre-assessment and pre-identification process, which includes taking 20-30 people under custody to hospital, their transportation to the office, documenting their statements. This situation offers very limited time to allocate for the needs of each individual victim. Furthermore, as their work environment fails to provide a comforting setting, statements of potential victims are taken under less than ideal conditions.

### **OFFICIALS’ ATTITUDE CONDUCTING THE INITIAL INTERVIEW**

The first ones to encounter with adult potential victims of human trafficking are line officers in the street and/or officers of specialized units (from anti-smuggling and organized crime units and public order units) who conduct the criminal investigation. Those who conduct investigations are trained and experienced staff in their fields. Employing specialized staff in human trafficking is of vital importance.

Initial processes include transportation of potential victims to the police station, taking them to the hospitals for proper tests and then handing them over to the foreigners’ office (if foreigners) respectively. In order to complete this process adequately, local

law enforcement units strive to employ at least three female officers in each shift shifts and trying to make ready one female officers in civilian clothes to accompany their male colleagues when possible. During interviews, local law enforcement units try to have ready, if possible, a female staff who can speak at least one foreign language. However, this may not always be possible, not only due to the inadequate number of female staff but also their psychological over-sensitivity to such traumatic events, unwillingness to volunteer to participate in such operations and fear of contagious diseases.

Despite the efforts to follow predetermined standards in procedures, inadequacy of the number of staff and other limitations (such as non-adequate offices) present some serious issues in implementation. For instance, local anti-smuggling and organized crime units allocate separate offices for human trafficking and migrant smuggling case. Each of these offices actually has enough workload to function as a separate unit in the local police departments. Combating these crimes is achieved through tremendous effort, working within the boundaries of a limited budget and number of staff. Within the framework of the current conditions, it is near impossible for a single office to combat human trafficking and perform related procedures (such as victim identification and protection), especially in cities with heavy workload.

### **STATEMENT TAKING PROCESS**

Potential victims of human trafficking are brought to the police stations to take their statements, after an operation. The number of individuals, who are brought to police stations, is 20-30 on average, and this number can even exceed 100 for some cases. As the number increases, it gets more difficult for law enforcement to complete this paperwork.

After a planned operation, priority is given to the human trafficking dimension. Law enforcement officers initially try to reveal the facts in terms of possible human trafficking networks. However, potential victims may be scared to reveal all the information they have during their first encounter with the security forces, which in fact is a judicial procedure. Thus, officers in the field stress the importance of having a psychologists during this process.

By nature, law enforcement authorities give priority to developing methods of identifying offenders of the crime so they design the interrogative methods with the purpose of collecting evidence against the suspected traffickers to compile an investigation file. Thus, they focus their efforts towards identifying the offender of a crime as soon as

possible, making it difficult, if not impossible, for security forces to focus on the victims themselves. During our field research, we observed that, a psychologist or social services specialist is rarely present during the statement taking of potential victims. The lack of trained specialists in some cities and security forces' priority in confidentiality in others, result in the statement taking of potential victims by security officers alone, thus leading to undesirable results.

It was also observed that heavy work load as well as inadequacy of the physical conditions and lack of trained staff has an adverse impact on the statement taking of potential victims. Despite these factors, it was also observed that security forces showed tremendous effort to adopt a professional approach in their attitude towards potential victims. An NGO volunteer has explained that the inadequacy of the physical conditions of the offices where the statement taking takes place coupled with the lack of specialized staff to create a comforting and trusting environment, female victims have difficulty in giving a full account of their story and thus their statements may miss pieces of vital information regarding their traffickers.

Another difficulty faced in the process is the potential victims' low level of proficiency. It is of vital importance to grasp the details of a statement not only to fully understand the feelings of a victim but also to identify evidence of the crime and clues to locate and arrest its offenders. The statement taking process, already a tough one for the reasons stated above, becomes even more complex with the addition of the need of an interpreter.

Security forces are required to perform certain preparations and pre-evaluation for correct identification of victims. Assessing the body language of the victim, checking their entry-exit records, chatting with them prior to the statement taking to establish trust and feeling of safety in the victim are among the issues security forces should pay attention to.

An NGO official has pointed out that as per their experience, potential female victims are generally stressed, apprehensive and annoyed during their first encounter with the security forces. The official further went on to explain that some victims are drugged by their traffickers, and they are not aware of this situation until informed by a psychologist during statement taking process. While still under the effect of the drugs, the potential victim cannot be expected to provide adequate or proper information.

The lack of social service specialists in all cities presents a big obstacle for security forces. An official has explained that they have had to resort to 157 help-line service, due to the lack of support from social institutions.

## **APPOINTING AN ATTORNEY AND RELATIONSHIP WITH ATTORNEYS**

It is a legal obligation to appoint an attorney to child victims of human trafficking (minors under 18 years of age). Adult victims of human trafficking can request the appointment of an attorney by bar associations within the framework of Article 234 of Code of Criminal Procedure. To this end, some bar associations exert special effort to employ an attorney with adequate experience and knowledge in human trafficking. For instance, a bar association has established a legal assistance center appointing volunteers to cases of women who have been subject to violence in human trafficking. Still, such volunteer services are not available throughout the country.

An official with years of experience in human trafficking investigations have said that inexperienced attorneys or those who have not volunteered for this duty do not provide any aid to law enforcement authorities in terms of victim identification by encouraging the potential victims to give detailed statements. On the contrary, they may even be inclined to hastily complete the process to leave as soon as possible.

An NGO official has pointed out that in many cases, the bar association does not appoint an attorney, and when it does, the attorney rarely has experience in the field. Hence, bar associations need to establish regulations to appoint attorneys by field of specialty. IOM has designed anti-human trafficking training programs for related units. Interviews with policy makers and legal experts have revealed that human trafficking is an issue requiring special knowledge and thus there is a need for sub-units specialized in the area. This would help establishment of corporate culture and institutionalization in combatting human trafficking while avoiding unfamiliarity with this offence. Bar associations should be able to appoint attorneys willing to work in the area, providing them with training courses and seminars. In addition, security forces must be warned that statements taken in the absence of an attorney could cause problems in the later stages of the prosecution.

## **SECURITY FORCES' APPROACH TOWARDS POTENTIAL VICTIMS**

It has been observed that security forces do their best to approach potential victims of human trafficking and forced prostitution with sensitivity, despite their heavy work load and limitations of physical and technical facilities. Clearly, they approach people involved in each case as if they were victims of human trafficking and base their initial communication with them on empathy. It is also observed that some of members of the security forces have received training in various aspects of approaching potential victims.

Such display of empathy will allow the interrogation process to yield more successful results. Victims feel the need to disclose their knowledge to someone they can trust. Still, no matter how sensitive security forces try to be, potential victims may not always be willing to talk. For instance, a victim forced into debt by traffickers may not give statement against them to prove his/her victimhood, even though their forced debt has been identified in the course of technical surveillance. These technical recordings never represent evidences stand alone, therefore potential victim has to lodge a complaint against trafficker. However, the resistance from potential victim did not allow any further proceedings against trafficker.

Despite the persistent efforts and positive approach of the security forces, many potential victims may refuse to give statements against their traffickers, with fear of putting their children and loved ones back home in grave danger.

Training members of the security forces in the fields of victim psychology and communication techniques can only achieve a certain level of knowledge. It is more likely that potential victims will assume that the security forces are trying to deceive them. Statements taken by a female psychologist proves to achieve better results than those taken by members of the security forces. A public prosecutor states:

*“...Traffickers have intimidated victims through false threats by saying “we know all police officers. Even if you are seized by the police and give statements against us, they will simply surrender you to us”. Provided that you get support from a psychologist and convince the potential victims otherwise, they are eager to talk and make an official complaint. In several cases, I achieved this merely through the support of psychologists, without statement taking by security forces...”*

## FORMALIZATION OF VICTIMIZATION

Individuals with higher probability of victimization are subject to an administrative process following their statement taking. This administrative process includes a number of procedures to allow the victim access to protection and rehabilitation services, before the judicial process is finalized. Officials involved in the administrative process are male/female members of the security forces, psychologists, interpreters, attorneys, doctors, social service specialists, NGO volunteers and IOM representatives trained and experienced in the field of human trafficking. The first stage in this process is the identification of victims, among those deemed as potential victims.

For identification of victims with Turkish nationality, public prosecutors make the final decision based on the views of law enforcement authorities and statements of the victims.

If the victim is a female, she is sent to a shelter/public guest house of Local Directorate for Family and Social Policies Ministry or to a shelter of local administration where various social and healthcare services are made available to her. Nevertheless, status identification process cannot proceed for women who refuse to give statement regarding their victimhood or make official complaint against their traffickers. For this reason, individuals return to normal life without going through a period of rest, relaxation and reflection. The same problem exists for male victims as well and it is unclear in the regulation as to what procedure needs to be followed for them. Our research team has been told by members of the security forces that male victims in need of medical and psychological support can make use of the social support mechanisms available in the city they are in. In short, all these stages are completed by the units following up the judicial process, which are public order and/or anti-smuggling-organized crime units of local law enforcement.

Procedures regarding identification of child victims with Turkish nationality are performed by division of children in local police departments. Minors give their statements at Child Monitoring Centers (ÇİM), accompanied by a prosecutor, psychologist, doctor and social worker.

National Referral Mechanism does not clearly state steps in victim identification process of Turkish nationals. In implementation, National Referral Mechanism is seen more like a function towards identification, protection and supporting of female victims with foreign nationality. Hence, there is a huge gap in the regulation regarding procedures governing the identification process of victims of Turkish nationality, especially those involved in forced labor. It is also not clear whether there is any data regarding these victims and if they are included in the total number of human trafficking victims officially declared each year.

Procedures regarding foreign victims are clearer and well defined. Once their judicial process is finalized at other units, foreigners are transferred to detention centers controlled by local foreigner units. Officers working in these centers are informed of individuals with higher probability of being victims and these individuals are accommodated at a separate unit. It has been observed that in some cities these separate units are especially designed while in others, it may not be possible to do so.

In the final stage of identification process, NGO volunteers work in collaboration with officials of local foreigners unit. In some cases, NGO specialists can directly participate in the decision by official invitation of the law enforcement authorities. Specialists interview victims accommodated at separate units of the detention centers, sometimes accompanied by psychologists and social service specialists. Nevertheless, this is not a

standardized official process, it is merely left to the discretion of the chief officer in the foreigners unit.

Victim identification marks the process where final decision is given regarding whether individuals involved in human trafficking have been subject to exploitation, within the framework of the pre-assessment in the course of the judicial procedures.

This process requires performing several interviews with potential victims, aiming to gather detailed information to support the final decision. Specialists perform the interviews in the form of an informal chat, asking key questions to potential victims which will provide clues to help determine their status. Answers given by potential victims are analyzed in a holistic approach in an effort to correctly determine their status.

Members of the security forces and NGO officials have given a few examples of the type of questions asked during the interviews:

*“For instance, the answer given to the question,*

*‘Did you choose this hair style yourself?’ gives us a significant clue, because we know that women prefer to choose their own hair style. On the other hand, traffickers generally choose short hair styles for women.*

*‘If the answer to the question ‘Do you have intercourse during your menstruation period?’ is positive, the probability of the individual being a victim is very high.*

*‘Did you choose the perfume you are wearing yourself?’ Because we know that traffickers force the women into using the perfumes they provide, charging the price to the women. Presence of such a case provides sound evidence for victimization.*

*‘Did you buy these clothes yourself?’ Because we know that their clothes are not what women would wear under normal circumstances. They are often transparent and quite overstated.”*

In cases where the women’s answers reveal being forced into the situation suggested by the questions, specialists have reason to believe that they are forced into prostitution. An NGO volunteer has pointed out that unless the potential victim shows hostile behavior towards members of her gender, interviews performed by female officials yield better results.

Another NGO volunteer underlines the significance of the potential victim’s statements in the identification process. A woman stating to have intercourse with over a hundred men in a month is a big clue that she is being exploited, indicating being forced into prostitution. In addition, drugging of the exploited women is a strong sign of

victimization. In some statements one comes across such phrases as “...they were giving us tea before intercourse to make us feel relaxed”. “Did you feel sick after drinking the tea?” “Yes” providing sound evidence that the women were drugged and they did not give consent to the act of prostitution. Then this person is identified as a victim...”

An NGO volunteer states that it is not difficult to differentiate between sexually abused women and those who have chosen at their own will to work in the prostitution sector through key questions and clues revealed by a careful assessment of the situation. For instance, the answer to ‘Can they determine the rules and type of intercourse?’ may present a valuable finding. Women working at five star hotels at a rate of several hundred dollars/hour are unlikely to be victims of human trafficking. On the other hand, victims of forced prostitution cannot set the rules themselves such as when and where the act of prostitution will take place. They are often forced into having intercourse several times a day in damp, dirty rooms and filthy beds.

It has been pointed out that interviews should take place in a separate environment where potential victims will feel at ease. In this regard, detention centres are not the ideal location to perform the interviews.

Removal Centres, are sections of the local police departments where potential victim interviews are held and administrative process for victim identification is finalized, which also serve as an accommodation facility for illegal migrants until they are deported. Cleaning and personal care services are provided at these buildings. However, taking into consideration the huge number of people with a variety of languages, cultures and understanding, being accommodated in the same building with numerous entry-exit procedures registered every day, coupled with the security measures needed to prevent escape of illegal migrants, these facilities are clearly not appropriate for victims of human trafficking.

An official explains:

*“...An individual file is registered for each woman brought to removal center, so there is quite a big number of files to assess, making the identification process more difficult. Reading and assessing each file, interviewing the individual and making the final decision on her victimhood requires time, knowledge, experience, adequate number of trained staff and diligence. We are actively participating in victim identification process day and night, with limited resources. Still, I am personally disturbed by the possibility that we might have missed someone out. Those brought to detention center always have a high potential of being a victim of human trafficking.”*

All female foreigners brought to detention centers, who do not state their victimhood, stay in the same environment until they are deported. It was observed that in some cities special effort was made to differentiate unidentified victims of human trafficking among the group, by arranging an interview with social workers when and where possible, who could determine victimhood of these individuals. Antalya is a good example to this procedure, where potential victims are given an opportunity to speak with social workers in private to facilitate the identification process. In some cases, it has been noted that it may take several interviews for potential victims to establish trust with the specialists and confide in them. Persistent and caring attitude by the specialists certainly helps in these cases.

Tables below display the structure of the victim identification process for adults, children, Turkish nationals and foreigners. In general, there seems to be no problem in the referral mechanism for foreigners. Nevertheless, there is no official procedure designed for identification of victims with Turkish nationality. This constitutes a huge gap in both the central referral mechanism and local implementation, especially concerning victims of forced labor. There are also some unstandardized differences regarding the process of identifying child victims. (Figure-6, 7 and 8).

Figure 6: Identification Process for Victims of Foreign Nationality



Figure 7: Identification Process for Victims of Turkish Nationality



Figure 8: Identification Process for Child Victims



**SECTION 4:  
SWOT ANALYSIS ON VICTIM  
IDENTIFICATION PROCESS,  
CONCLUSIONS AND  
SUGGESTIONS**

## SWOT ANALYSIS ON VICTIM IDENTIFICATION PROCESS

### *Strengths, Weaknesses, Opportunities, Threats*

Strengths and weaknesses of the victim identification process detailed in the previous sections alongside opportunities and threats for the future are summarized by the results of the SWOT analysis below.



# Strengths

- Training of law enforcement to increase their level of awareness
- NGO input is acknowledged
- Efficient dialogue and collaboration among actors of the referral mechanism
- High awareness level of the staff in approaching potential victims
- Existence of shelters and their operational status
- Established culture of collaboration between national and international institutions
- Existence of a Guide on Combating Human Trafficking which includes information regarding victim identification and officials' intention to follow these guidelines in the decision making process
- 157 Emergency Help line is involved in the process providing standardized procedures
- Technical facilities of investigative units have significant contribution to victim identification process

# Weaknesses

- Lack of standardized identification process and implementation model for both victims of Turkish nationality and foreigner victims
- Inadequate level of knowledge and sensitivity towards potential victims of forced labor
- Victim identification is not based on the joint decision of a multi-sector council
- Insufficient number of NGOs involved in the process
- Insufficient number of interpreters
- Being unable to employ social workers and psychologists in various stages of the process
- Insufficient number of specialists in security forces staff
- Established prejudice in victims towards security forces
- Established prejudice in security forces towards women in the prostitution sector
- Inconsistency caused by law texts or interpretation of them
- Victims cannot take place in the advanced stages of the judicial process once they are deported
- Statement of victims cannot be recorded on video
- Inadequacy of physical conditions offered by operational unit facilities
- Lack of separate units designed especially for victim identification and interviews
- Victims are not provided with security measures within the framework of a witness protection program
- Lawyers' not being knowledgeable about rights of victims and access to justice, not being involved in the process
- Proceedings are based on complaint of victim, the process has to be applied regardless of complaint from victim
- Gaps in coordination among investigative/operational units and local foreigners unit
- Provinces have to wait for information from center to complete victim identification which prolongs whole process
- Not including identified victims in national referral mechanism increasing potential risk for revictimisation
- Absence of work plans to facilitate the implementation of Action Plan
- Victim identification, victim rights and service providing are based on administrative order, it should be based on laws and regulations.

# Opportunities

- Department of Protection for Victims of Human Trafficking to be established within the structure of General Directorate of Migration Management
- A draft bill designed towards protection of victim protection and combat against human trafficking
- Willingness of security forces to combat this crime
- Institutions are open for collaboration
- Openness to international collaboration among security forces
- Existence of platform of dialog among NGOs of different states
- Effective use of technical facilities by investigative units
- Security forces are aware of their shortcomings and they openly state them

# Threats

- Misperception that human trafficking is limited only to foreign women forced into prostitution
- Human traffickers are psychologically involved in the process (encounter at the courts)
- Fear and pressure created in victims by their traffickers
- False victims
- Victims' unwillingness to benefit from support and protection services
- Shortcomings in the support and protection mechanisms of the victim's own country
- Problems that can be faced in services of legal assistance (attorney manipulating victim)
- The victim's attitude being led by the fear of being deported
- Inability to keep victim's identity confidential after the victim decides to make official complaint against the traffickers
- Delay in the victim identification process could cause other areas of victimisation.
- Potential to misidentify illegal migrants and victims of human trafficking
- Possibility of the victim to fall back into the vicious cycle of revictimization

## CONCLUSIONS AND SUGGESTIONS

In Turkey, there are two separate and yet intertwined processes that determine the identification of victims: judicial process focusing on the criminal dimension of human trafficking and administrative process focusing on the protection of human trafficking victims.

In both of them, law enforcement authorities are the first ones to encounter with victims. Relevant security forces conducting the investigation and bringing the case before judicial authorities. They aim to reveal all the facts and prove the presence of human trafficking crime, identify its offenders, take statements from victims of the crime and present a complete case file to the public prosecutor. Next, public prosecutors present this file to court for judgment.

Administrative process, on the other hand, focuses on identification of genuine victims, aiming at preventing further victimization. Administrative process requires some time to be finalized until the case is brought to court for judgment, thus leaving the potential victim susceptible to further victimization. To provide support and protection to victims without delay and prevent further physical and/or psychological damage to victims as well as potential harm to public, administrative process precedes the judicial one. Victim identification of adult foreigners in Turkey is performed by foreigners units in local police departments. Additionally, support from national /international institutions and organizations (IOM, Women Solidarity Foundation, Human Resources Development Foundation, and Family Counselling Association) are received for successful identification of victims.

There are quite successful, well-coordinated and devoted examples in Ankara and Antalya, where a high level of collaboration between NGOs and state institutions and their harmonized approach was observed. This makes a quite positive impact on the victim identification process. Nevertheless, these examples do not present a standardized structure in all cities. Gaps, shortcomings and weaknesses were also observed. We have adopted a holistic approach in our assessment of the current victim identification process, covering strengths, weaknesses, opportunities and threats involved and have come up with suggestions in the following areas to establish a general and standardized approach. Our suggestions and recommendations are classified under following sub-titles:

- 1) Definition of a victim
- 2) Establishing local/national units for victim protection

- 3) Final Decision on Victim Identification to be Given by a Commission Composed of Different Sectors
- 4) Structuring a national referral mechanism for victims with Turkish nationality
- 5) Improving social and medical services and NGOs that involve in delivering victim protection and support services and focusing on the awareness of victim psychology
- 6) Improving physical, technical and staff capacity of law enforcement involved in victim identification process
- 7) Unifying all units that combat human trafficking under a single umbrella
- 8) Training of the staff that work at anti-human trafficking units and keeping them employed in these units to get specialized
- 9) Establishment of Department of Protection of Human Trafficking Victims within the framework of the planned General Directorate of Migration Management

### *Definition of a Victim*

Law enforcement officers in the field are often faced with a dilemma in defining human trafficking, leading to personalized/subjective definitions which result in varied approaches and implementations in combatting this crime. Different interpretations of this concept, which form the basis in combating this crime, cause other problems. It is also a fact that legal documents explaining the crime of human trafficking are open to interpretation, the same terminology has been used in different articles of the law and some definitions are incomplete. Thus, this situation causes several issues in terms of implementation.

To overcome this problem, an amendment needs to be made especially in the terminology used in Articles 80 and 227 of the Turkish Criminal Code. Otherwise, the difficulty in differentiating between victims of human trafficking and individuals practicing prostitution will prevail.

A second strategy could be to establish typologies facilitating different stages of victim identification, focusing on the flow of victim identification process, the issues that require special attention, roles and responsibilities of institutions involved and the reasoning behind final decisions through examples of various types of human trafficking cases, which could then be published in the form of a practical guide.

This practical guide should set the basis of specific training activities on identification of human trafficking victims to minimize deviation from the standard interpretation of the law. Additionally, the personnel (from different institutins and ministries) who will take place in victim identification process have to be clearly named and qualifications of this personnel who should be clearly defined. .There have to be a council composed of a social worker ( from the Ministry of Family and Social Policies),a psychologist, physician (from the Ministry of Health), law enforcement representative from human trafficking operations ( from the Ministry of Interior) and a prosecutor (from the Ministry of Justice) following judicial aspects pertaining operations.

### ***Establishing Local and National Units for Protection of Victims***

Combatting this crime requires the establishment of a new structure of protection and support services. To this end, General Directorate of Migration and its provincial offices shall be established within the framework of the draft Law on Foreigners and International Protection to be issued by Turkish Grand National Assembly. It is also recommended to establish a “National Coordination Unit for Combatting Human Trafficking” to serve as a legal basis of collaboration and coordination among institutions to replace the National Task Force, which has no legal grounds.

As per the draft Law, Provincial Office staff will include five (5) managers for “human trafficking victim shelters” as well as psychologists, interpreters and social workers. Hence, the number of shelters may increase from 3 to 5.

Migration Management Provincial Offices will be in close contact with law enforcement combatting human trafficking and assume a role in victim identification following the judicial process. Law enforcement, social service agencies and provincial migration management directorates are to be in close contact to carry out operations.

### ***Final Decision on Victim Identification to Be Given by a Commission Composed of Different Sectors***

Currently, the decision to grant victim status to foreigners is given by General Directorate of Turkish National Police, Department of Foreigners, Borders and Asylum, based on a report to be prepared by foreigners unit of local police departments. In some cases, officials of the local foreigners unit get actively involved in the police operations and have access to detailed information on victims. However, this is not a standard procedure. In some cities, staff of local foreigners unit is not allowed to participate in the investigation process for reasons of confidentiality of the case.

If staff of local foreigners unit is not allowed to participate in the investigation process, in some case, those officers may deny victim status of an individual who is actually identified as victim by the unit that conducted the operation/investigation. For instance, during an investigation, telephone conversations may reveal evidence towards victimization of a woman and the victim may give statement in support of this finding. And yet, after the victim is transferred to the local foreigners unit, she may change her statement based on outside factors, or she may not be questioned thoroughly as the officials may not be informed of the evidence. This could cause the individual to be denied victim status and protection as well as being deported. As detailed below, security forces’ lack of training in psychological state of the victim and experience in dealing with such cases will hinder their ability to approach victims correctly to derive information. In addition, the question of whether the final decision should be given by the officials of Department of Foreigners, Borders and Asylum, who will base their decision merely on the report prepared by local foreigners unit as this Department have not personally interviewed potential victims and are not fully acquainted with the case, needs to be addressed.

For this reason, it is recommended that the report on victim status of an individual should be prepared by a local “Human Trafficking Victim Status Determination Commission”. In the case of the potential victim being of foreign nationality, this Commission should be made up of a representative of the investigation unit, representative of local foreigners unit, , a psychologist and a social worker. The authority to decide whether the individual is a victim of human trafficking should rest with this commission, which should be established in a functional way to meet in each city/province for purposes of victim identification. The commission’s decision should be binding, and identified victims should be sent to protection and support units. This commission should be functional enough to gather in every province/city to identify victim status.

### ***Structuring a National Referral Mechanism for Victims of Turkish Nationality***

In the case of an adult human trafficking victim with Turkish nationality, a formal identification process is not followed. Instead, only judicial procedures are fulfilled. An individual is defined as a victim of human trafficking once it is stated so in the docemnts of the case prepared by the security forces. Officials in the relevant units of the security forces inform public prosecutor about individual’s right to benefit from rehabilitation and protection services. After the decision of prosecution, they inform the Family and Social Policies Provincial Office, which is the institution responsible for following up with the protection, health, accommodation and rehabilitation services provided to

victims of human trafficking with Turkish nationality. NGOs are also actively involved in providing these services to victims. Still, the problem is that an official standard procedure is not followed in victim identification for Turkish nationals, as in the case of foreigners.

Therefore, establishing a national referral mechanism to identify and protect human trafficking victims of Turkish nationality would be beneficial.

### ***Improving Social and Medical Services and the NGOs that Involve in Delivering Victim Protection and Support Services***

Potential human trafficking victims are first encountered by law enforcement officers from different units. Irrespective of the level of training they have, this staff mainly focuses on criminal investigation and aim to the offenders. Understanding victims, relating to them and stating their rights require a different set of skills and training. Coordination and collaboration of institutions that can be involved in the social and psychological dimensions of the issue is crucial. Alongside members of the security forces, representatives of institutions and organizations closely related to the issue must be present at first encounter. As per the statement of an NGO volunteer; *“Victims tend to be more reserved in the presence of Police officers. They are apprehended at operations, sometimes in numbers up to a hundred. Little time can be spared for each individual so they are discouraged to talk about their situation.”*

In order to overcome the shortcomings stemming from the lack of qualified staff, technical facilities and physical conditions, the process of victim identification should be followed simultaneously with the judicial process. Having the specialized staff employed by local social services involved in the victim identification process would be highly beneficial. Full time/part time interpreters are also required in the process.

NGOs play a significant role in combatting human trafficking and victim identification. Therefore, necessary support and incentive mechanisms should be established as well as developing regulations to encourage the functions of these organizations is needed. In Turkey, there are only 3 NGOs related to human trafficking. The NGOs are discouraged to become more involved in this field due to high level of sensitivity and risk associated with the issue as well as unsustainable financial support. The following statement by a volunteer worker summarizes this fact:

*“We are scared of the traffickers, of course, as we travel back and forth with the victims to the court house, once the case is taken to court upon their official*

*complaint against the traffickers. We are confronted by traffickers either at the court house or around it. We are scared, because there is a risk involved. We are working with victims carrying contagious diseases. This scares us as well. We are faced with financial problems. Being an activist/non-activist is another issue. Hence, the only answer to the question why should NGOs be involved is “courage”*

NGO volunteers' being in direct contact with contagious diseases may also be quite discouraging. Thus, there is a need for policies to encourage the society to become more active in this issue. Furthermore, a pool of specialized social workers and psychologists needs to be established and they should be supported with comprehensive group training activities.

Victims of human trafficking should also be supported by NGOs in their countries of origin, so that they do not fall back into the vicious cycle of victimhood after they have been rehabilitated and protected in Turkey. Hence, collaboration among NGOs must be established, keeping in mind that victimhood will continue once the victims are returned. IOM's efforts towards protection of victims identified in Turkey should also continue following their return to countries of origin.

### ***Improving Physical, Technical and Staff Capacity of Law Enforcement Involved in the Process of Victim Identification***

In previous chapters, we have pointed out the shortcomings in physical conditions of operational and administrative units in terms of providing victim protection services. Condition of detention centers, where identification process of foreign victims is finalized, is very poor and needs to be improved, too.

To this end, private rooms need to be allocated for statement taking of potential victims and to immediately separate them from others. At detention centers, private rooms also should be allocated to potential migrants where they can relax and feel comfortable. Identified victims should be transferred to shelters without delay. Otherwise, one needs to keep in mind that victims kept at detention centers until the administrative process is complete, which could take several weeks, will tend to withdraw their statement and thus give up the protection and support offered to them.

On the other hand, it is also important to maintain trained and experienced staff of security forces and employ them in offices where they will put their knowledge and experience in use. An NGO volunteer thus suggests:

*“...Victims have a different body language than that of the women employed in prostitution. Their appearance speaks for them. For instance, we came across a woman who kept on wiping her mouth with a napkin throughout the interview. We found out later on that this gesture was due to being forced into prostitution against her will. I wish police officers here do not get transferred elsewhere. They have experience. I might spend a long time talking casually with potential victims, getting them ready for communication...still, their experience is of greater value...”*

In addition, during judicial and administrative processes, the approach of the staff towards potential human trafficking victims needs to be considered. Especially the prejudice against women seized in anti-prostitution operations should be eliminated and they should have an understanding that each individual may be a potential victim of human trafficking. Those staff should base their judgment about adult foreigners on cultural norms of the victims. Otherwise, potential victims may be discouraged to communicate with the officials.

Members of the security forces must be alert to detect abnormal behavior reflecting the physical and psychological state of the potential victim at the initial stage of the judicial process (especially during statement taking). It must not be overlooked that individuals who have become addicted to drugs, showing signs of schizophrenia or other psychiatric problems could also be victims of human trafficking.

Members of the security forces naturally focus on the facts of the case in combatting human trafficking. However, they should refrain from asking judgmental questions to potential victims during first encounter, pre-assessment and interrogation processes. In general, questions like “Why did you not get away?” or “Why did you not call 157” discourages potential victims from communicating with members of the security forces. During victim identification interviews, officials should refrain from an attitude that blames or accuses potential victims.

Foreign victims must be given an opportunity to speak openly. Failure to establish a healthy environment of communication may cause the officials not to have confidence in statements given by potential victims. A psychiatrist doing volunteer work for an NGO states:

*“These people have not had a chance to develop themselves in the poor life conditions of their country. In the best case scenario, they are elementary school graduates. They are vulnerable people, ready to believe a complete stranger they meet at the supermarket, who promises them a great job in Turkey. Security forces are confused, because they find it difficult to believe that these people are simple-minded enough to be deceived by such false promises. But this is what they really are. And they are easily deceived...”*

Professional interpretation services should to be used as much as possible to overcome issues caused by the language barrier. For this reason, the need for interpreters is addressed.

### ***Establishment of a Single Unit Responsible for Combating Human Trafficking***

Due to heavy workload and shortcomings in physical conditions and technical facilities coupled with insufficient number of staff, there exist difficulties in combating human trafficking. In addition, because of the reasons mentioned below, different units of law enforcement may investigate the crime simultaneously since

- human trafficking is a form of organized crime,
- it involves limitation of freedom, forced employment and forced prostitution, and
- foreigners are often involved in the case, and
- this crime has a close relationship with migrant smuggling in terms of methods used.

Hence, different local law enforcement units (i.e. anti-smuggling and organized crime unit, public order unit, foreigners unit) get involved in the case and officials with various levels of knowledge and experience may adopt different attitudes.

This not only results in insufficient use of sources and facilities, but also has a negative impact on the success of the combat against human trafficking. In addition, transferring foreign victims whose administrative process were completed to local foreigners unit first and then to shelters cause procedures to become complex and unconnected. It has also been stated during our field research that officials at local foreigners units cannot show desired level of care as they have to confront large numbers of illegal migrants and foreigners convicted of a crime and they do not feel satisfied in performing this profession.

Moreover, forced prostitution is the most common type of human trafficking. Nevertheless, individuals forced into employment in the textile, house-care and other sectors may also be victims of this crime. Identification of different types of victimization and carrying out the necessary procedures correctly requires specialized staff and a professional approach towards the issue.

Establishment of local “Anti-Human Trafficking and Migrant Smuggling” units will help overcoming the above concerns and developing a more efficient mechanism in combating this crime.

All responsibilities and duties of performed by anti-smuggling and organized crime units, public order units and foreigners units of local police departments may be delegated to this specialized unit. The same might be done within the structure of local gendarmerie. This unit needs to be equipped with the technical facilities to investigate cases of organized crime and specialized staff with knowledge and experience in the issue. Full time psychologists and interpreters must be included in the staff of local offices, where service buildings must be especially designed to meet the needs of the victims.



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