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Enhancement of Participatory Democracy in Turkey:  
**Gender Equality Monitoring Project**

# **Trafficking in Human Beings/Women and Gender Equality**

Mapping and Monitoring Study  
Full Summary

**Assoc. Prof. Emel Coşkun**



## **CEİD PUBLICATIONS**

Trafficking in Human Beings/Women Gender Equality  
Mapping and Monitoring Study  
Full Summary

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## PREFACE

The present report is the outcome of a series of thematic mapping work and efforts to develop gender equality (GE) monitoring indicators under the *Enhancement of Participatory Democracy in Turkey: Gender Equality Monitoring Project*. The project took shape in the period 2013-2017 in a process involving meetings and exchange of opinion with many institutions and persons. The common point emerging in this process was the necessity of developing independent mechanisms for monitoring and evaluation at the stage that GE policies reached in Turkey. In other words, what was needed was an independent monitoring mechanism to assess the appropriateness and effectiveness of national legislation and action plans developed so far in translating GE into life. This also entailed the development of tools satisfying relevant scientific and technical requirements and facilitating systematic monitoring free from political and ideological polemics. To ensure compliance with international norms and sustainability, it was also necessary to develop monitoring indicators and assess these indicators through mapping and periodic reporting, which became the roadmap of the project. It was also among the objectives of the project to take initial steps to ensure the institutionalization needed for the sustainability of these efforts.

While delineating its field of work the *Enhancement of Participatory Democracy in Turkey: Gender Equality Monitoring Project* adopted a "gender sensitive rights-based" approach. The basic objectives of the project include the following: Supporting the inclusion of international norms and standards developed for GE in legislation, practices and monitoring policies in Turkey; reporting of GE related problem areas through mapping; contributing to institutionalization in Turkey of an independent, scientific and mainstreamed strategy by developing GE specific monitoring indicators; and enhancing government-civil society cooperation and monitoring capacity in the field of GE.

Starting in March 2017, the project was planned so as to be completed in 24 months. In the project funded by the European Union, the beneficiary is the Ministry of Foreign Affairs Directorate for EU Affairs, contracting authority is the Central Finance and Contracts Unit and the implementing party is the Association for Monitoring Gender Equality. The target group of the project comprises gender-focused civil society organizations, other civil organizations engaged in rights-based monitoring, relevant governmental agencies, governorates and metropolitan municipalities, and district municipalities as units of equality. Project stakeholders include the Ministry of Family, Labour and Social Services General Directorate on the Status of Women (KSGM), the TBMM (The Grand National Assembly of Turkey) Commission on Equal Opportunities for Women and Men (KEFEK), Human Rights and Equality Institution of Turkey (TIHEK), and Ombudsman Institution (KDK).

**Mapping reports** and **monitoring indicators** were developed in ten thematic areas identified in line with the objective of the project (combating gender-based violence against women; gender equality in participation to political decision making, to education, employment, religious activities, sports, access to urban rights/services, media and combat against trafficking in women/human beings). Besides, to make project outputs as well as many sources and data

in relevant fields accessible to all, a **Gender Equality Monitoring Centre** was set up and made functional with its e-library. Mapping Reports on ten thematic areas and their summaries were made available in the electronic environment, printed in Turkish and their informative summaries were released in Turkish and English. On the basis of Mapping Reports, 1337 GE monitoring indicators were presented to the public for use, 515 of which have their presently available or accessible data and 822 proposed to be developed.

One important component of the project was intensive work carried out in selected pilot provinces for local-level sharing of data from reports and indicators developed. Training in gender-sensitive rights-based monitoring and in mapping reports and monitoring indicators accompanied by preparatory workshops on local equality monitoring action plans were the activities carried out in selected seven pilot provinces. Efforts were made to establish and maintain **Local Equality Monitoring Platforms**. In Adana, Ankara, İstanbul, İzmir, Kars, Gaziantep and Trabzon as pilot provinces, **Local Equality Monitoring Plans** were developed to assess and monitor whether services delivered at local level observe gender equality, and a **National Equality Monitoring Plan** was prepared to scale up this work countrywide and ensure its sustenance.

The longer-term durability of services developed by the project is possible with the presence of sustained support. We believe that this support will be available as project outputs are used and further improved by large sections of society.

There are so many organizations and individuals contributing to the project without which it would be simply an impossible endeavour. We are grateful to the project team working with full commitment and engagement throughout the process, experts completing mapping reports and indicators in a long and tiresome work, and to CEİD members supporting the management of the project in harmony from its start to completion. CEİD local coordinators and training experts facilitated the implementation of the project by their hard work at both central and local levels. Staff from public organizations and representatives from civil society organizations who prepared Local Equality Monitoring Plans by taking part in work conducted by Local Monitoring Platforms put this work in practice at the local level. In case this project is to be attributed any success, it is the outcome of efforts and contributions of many including those we could not mention here. We are indebted to all for what they have added to the *Enhancement of Participatory Democracy in Turkey: Gender Equality Monitoring Project*.

Association for Monitoring Gender Equality

Board of Directors

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## LIST OF ACRONYMS

<b>ASİGM</b>	Directorate of Criminal Records and Statistics
<b>ASPB</b>	Ministry of Family and Social Policies
<b>CECATH</b>	Council of Europe Convention on Action against Trafficking in Human Beings
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CoE</b>	Council of Europe
<b>CRC</b>	United Nations Convention on the Rights of the Child
<b>CSO</b>	Civil Society Organization
<b>CTRPV</b>	Regulation on Combat against Trafficking Protection of Victims
<b>DEVAW</b>	Declaration on the Elimination of Violence against Women
<b>ECHR</b>	European Convention on Human Rights
<b>ECohR</b>	European Court of Human Rights
<b>EGM</b>	General Directorate of Security
<b>EIGE</b>	European Institute for Gender Equality
<b>EU</b>	European Union
<b>EUROSTAT</b>	Statistical Office of the European Union
<b>GE</b>	Gender Equality
<b>ĞİGM</b>	General Directorate of Migration Management
<b>ICAT</b>	Inter-Agency Coordination Group against Trafficking in Persons
<b>ICMPD</b>	International Centre for Migration Policy Development
<b>ILO</b>	International Labour Organisation
<b>IOM</b>	International Organisation for Migration
<b>İKGV</b>	Human Resources Development Foundation
<b>İTMKDB</b>	Department for Protecting Victims of Trafficking in Human Beings
<b>KADAV</b>	Foundation for Solidarity with Women
<b>KEFEK</b>	Commission on Equal Opportunities for Women and Men
<b>KSGM</b>	G General Directorate on the Status of Women
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>TIP</b>	Trafficking in Persons Report
<b>TİHEK</b>	Human Rights and Equality Institution of Turkey
<b>TÜİK</b>	Office of the United Nations High Commissioner for Human Rights
<b>UDHR</b>	Universal Declaration of Human Rights

<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>VAW</b>	Violence against Women

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## Information on the Names of Institutions

Since this report was completed before the decrees mentioned below it does not reflect changes made in the names of some major institutions. The Decree No. 703 in Force of Law on 'Amendment of Some Laws and Decrees to Ensure Compliance with Constitutional Amendments' was published in the Official Gazette No. 30473 dated 9 July 2018. The decree introduced changes to the organization and mandate of some Ministries and institutions.

With the Presidential Decree No. 1 dated 10 July 2018 on the Organization of the Office of Presidency and the Presidential Decree No. 4 dated 15 July 2018 on the Organization of Agencies and Institutions Under, Related and Attached to Ministries and other Agencies and Institutions, organizational structure and mandate of some ministries and institutions were modified.

The ministries and institutions subject to modifications are listed below.

- The Ministry of Family and Social Policies (*Aile ve Sosyal Politikalar Bakanlığı*) and Ministry of Labour and Social Security (*Çalışma ve Sosyal Güvenlik Bakanlığı*) were merged and renamed as 'Ministry of Labour, Social Services and Family.' (*Çalışma, Sosyal Hizmetler ve Aile Bakanlığı*)

Upon the Presidential Decree (Decree No. 15) dated 4 August 2018 on Amendments to Some Presidential Decrees, the Ministry of Labour, Social Services and Family (*Çalışma, Sosyal Hizmetler ve Aile Bakanlığı*) was renamed as Ministry of Family, Labour and Social Services (*Aile, Çalışma ve Sosyal Hizmetler Bakanlığı*).

- The Ministry of European Union (*Avrupa Birliği Bakanlığı*) was closed and the Department of European Union (*Avrupa Birliği Başkanlığı*) was established within the Ministry of Foreign Affairs.
- The Ministry of Science, Industry and Technology (*Bilim, Sanayi ve Teknoloji Bakanlığı*) and Ministry of Development (*Kalkınma Bakanlığı*) were merged and named as Ministry of Industry and Technology (*Sanayi ve Teknoloji Bakanlığı*).
- The Ministry of Customs and Trade (*Gümrük ve Ticaret Bakanlığı*) and Ministry of Economy (*Ekonomi Bakanlığı*) were merged and renamed as Ministry of Trade (*Ticaret Bakanlığı*).
- The Ministry of Food, Agriculture and Animal Husbandry (*Gıda, Tarım ve Hayvancılık Bakanlığı*) and Ministry of Forestry and Hydraulic Works (*Orman ve Su İşleri Bakanlığı*) were merged and renamed as Ministry of Agriculture and Forestry (*Tarım ve Orman Bakanlığı*).
- The Ministry of Finance (*Maliye Bakanlığı*) was renamed as Ministry of Treasury and Finance (*Hazine ve Maliye Bakanlığı*), and the Undersecretary of Treasury (*Hazine Müsteşarlığı*) which used to be under Deputy Prime Minister was transferred in the new structuring to the Ministry of Treasury and Finance.
- The Ministry of Transportation, Maritime Affairs and Communication (*Ulaştırma Denizcilik ve Haberleşme Bakanlığı*) was renamed as Ministry of Transportation and Infrastructure (*Ulaştırma ve Altyapı Bakanlığı*).

# I. Introduction

Today, different forms of trafficking in human beings affect almost all countries in varying degrees. According to United Nations' 2016 Global Report on Trafficking in Persons, there have been more than 500 flows of human trafficking in the period 2012-2014 and 137 different country citizenships were observed among the victims of trafficking only in Western-Southern Europe. Concerning the dimensions of this trafficking, the UN report stresses that the most common forms of trafficking today are for labour and sexual exploitation purposes and 79 per cent of identified victims are women and children.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime or shortly Palermo Protocol adopted by the United Nations in 2000 and signed by 158 countries defines trafficking in human beings as follows:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” (TBMM, 2003a).

The definition of the offence of trafficking in persons points out to some means that eliminate the will of persons and make it possible to commit the offence. These means are defined as threat, pressure, violence, abuse of authority, deceit or making use of a position of vulnerability. When children are concerned, however, these means are not sought for, so there is no consideration of any consent. Principal acts in an offence, on the other hand, are defined as bringing in or taking persons out of a country, their recruitment, kidnapping, transfer from one place to another without crossing borders, sending or harbouring. Purposes of such act could be forced labour, servitude, prostitution, making gains, subjection to bondage or forced removal of organs. When children are concerned, however, these means are not sought for, so there is no consideration of any consent. Principal acts in an offence, on the other hand, are defined as bringing in or taking persons out of a country, their recruitment, kidnapping, a transfer from one place to another without crossing borders, sending or harbouring. Purposes of such act could be forced labour, servitude, prostitution,<sup>1</sup> making gains, subjection to bondage or forced removal of organs. This list allows us to define some other forms of human trafficking than labour and sexual exploitation as most commonly confronted forms. As a matter of fact the United Nations report points out to forced begging by children and adults, sham marriages, pornography and organ trade among different forms of trafficking that can be seen today.

<sup>1</sup> The present report uses the term “prostitution” by trying to clear it from negative connotations of its daily use. As a form of both economic and sexual exploitation of the body of woman, is also a part of patriarchal oppression on female sexuality and a strategy for survival that women resort to avoid poverty.

The offence of trafficking in human beings which is often thought as limited to migrants or refugees includes cases that both remain within the borders of a country and other that are of transboundary nature. Hence it is defined as an offence in which victims may be both migrants and refugees and citizens of a given country.

Of all forms of human trafficking, trafficking in women and children for purposes of sexual exploitation come to the fore as the most common one where, also, many policies have been developed. Of 15,200 victims of trafficking identified in 16 countries of Europe in the period 2012-2014, 56 per cent were women, 18 per cent girls, 7 per cent boys and 19 per cent were adult males. The 2016 Global Report on Trafficking in Persons finds that 67 per cent of all cases of trafficking in persons in the world are for purposes of sexual abuse and 78 per cent of traffickers found as guilty are males. Besides trafficking in women and girls for purposes of sexual exploitation, today we also witness other forms of gender related trafficking such as forced marriage, illegal adoption and servitude. While human trafficking for purposes of labour exploitation is associated with global inequalities, trafficking in women and girls is associated with gender inequalities. Trafficking in women is considered as a particular form of violence against women (VaW) that violates women's human rights. In particular, the United Nations (UN) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949) was a step ahead in efforts to prevent trafficking in women for purposes of sexual exploitation.

It is of course closely associated with gender-based inequalities that victims of trafficking in persons are mostly women and girls and that traffickers are mostly men. As to the major causes of trafficking in women for purposes of sexual exploitation reference is made to patriarchal social relations supporting gender inequality, globalization of capitalism, effects of neoliberal economic policies, poverty of women increasing along with social and economic crises and accompanying migration movements. The nature of cases identified in combat against trafficking and the content of these cases reveals that this phenomenon is closely associated with gender inequality, poverty of women and gender discrimination and such cases affect disadvantaged women groups like migrants and refugees more.

The present report focuses on the forms of trafficking in persons that women and girls are exposed to and which is directly associated with gender inequality. States have the obligation of translating into life of human rights and gender equality in combating this phenomenon. The fulfilment of this obligation also serves to the goal of ensuring social justice and social transformation. The obligation of States to ensure gender equality can be fulfilled only by cooperating and developing a common understanding with civil society. One of the purposes of the present report is to strengthen the advocacy efforts of civil society organizations active in this field and to serve to social transformation by facilitating gender sensitive and rights-based monitoring.

Gender sensitive and rights-based monitoring is a means for the realization of social transformation. There is need to monitor legislation and implementation relating to struggle against gender-based inequalities and violence against women as an important factor leading to trafficking in women. With rights-based monitoring work it becomes possible to evaluate

the present situation in gender equality, to maintain achievements made or to prevent any regression in established rights. Hence, the monitoring capacity, persuasion and advocacy activities of gender-based civil society organizations are all important in assessing the present state and any regression tendency. These activities enable us to see whether there is any planning in combat against gender inequality in line with national and international norms and standards. Besides facilitating gender-based rights monitoring, these activities of civil society also contribute to the mainstreaming of gender equality and thus to social transformation.

Focusing on different forms of trafficking in women, the present report evaluates policies and practices that Turkey adopted against trafficking in human beings in the light of indicators under international conventions and standards and with a perspective of gender equality. The objective is to help international norms and standards find reflection in practice for the termination of trafficking in human beings and prevention of violence against women. The norms and standards providing a frame for gender-based monitoring in combat against trafficking in human beings are addressed, in Part Two, in the context of their relations with international conventions and human rights documents. This section also includes good practices in identifying and preventing trafficking and protecting its victims. Part Three examines the historical background of Turkey's struggle against trafficking in human beings and her present situation by using accessible figures. Structural monitoring is performed with respect to her legislation's compliance with relevant international documents by decomposing the legislation against trafficking to some thematic areas. There is also mapping of capacities of public agencies and civil society organizations (CSOs) active in combating trafficking in human beings including women. Part Four gives sources of indicators and data related to trafficking. Under the heading "Gender Equality Mapping in Turkey" Part Five present a framework for existing indicators that must be followed in order to monitor combat against human/women trafficking. Part Six gives specific criteria, indicators needed in measuring change and in comparing the effectiveness of combat work against trafficking in general and trafficking in women in particular which derives from gender inequalities with other experiences in the same field.

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## 2. Norms and Standards

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### 2.1. International Conventions and Human Rights Documents Relating to Trafficking in Human Beings

International conventions and documents on trafficking in human beings stress a series of common points in combat work particularly when pointing out to different dimensions of combating trafficking in women for purposes of sexual exploitation. First of all, the UN Palermo Protocol brings in a common definition of the offence of trafficking in human beings, and going beyond that requires states to develop policies, programmes and measures in specific areas to prevent trafficking in human beings. Adopting the definition of trafficking in human beings given in the Palermo Protocol, the Council of Europe accepted the Convention on Action against Trafficking in Human Beings (CECATH) which is recognized as another step ahead in international cooperation in this area. The CECATH suggests more comprehensive standards that states parties must observe in combat against trafficking in human beings. Besides the Palermo Protocol that is directly related to trafficking and that provides the policy framework, there are also other international conventions and documents in relating to human rights and combating violence against women that Turkey is a state party to.

With the Slavery Convention as an international instrument adopted in 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery adopted in 1956, practices of enslavement and slave trade were prohibited. Practices similar to slavery include debt bondage, serfdom, women given in marriage on payment, woman's inheritance by another person upon the death of her husband, delivery of children by their legal guardians to other persons with a view to the exploitation of his/her labour. Similarly, the United Nations International Covenant on Civil and Political Rights (ICCPR) adopted in 1996 was put into effect in 1976. Parallel to the Universal Declaration of Human Rights (UDHR) this Covenant too defines civil and political rights. The Covenant mentions innate and unalienable rights adding that no one shall be subjected to torture or to cruel, inhuman or degrading treatment (Art. 7), held in slavery and in servitude. Article 9 stresses the right to liberty and security of person free from any act of arbitrary deprivation of freedom.

The leading human rights documents related to trafficking are the **UDHR** (TBMM, 1949) and the **European Convention on Human Rights** (ECHR). The rights to life and survival (ECHR, Art. 2), protection from torture, inhuman or degrading treatment (ECHR, Art. 3), equality, freedom, decent treatment and living conditions and gender equality are directly related to trafficking in persons. Further, Article 4 which prohibits "slavery and forced labour" stresses that no one can be held "in slavery and servitude" and forced to work except as a part of duty of citizenship in exceptional circumstances. Together with Article 5 which provides for the "right to liberty and security of person", this article prohibits practices similar to human trafficking while defining fundamental human rights. Kuyucu (2018) reminds that while no serious decision was taken by



the ECoHR in the context of Article 4 until 2005, applications made after 2005 relating to the same article focused on domestic slavery and forms of trafficking in persons.

International conventions seeking to eliminate violence and discrimination against women also target forms of trafficking in persons including trafficking of women for purposes of sexual exploitation and forced marriage of young girls or their adoption for purposes of servitude. Article 6 in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) obliges States Parties to take all appropriate measures, including legislation, to suppress "all forms of traffic in women and exploitation of prostitution of women." These obligations cover major areas including economy, politics, law, media, employment and family. "Discrimination against women" as a practical reflection of gender inequality is defined as follows in the Convention:

Discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (Art. 1).

The General Recommendation No. 19 (1992) supplementing the CEDAW Convention included in its notion of discrimination against women gender-based violence as well, that is violence that a woman is exposed to solely for being a woman. After the CEDAW Convention the 1993 United Nations Vienna World Conference on Human Rights and 1995 Fourth World Conference on Women drafted declarations and action plans in the field of women's rights. While the Vienna Declaration and Action Programme draws attention to gender-based discrimination and violence that women and female children are exposed to includes a life free from discrimination and violence among fundamental rights and freedoms (Art. 18). The Beijing Declaration and Action Platform adopted in 1995 defines one of its strategic goals (D.3, Art. 130, 122) as "eliminating trafficking in women" and "assisting victims exposed to violence through prostitution and trafficking." In this context it is the obligation of States to examine factors encouraging trafficking in women for purposes of "prostitution, other forms of sex trade, forced marriage and forced labour" and accordingly take appropriate measures to prevent trafficking in women and sex tourism and to better protect the rights of women and the girl-child (Art. 130, 122).

The Istanbul Convention (2011) directly targets the elimination of violence against women. The Convention prohibits all forms of gender-based violence and obliges States to protect victims of violence regardless of their citizenship status (Art. 59, 60, 61). Article 60 in the Istanbul Convention envisages the adoption of appropriate measures of protection and entitlement to international protection for women experiencing gender-based violence in a way that encompasses women exposed to various forms of trafficking in persons as well.

Besides instruments relating to violence against women and discrimination, legal framework on forced labour in particular can be found in International Labour Organization's (ILO) relevant instruments Two ILO conventions in the field of labour exploitation focus particularly on forced

labour. The ILO Convention No. 29 (ILO, 1930) the Abolition of Forced Labour Convention No. 105 (ILO, 1957) defines extraordinary circumstances that may allow for compulsory labour in workplaces and the length of such labour. Further the ILO Convention No. 189 on Domestic Workers (ILO, 2011) is considered as an important instrument for the protection, in particular, of migrant women employed informally in domestic works. The importance of this Convention to which Turkey is yet not a State Party derives from its provision that all domestic workers are entitled to full rights that other employees have and they must be effectively protected from all forms of abuse, harassment and violence (Art. 5). The ILO Conventions mentioned above provide important legal instruments to prevent heavy labour exploitation and practices similar to trafficking in sectors where women concentrate.

The Convention on the Rights of the Child (CRC) should also be mentioned for a comprehensive definition of the rights of the child. Recognizing and defining the rights of all children under 18 without any distinction, the CRC envisages, in the context of best interests, the protection of children from all forms of violence and abuse (Art. 19) and safeguarding their physical, social and psychological development. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography defines child abuse in the context of prostitution or pornography and requires States Parties to eliminate such forms of abuse.

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## **2.2. Norms**

The most important footing of rights-based monitoring work is its conduct, in any area, within the framework based on international norms and standards. As is the case with international conventions, common values or principles appearing in legal texts are considered as norms. Norms are defined as fundamental values on which there is consensus and wide recognition. Including those related to trafficking in human beings in the first place, one can see in international conventions norms related to human rights, gender equality and the rights of the child. We can classify common norms adopted in combating trafficking in human beings as specified in these conventions under seven headings: Freedom, Equality, gender equality, Non-discrimination, Security of the Person, Respect for Human Dignity and Special Protection to the Child.

### **2.2.1. Freedom**

The first article in the Universal Declaration of Human Rights (UDHR) stresses that “All human beings are born free and equal in dignity and rights.” Prohibition of slavery started in the first quarter of the 19<sup>th</sup> century first in Great Britain and then in Western Europe and the United States. The United Nations adopted the Slavery Convention aiming to eliminate slave trade in 1926 and this instrument took effect in 1927 (UN, 1927). The Convention recognizes freedom as the “innate right” of all human beings and adds that this freedom should not be violated. While Article 5 in the UDHR adopted by the United Nations in 1948 prohibits all forms of slavery and slave trade, Articles 4 and 5 in the European Convention on Human Rights (ECHR) signed in 1950 states no one shall be held in slavery and in servitude. Though innate freedom of human beings is recognized as a fundamental right, the persistence of practices similar to

slavery led the United Nations in 1955 to draft the “Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery”. In particular, this supplementary convention defines different forms of slavery deriving from gender inequality. These practices similar to slavery include debt bondage, serfdom, forced marriage or sale of women for purposes of gain and their transfer to other men upon the death of husband. Besides the Slavery Convention, the Palermo Protocol, CEDAW (Art. 6) and CECATH also points to the need to prevent trafficking in women and girls in particular for purposes of sexual exploitation.

### 2.2.2. Equality

The equality of individuals in enjoying their innate rights is one of the most fundamental principles enshrined in international conventions. The UDHR stresses that “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Art. 2). It is the responsibility of States to ensure the equality of all before the law (UDHR, Art. 7). In Article 3, the ICCPR too states that “The States Parties undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth” (1966). Ensuring equality requires standing against discrimination on the basis of gender in the first place and on such grounds as class, religion, language, ethnicity and nationality. The combat against trafficking in persons in particular entails equality of victims of trafficking with others before the law and their rights to have equal access to justice and equal treatment (CECATH, Palermo Protocol).

### 2.2.3. Gender Equality

In this gender hierarchy, the consciousness of women as an oppressed social group historically took its shape with the demand for equality. The CEDAW obliges States Parties to entitle equal rights in both legislation and practice to women and men in their enjoyment of economic, social, cultural, individual and political rights. Differing from the approach to equality as defined in general in the context of human rights, this concept of equality points out to the need that women should have equal rights both in private (home) and public spheres. Recognizing that violence against women is the outcome of gender inequality, the Istanbul Convention (2011) assigns States the duty of ensuring gender equality and implementing policies for the empowerment of women to eliminate all forms of discrimination and violence against women (Art. 6). The Palermo Protocol and CECATH to underlines gender equality in combating trafficking in human beings.

### 2.2.4. Non-discrimination

Both the UDHR (Art. 2) and the ECHR (Art. 14) prohibit discrimination against individuals: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” (UDHR, Art. 2) Non-discrimination is an important norm for identification, prevention and protection mechanisms in the context of combat against trafficking and stressed by both Palermo Protocol (Art. 14) and CECATH (Art. 3, 1). As to the **ICCPR**, it draws attention to the importance of this norm in the exercise of civil

and political rights (Art. 2).

### **2.2.5. Security of the Person**

The UDHR (Art. 3) and ECHR (Art. 2, 5) state everyone is entitled to the right to life, freedom, and security of the person. Associated with this right it is stated that no one shall be held in slavery or servitude and subjected to torture (Articles 3, 4 and 5). Parallel to the UDHR, the Covenant on Civil and Political Rights (ICCPR) points out in Article 9 that everyone has the right to liberty and security of person. The 11<sup>th</sup> of Yogyakarta Principles states the right to be protected from trafficking, sale and all forms of exploitation. Also important in relation to the security of person is the right to asylum. In the 1951 Convention on the Status of Refugees, the UN marks the right to asylum of all who suffer or under the threat of suffering oppression or torture because of their "race, faith, nationality, affiliation with a specific social group or political opinion." When women are concerned, the norm Security of the Person covers in specific protection against gender-based violence. Both CEDAW and Istanbul Convention stress the need for zero *tolerance to violence against women*. The Palermo Protocol and CECATH prohibit all forms of trafficking in women as an act deriving from gender inequality and violating the right of women to Security of the Person.

### **2.2.6. Respect for Human Dignity**

For their empowerment and regaining control over their life, particularly women who suffered violence or under the risk of it must be treated with respect for their human dignity. The UDHR states that all human beings are born in equal dignity and requires that this principle is observed in the free development of personality and in access to rights and social protection (Articles 1, 22, and 23). The norm of respect for human dignity is related to human trafficking in particular. Both Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings (CECATH) points out to the principle of respect for human dignity in protecting victims of trafficking and in identification and prevention activities. Respect for human dignity is closely related to private life and confidentiality of personal information. Referring to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, the CECATH stresses the need for States Parties to protect the identity and personal data of victims (Art. 11). All international conventions specifically stress the need for keeping child victims' identities and other details as confidential.

### **2.2.7. Special Protection to the Child**

Articles 3 and 18 in the Convention on the Rights of the Child (CRC, 1989) oblige states to adopt the principle of best interest for each person under age 18 and to protect children in line with this principle. The CRC stresses that no child should be discriminated against for his/her status, acts and opinions of their own or their parents (Art. 2). Articles 34 and 35 in the convention assign States the duty preventing child abduction, sale or prostitution and protect children against all forms of sexual abuse and exploitation. Conventions against trafficking in human beings draw attention to the rights and vulnerability of children and envisage special protection for child victims of trafficking without discrimination on any ground (CECATH, Art. 28a; Palermo Protocol,

Art. 6-4). Both conventions oblige states parties to adopt special measures to prevent the re-victimization of children and other protection measures to ensure child's growth and education in healthy environments by appointing legal guardians if the child faces the risk of being returned to his/her country.

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## 2.3. Standards, Criteria

While norms give us fundamental values that are agreed upon, standards are national and international recognitions that shape the content, scope, form and function related to implementation on the basis of these values. Standards that show us concrete criteria relating to measures to be adopted in rights-based monitoring are mostly based on international conventions and human rights documents. On the context of trafficking in human beings/women, measures and practices against violence against women (VAW) and gender inequality (GI) must be shaped in line with internationally recognized norms and standards. The standards presented here are addressed in the context of five sub-headings given in the CECATH and other relevant international documents: Standards in Prevention, Cooperation and Other Measures; Measures to Encourage and Protect the Rights of Victims in the Context of Gender Equality; Substantive Penal Law; Investigation, Prosecution and Ex-officio Procedures; International cooperation and Cooperation with Civil Society. Sources used include the following: The Palermo Protocol, Office of the High Commissioner for Human Rights, Organization for Security and Co-operation in Europe (OSCE), reports on combat against trafficking in human beings, Recommended Principles and Guidelines on Human Rights and Human Trafficking, UN International Framework for Action to Implement the Trafficking in Persons Protocol, Beijing Declaration, Declaration on the Elimination of Violence against Women (DEVAW), Council of Europe Minimum Standards for Support Services in Combating Violence against Women (CoE, 2008), European Institute for Gender Equality (EIGE), CEDAW provisions and reports prepared by ARIADNE which is a network of USAID and CSOs.

### 2.3.1. Standards for Prevention, Cooperation and Other Measures

The responsibilities of States Parties to international conventions on human trafficking include preventing this trade and curbing demand for it, conducting information and awareness building campaigns and adopting relevant measures in borders. What is common to standards in this field is that they attach special importance to women and children in preventing human trafficking and that they point out to gender equality norm in related awareness building efforts (Palermo Protocol, Art. 2, 10; CECATH, Art. 5). The Beijing Declaration and CEDAW too recommend States Parties to take all appropriate measures for preventing trafficking in women and exploitation of women's prostitution (Art. 6). Major standards developed in relation to these measures are as follows:

1. **Information and awareness building:** States Parties need to launch information and awareness building campaigns to shed light on complex situations and information surrounding trafficking in persons. It is among the recommendations of conventions to organize information and awareness building, training and media campaigns against trafficking targeting disadvantaged groups, public servants and population

in general and to develop education programmes for school children within the framework of such norms as gender equality and non-discrimination (United Nations, 2000; OHCHR, 2002; Beijing Declaration, Art. 130). These trainings and awareness building campaigns need to be organized within the framework of GE and non-discrimination.

2. ***Social and economic support to disadvantaged groups:*** In preventive measures, emphasis is made on all kinds of inequality and corruption that make people vulnerable to trafficking as well as factors that increase poverty and discrimination. In this context it is recommended to engage in social and economic initiatives and training programmes for disadvantaged groups as the target of human trafficking (CECATH Art. 5, OSCE).
3. ***Informing migrants and refugees:*** There is need to target disadvantaged migrant and refugee groups in relation to human trafficking and inform these groups about where to apply in such cases (OHCHR, 2002).
4. ***Legal channels of migration, residence and employment:*** In line with the assumption that human trafficking is also associated with illegal border crossings and residence, necessary measures must be taken to enable migration to take place legally (CECATH, Art. 5). These measures specifically target migrant groups under risk and cover information and announcements in languages of and accessible by migrant groups about visas and conditions of residence and employment (Art. 5). The recent report of the OSCE (OSCE, 2014) by diplomats on domestic workers in their residences draw attention to the importance of domestic workers' access to social rights in combating trafficking in persons.
5. ***Avoiding re-victimization:*** In order to prevent the re-trafficking in women and children, there is need to adopt gender-specific measures (Palermo Protocol), and in particular launch programmes to regain and rehabilitate victims of trafficking including, in particular, vocational training, legal support and health services observing confidentiality (Beijing Declaration, Art. 130.d).
6. ***Cooperation with civil society:*** States Parties are required to cooperate with civil society organizations and governmental institutions in preventing trafficking, protecting victims and curbing the demand for sexual services that encourages trafficking (CECATH, Art. 5).
7. ***Supervision of intermediaries:*** Checking of licences and activities of such firms and enterprises as marriage offices, employment and tourism agencies, hotels and escort services that can be used as cover for human trafficking is considered as a measure that can be adopted (OHCHR).
8. ***Supporting studies:*** It is recommended to give support to studies which aim at combating trafficking in persons/women and curbing demand for services of persons subject to trafficking and to develop methods and strategies for this purpose (Palermo Protocol; CECATH, Art.5; OHCHR, Principle 3).
9. ***Demand curbing measures:*** States are obliged to develop policies and adopt legal,

administrative, educational, social and cultural measures to suppress all kinds of demand that encourage trafficking particularly in children and women. Penalization of third parties using services provided by victims is particularly recommended as an effective measure (Palermo Protocol; CECATH, Art. 14; OHCHR). The Beijing Declaration recommends putting in effect of legislation specifically targeting sex tourism and trafficking in women and developing policies in this field together with education/training programmes (Art. 130).

**10. Training of public servants:** There is need to launch information building campaigns for public servants including security forces, prosecutors and judges and to train public servants in general in trafficking in persons. It is pointed out that awareness building activities in trafficking must include issues sensitive to gender (Palermo Protocol, Art. 10-2; CECATH, Art. 5).

**11. Informing the press and civil society:** Given the importance of their role in identifying demand, it is recommended to conduct information and awareness building campaigns for the media and civil society (CECATH, Art. 5).

**12. Strengthening border controls:** Both UN and EU conventions recommend strengthening or border controls to prevent trafficking (Palermo Protocol; CECATH, Articles 7 and 9).

### 2.3.2. Measures to Encourage and Protect the Rights of Victims in the Context of Gender Equality

In identification work and implementation of preventive measures particularly in relation to trafficking in women with the purpose of sexual exploitation, States Parties are obliged to promote gender equality and adopt it as a norm in developing, implementing and evaluating these measures (CECATH, Art. 17).

**1. Identification by Expert Public Servants:** In identifying victims, States Parties must employ trained personnel and, in particular, establish teams of expertise composed of women (CECATH, Art. 10; OHCHR). According to the Council of Europe report "Combating Violence against Women: minimum standards for support services" (CoE), one of the standards is that personnel interviewing women victims of violence must have received training for at least 30 hours covering such issues gender equality and empowerment.

**2. Identification Standards:** It is expected that gender-sensitive and standard operational mechanisms are used particularly in the identification of cases of trafficking for purposes of sex. Norms such as respect for human dignity, gender equality, security of person and right to protection and the right to respect to individuals physical and moral integrity must be observed during these procedures (OHCHR).

**3. Best interest in identifying and protecting children:** As far as child victims are concerned and particularly in cases where there is no legal guardian, recommended measures include tracing of family or appointing a legal guardian, identification, granting residence permit for migrant children, adequate protection, care and education in line with child's best interests (CECATH, Art. 10, 14, 16). There is need for a separate

definition for trafficking in children and needs for children in special protection, care and appropriate legal protection must be met (OHCHR, Palermo Protocol).

4. **Protection of privacy and personal information:** There is need to comply with criteria particularly in relation to information sharing with third parties, to keep identities of victims and witnesses confidential during identification, and to protect private life of persons concerned (Palermo, Art. 6; CECATH, Art. 11; Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, ETS No. 108; USAID, Art. 3).
5. **Recognition of victims' rights:** The CECATH draws attention to the need for protecting human rights, fundamental rights and freedoms of potential victims of trafficking in persons. These rights include the right to life, freedom and security, fair trial, non-discrimination and protection of private life (ECHR).
6. **Voluntary participation and informed consent:** At the stage of protecting victims following identification, support and protection services must be conducted on the basis of 'voluntary participation' and 'informed consent' (CECATH, Art. 12).
7. **Recovery and Reflection Period:** For victims to have access to support services, they must be informed about their rights and entitled to 30 days of reflection whether or not they give their consent (CECATH, Art. 13; OHCHR).
8. **Social and economic support to victims:** States Parties to international instruments are obliged to give effect to legislative arrangements and other measures that contribute to physical, psychological and social recovery of victims. These standards include Access to translation and interpretation services, information and counselling services in languages that they understand, legal aid, housing, provision of urgent health and psychological support services, and observing the right of children to education and that of adults to vocational training and labour markets (CECATH, Art. 12; OHCHR).
9. **Avoiding deportation and punishment of potential victims:** As important as the recognition of the rights of victims of trafficking in persons is that they are not punished for breaches that they have made as a result of having been trafficked (Palermo, Art. 6; CECATH, Art. 26).
10. **Residence permit:** Victims of trafficking in persons must be entitled to residence permit on humanitarian grounds, for purposes of cooperation or for following relevant court cases (CECATH, Art. 14; Palermo Protocol).
11. **Right to asylum:** Within the framework of international law, victims of trafficking in persons must not be denied of their right to seek asylum and the principle of non-refoulement must be observed in line with the recommendations of the UN (UN Geneva Convention; Palermo Protocol, Art. 6, 14; CECATH; Istanbul Convention Art. 4 and 60).
12. **Compensation - legal redress:** Accessible processes have to be defined for victims to seek redress (Palermo Protocol, Art. 25). It is the obligation of States Parties to provide for the right of victims to compensation from perpetrators and to create a fund for victims to guarantee compensation (CECATH, Art. 6, 15; OHCHR).



- 13. Safe return:** States Parties are recommended to facilitate return to original country on voluntary basis and without delay, with due respect to victims' rights and dignity and ensuring their safety (CECATH, Art. 23).

### 2.3.3. Substantive Penalty Law

- 1. Penalization of trafficking in persons:** States Parties are obliged to make necessary legislative arrangements for the penalization of acts constituting trafficking in persons (CECATH, Art. 18-21; OHCHR; Beijing Declaration, Art. 130).
- 2. Sanctions and measures:** States Parties are obliged to make necessary legislative arrangements and adopt measures for penalizing perpetrators by effective, proportionate and dissuasive sanctions in cases where what is defined as offence of trafficking in persons is committed. Measures to ensure the penalization of trafficking in human beings must consider the following: depriving perpetrators of their liberty, imposing monetary sanctions on corporate persons, and defining acts against the child, acts by public servants and by organized crime as matters in aggravation (CECATH, Art. 23, 24, 25; Palermo Protocol).

### 2.3.4. Investigation, Prosecution and Ex-officio Procedures

- 1. Identification, investigation and prosecution acts of trafficking in persons:** In offences committed wholly or partly in their territories, States Parties should not be dependent to charges, complaints or reports by victims to launch relevant investigation and prosecution (Palermo Protocol, Art. 3). Some important standards are: informing victims about their rights in all processes; providing effective and appropriate protection to family members of the victim when necessary; protecting victim's private life and identity; special protection to child victims; and necessary arrangements to protect CSOs that support victims in the prosecution of the crime (CECATH, Art. 27, 28, 30; Palermo, Art. 6; OHCHR; UDHR, Art. 6).
- 2. Specialized institutions and authorities:** States Parties are recommended to adopt relevant measures to ensure the specialization of persons or institutions in combating human trafficking and protecting its victims (UNODC, 2009). In this context, states are also obliged to ensure and support the training of public servants including in human rights. Trainings should cover the protection of victims against traffickers, methods used in preventing trafficking, prosecution of traffickers, and protection of the rights of victims (CECATH, Art. 29.3).
- 3. Ensuring coordination:** States Parties are obliged to ensure coordination between policies for combating trafficking in persons and state institutions and other public bodies y setting up appropriate coordination organs (CECATH, Art. 29.2, Art. 5).

### 2.3.5. International Cooperation and Cooperation with Civil Society

- 1. Cooperation:** States Parties to international conventions are expected to enter into cooperation in protecting and assisting victims as well as in investigation and prosecution of crimes committed in the context of trafficking in human beings (CECATH, Art. 32). States Parties must act in compliance with the principles of privacy and confidentiality

of personal information. They also need to go into strategic partnerships with CSOs and members of civil society for better identification, protection and prevention in combating trafficking (CECATH, Art. 33, 34, 35; Palermo Protocol, OHCHR).

2. ***Developing a National Monitoring Mechanism:*** There is need to appoint a national rapporteur and to put other monitoring mechanisms in place to monitor and supervise states in their combat against trafficking and enforcement of domestic legislation (CECATH, Art. 29.4).

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### 3. Analysis of Present Citation in Turkey in the Fight against Human Trafficking: Normative-Policy Structure

Parallel to international agenda and conventions, Turkey signed the Palermo Convention in 2000; but it was only in 2006 that she included prostitution in the definition of trafficking in human beings for purposes of sexual exploitation. The United Nations Global Human Trafficking Report 2016 suggests that 99 per cent of victims of trafficking in human beings in Turkey are women and the form of trafficking is sexual exploitation oriented. However, trafficking in women for purposes of sexual exploitation is not the only form of this deed that is related to gender inequality. There are also other forms including forced marriage, giving for illegal adoption, servitude or forced domestic work. The 2017 Turkey Annual Report on Combat against Trafficking in Human Beings prepared by General Directorate of Migration Management (GİGM) presents us developments taking place in this context.

This part starts with a summary of the present situation in Turkey's combat against trafficking in human beings/women in the light of historical developments and continues with mapping of relevant legislation and policy documents in the light of international conventions. The final section is allocated to the examination of the capacity of governmental and civil society organizations active in the field of combat against trafficking.

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#### 3.1. Present State of the Fight against Human Trafficking

Starting from the mid-90s, particularly after the collapse of the former Soviet Union, Turkey has been known as one of the target and transit countries of sex trade. Signing the Palermo Protocol on 13 December 2000, Turkey defined the crime of trafficking in persons firstly in 2002 under Article 201/b of her Penal Code No 4771, but without any reference to sexual exploitation or trafficking in persons for purposes of prostitution. In a new formulation made on 19 December 2006, however, finally there was direct reference to trafficking in women for purposes of sexual exploitation in the definition of trafficking in persons with the addition of phrases such as "prostitution by using force" and "bringing in/taking out o country". The definition of trafficking in persons is as follows in the Turkish Penal Code No. 5237:

Persons who provide, kidnap or shelter or transfer a person (s) from one place to another unlawfully and by force, threat or violence or misconduct of power or by executing acts of enticement or taking advantage of control power on helpless persons in order to force them to work or serve for others or to send them away where he is treated almost like a slave, are sentenced to imprisonment from eight years to twelve years and punished with punitive fine up to ten thousand days.

According to data from the Turkey’s 2017 Annual Report on Combat against Trafficking in Human Beings, the number of victims of trafficking significantly declined in the period 2005-2013, and 1,088 victims in total were identified of whom 96 per cent (1,044) were victims of sexual abuse. Though not disaggregated by gender, victims (women) are mostly from Moldova, Ukraine, Uzbekistan, Turkmenistan, Kirgizstan, Russia and Azerbaijan. In total, 1,730 victims of trafficking were identified between 2005 and 2017.

**Table 1:** Number of Identified Human Trafficking Victims Participating to IOM’s Voluntary Return Programme by Years (2004-2017)

Years	Number of human trafficking victims identified by security forces	Number of victims participating to Voluntary Return Programme	Number of victims under age 18	Number participating to the programme /Number identified
2017	303	303	98	% 100
2016	181	138	29	% 76
2015	108	69	26	% 63
2014	50	26	2	% 52
2013	21	9	-	% 42
2012	55	25	1	% 45
2011	82	22	5	% 27
2010	58	26	3	% 45
2009	102	75	1	% 73
2008	116	78	12	% 67
2007	148	118	8	% 79
2006	246	191	24	% 77
2005	256	220	32	% 86
<b>Total</b>	<b>1,730</b>	<b>1300</b>	<b>241</b>	<b>% 64</b>

Source: General Directorate of Migration Management data

Besides legislative arrangements as an important part of policies against trafficking, there is also the “National Task Force in Combating Trafficking in Human Beings” which was established in 2002 under the coordination of the Ministry of Foreign Affairs with the participation of government agencies, inter-state agencies (International Organization for Migration- IOM) and CSOs. One of the first activities of the Task Force is the Action Plan on Combating Trafficking in Human Beings put into effect in March 2003. The action plan focuses on such issues as victim identification, protection measures and inter-agency sharing of duties. Other topic in the Action plan include shelters and programmes of protection, urgent help lines, return programmes, trainings and arrangements relating to citizenship and work permits of foreigners.

The identification of potential victims of trafficking in human beings is made by security forces. The Ministry of Interior issued a circular (No. 74) on 27 October 2006 to standardize identification procedures with the help of a guide. The IOM and CSOs have so far given training

to public servants in procedures of identification. These trainings covered first personnel from the General Directorate of Security under the Ministry of Interior, and then General Command of Gendarmerie, Police urgent help line operators and the Ministry of Justice. According to the report of Human Resources Development Foundation (İKGV-2007), 332 police officers received training in 2004, 515 in 2005 and 201 in the first half of 2006. The International Organization for Migration (IOM) and the International Centre for Developing Migration Policies (ICMPD) prepared an information and trainers' guide in trafficking in human beings.

Under the action plan revised in 2005, a National Steering Mechanism (UYM) was created to cover the full process starting from the point at which victims of trafficking are reached up to their return. As a part of this mechanism the ALO 157 in Russian, Turkish, English and Romanian were launched in May 2005 to reach and help victims of trafficking. First operated by the IOM this line was later transferred to the government and from 2015 it became a line named as "Foreigners Communication Centre" (YİMER 157) extending counselling services 7/24 to migrants and refugees in Turkish, English, German, Arabic, Persian and Russian. To start in 2005, 182 victims were identified through this line. However, a large part of identifications made in relation to trafficking in human beings for purposes of sexual exploitation consisted of women found during and after police operations to places of night clubs and places like that. Persons identified by security forces including police and gendarme as possible victims of trafficking were referred to local branches of the Department of Foreigners under the Ministry of Interior before 2005, and then to Migration Management Directorates.

Again in 2005, the Voluntary and Safe Return Programme was launched with IOM support for victims identified in the context of protection activities. This programme envisages, in case victims accept to participate, their stay in shelters and improvement of conditions of return by receiving CSO support in countries they are going to be sent. All victims identified in 2017 participated to this programme.

In the context of protecting victims of trafficking in human beings, the first shelter in Turkey was launched in Istanbul on 23 August by İKGV. This was followed by Women's Solidarity Foundation opening its shelter in Ankara on 1 November 2005 and Family Counsellors Association in Antalya on 1 November 2009 rooming in women and children identified as victims of trafficking. If they want to take part in the Voluntary Return Programme, victims identified through police investigation and interviewing stay in these shelters, their health and other essential needs are met and their return documents are arranged during their stay. However, as a result of irregular and insufficient funding CSO managed shelters have recently been closed. In 2016 Kırkkale Provincial Migration Management opened a centre for women victims of trafficking, and in the early 2017 Ankara Metropolitan Municipality re-opened the shelter in Ankara that had been closed earlier. Hence, there are presently 2 shelters with capacity of 22 persons operated by the public for women victims of trafficking.

It is important in this respect that Turkey signed the Council of Europe Convention on Action against Trafficking in Human Beings (CECATH) in 2009. Following this, the second National Action Plan was adopted in 2009 with a project under EU-Turkey Financial Cooperation Programme. The second action plan focuses on identification, prevention and penal sanctions

in both legislative and administrative terms and targets building capacity by setting minimum standards in combating trafficking in human beings.

For the last 15 years, Turkey has developed policies and engaged in various policies in combat against trafficking in human beings. With the Law on Foreigners and International Protection (LFIP) taking effect in 2014 Turkey brought efforts in this field under the General Directorate of Migration Management (GİGM). The 2017 Annual Report on Combat against Trafficking in Human Beings by the GİGM the most detailed statistics ever in this field. Besides age, gender and nationality information related to victims, the report also defines the forms of trafficking in human beings (GİGM, 2017d, pp. 63-73). According to these statistics there is increase in persons identified as victims in the period 2014-2017; in this increase there is remarkable share of trafficking for forced begging of children which was defined for the first time in this report. Regarding trafficking for labour exploitation, Afghan and Moroccan men are among the most common nationalities under the risk of trafficking.

**Table 2:** Forms of Trafficking in Persons by Nationality on the basis of Victims Identified (2017)

Nationality	Sexual Abuse	Labour Exploitation	Forced Marriage	Total
Total	460	108	74	642
Syria	54	7	74	135
Kyrgyzstan	98	-	-	98
Uzbekistan	76	2	-	78
Morocco	25	18	-	43
Afghanistan	-	43	-	43
Moldova	37	-	-	37
Ukraine	28	3	-	31
Russia	26	-	-	26
Azerbaijan	20	1	-	21
Turkmenistan	16	-	-	16
Other	80	34	-	114

Source: GİGM 2017, Turkey Annual Report on Combat against Trafficking in Human Beings.

According to recent figures of DGMM, approximately three out of four (about 75 per cent) identified trafficking victims between 2005 and 2017 are women and girls, in other words, these are cases of gender-based trafficking in human beings. However, in spite of efforts made starting from the early 2000s, the relationship between trafficking in human beings and gender equality is not established either in policy making or in implementation leaving aside the definition of low income women and girls as a group under risk. The evidence is weak references made in policy documents, insufficient measures adopted in identification and protection mechanisms and limited nature of available data. It is observed that there was no reference in policy documents to trafficking of citizen women and children for purposes sexual exploitation until the adoption of the Regulation on Combat against Trafficking in Persons and Protection of Victims (CTRPV) in 2016. This situation requires the examination of prostitution regime in Turkey and the state of women working in brothels. Nevertheless, distance is covered

in protecting women and children with the issuance of the mentioned regulation in 2016. The effect of this regulation on practice will be more visible in coming years.

### 3.1.1. Debates over Trafficking in Women

There is a significant relationship between prostitution and trafficking in human beings. This relationship becomes manifest particularly in the identification of victims of trafficking. Indeed, the 2017 report by the GIGM points to victims identified in the context of combat against prostitution. The same report specifies that article 54 in the LFIP requires interviews to be conducted in line with trafficking in human beings, indicators with persons identified as working without permit and “make their subsistence in illegal ways” and decision of deportation has been taken about. The CEDAW provisions as well as the 2017 report by the OSCE special representative recommends States to eliminate the conditions of exploitation to end sexual exploitation in the context of trafficking. Standards set in international documents also suggest screening of women applying to health facilities and training of health workers for identifying victims of trafficking among women engaged in or forced to prostitution.

There is no sufficient study assessing the situation of women working in brothels in Turkey in the context of trafficking in human beings. Articles 57 and 61 in the by-law dated 1961 on brothels specifies that brothel owners cannot exert force upon their workers, nobody can be employed in such places without her will, nobody can be kept due to her debt and there must be no maltreatment to anybody working in a brothel. Recent studies show that a large majority of brothel workers experienced gender-based violence and assault in their childhood. Although they are legally free to leave brothels, it is actually prevented by such practices as stigmatization (institutional recording), stereotypes, discrimination and close observance. With their identities withheld, brothel workers lose their freedom of mobility and their fundamental social and political rights including living in any place they choose after quitting brothel, to work in a job and to be elected. An example is the mandatory report to the police within 24 hours in case a brothel worker fails to show up in periodic medical examination or changes her residence (By-law on Provisions Binding Prostitutes and Brothels and Combat against Venereal Diseases Transmitted through Prostitution, Article 56).

The very few number of citizen women in official identification and not referring women mentioned to any support mechanism show that in practice citizen women are automatically excluded from the definition of trafficking in human beings for purposes of sexual exploitation. It must be stated here that with the exception of trans-boundary nature of the offense, there is no significant difference between the definition of “forcing to prostitution” (Art. 227) and the definition of “trafficking in human beings for purposes of sexual exploitation” (Art. 80). The most important criterion determining the presence of consent is both women’s receipt of money how small may it be and/or gaining some advantage. Yet, it is known that in trafficking in women for purposes of sexual exploitation traffickers may pay women forced to prostitution and this point is raised in the definition of trafficking in human beings in the Palermo Protocol. Further, arrival of unaccompanied women to Turkey and their later exposition to trafficking in human beings or their free mobility within the country are factors making their identification difficult. Recent legislative arrangements, namely the LFIP (2013) and CTRPV (2016) make

references to domestic trafficking in human beings, but how related practice will take place will gain clarity in coming years.

### **3.1.2. Refugees in Turkey and Different forms of Trafficking**

In present day Turkey, trafficking in human beings for purposes of exploitation of labour and sexual exploitation manifests itself in various forms including forced marriage and begging of children. In particular, forced marriage of Syrian refugee women and children by profiting from their desperate situation is criticized by international organizations such as UN and civil society organizations. For example, in a meeting on 17 November 2017 organized with the participation of UN Population Fund (UNFPA), various civil society organizations, and Women's Rights Centre of Istanbul Bar Association, attention was drawn to the prevalence of too early marriages stressing that such marriages should be considered as sexual abuse. The report by the Support to Life Association on the vulnerability of Syrian refugees in Istanbul shows that having their children married is one of the strategies used by Syrian families in coping up with difficulties they face. Having children young women married for expected benefits or establishing social networks to improve living conditions is defined as another form of gender inequality-based trafficking in human beings. Indeed, the Palermo Protocol states that "consent" is out of question when children under age 18 are concerned. Although Syrian women and girls under temporary protection are considered as group under the risk of trafficking in human beings, there is yet no concrete policy and practice in this field.

One of the most common forms of trafficking in persons is the one for purposes of exploiting the labour of others. Undocumented migrants and informally employed refugees in particular are considered as groups under risk in this respect. As a country receiving migration and transit movements starting from the 1990s, it is estimated that there are presently more than 3.5 million refugees and over 1 million documented-undocumented migrants in Turkey. It is known that migrants and refugees who want to move to Europe for a better life after temporary employment in transit countries fleeing from armed conflict and oppression face different forms of human rights violations. The most visible of these violations is labour exploitation they face having to work informally. There are many migrants and refugees doing jobs that national do not want to do, they are employed without any social protection in heavy conditions and mostly for lower wages. While it is widely known that migrants and refugees without work permit face heavy labour exploitation in Turkey this form of trafficking is omitted.

The present state in Turkey in combat against trafficking in persons will be clearer by examining the existing legislative framework in the light of relevant international conventions. The next section addresses in detail the legislation, relevant institutions and policy documents on combat against trafficking.



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## **3.2. Mapping Domestic Legislation Assessing the Compliance of Legislation with Relevant Human Rights Documents (Structural Monitoring)**

Turkey has acceded to important international conventions and human/women's rights documents in the context of combating trafficking in human beings. For the last 5 years Turkey has been trying to bring her domestic legislation in compliance with these international instruments by amending her legislation accordingly. This section maps legislative amendments emerging as a result and examines the compliance of domestic law with international law.

### **3.2.1. Constitutional Articles**

The most basic laws of Turkey in relation to trafficking in human beings are firstly fundamental rights and freedoms enshrined in the Constitution. Equality before the law (Art. 10), inalienable rights of all (Art. 12), protection of material and spiritual entity (Art. 17) and prohibition of forced labour (Art. 18) reflect the norms of equality, freedom and security of person when taken in the context of trafficking in persons. Article 10 in the Constitution of the Republic of Turkey reads, "All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations." (Additional paragraph: 7/5/2004-5170/1 Art.) This is in compliance with the norm of equality existing in international instruments. Further the sentence "Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice" added later stresses gender equality (Additional phrase: 12/9/2010-5982/1 Art.). In 2010 the provision "Measures taken for this purpose shall not be interpreted as contrary to the principle of equality" was added to the article. Although there is no elaboration of equality mentioned. The Constitution reflects the norms of 'equality', 'gender equality' and 'respect for human dignity'.

### **3.2.2. Articles in Turkish Penal Code**

The first legislative arrangement directly targeting trafficking in human beings came out with the addition of a definition of the crime of trafficking in the Turkish Penal Code No. 765 in 2002 (Law No.4771 Art. 201/b). This article was revised in the Turkish Penal Code No. 5237 and then reformulated in article 80 in 2005. In 2006 the term "making other engage in prostitution" is added to the definition of trafficking. Article 80 defining the offence of trafficking in human beings is as follows:

- (1) Persons who provide, kidnap or shelter or transfer a person (s) from one place to another unlawfully and by force, threat or violence or misconduct of power or by executing acts of enticement or taking advantage of control power on helpless persons in order to force them to work or serve for others or to send them away where he is treated almost like a slave, are sentenced to imprisonment from eight years to twelve years and punished with punitive fine up to ten thousand days.
- (2) In case of execution of acts which constitute offence in the definition of first subsection, the consent of the victim is considered void.

- (3) In case of kidnapping, providing, sheltering or transfer of a person(s) who is under the age of eighteen, the offender is subject to the punishments indicated in the first subsection even if he did not execute the acts causing offense. (Article 80, Amended: 6.12.2006-5560/3 Art.)

The offence of trafficking in persons is defined as parallel to the Palermo Protocol. This arrangement reflects the norms of freedom, equality, security of the person, respect for human dignity and special protection to children. While there is no stress on GE, exploitation of the prostitution of others is included in the definition of trafficking in human beings. However, when the definition of trafficking in human beings by Turkey and by the Palermo Protocol is compared we see missing references in two important issues. The first is the monetary exchange between the victim of trafficking and the trafficker. In the Palermo Protocol, even in cases of giving or receiving money ("*...of the giving or receiving money or benefits to achieve the consent of a person*") consent is considered as void if such tools as deceit, violence or desperation are used to extract consent (United Nations, 2000, Art. 3). This part is translated into Turkish as "by giving benefits to take the consent of persons concerned". This Turkish translation do not fully and explicitly refer to money exchange and consequently it is against victims since money received is used as evidence of women's consent especially in cases where traffickers have paid some money.

Another missing point is the absence of any reference to trafficking in women within the country. The absence of this point prevents the identification of women Turkish citizens facing acts of trafficking in Turkey. In fact, it is too difficult to make a distinction between the offence of "forcing to prostitution" (TPC No. 5237 Art. 227) and Article 80 defining trafficking in human beings. As a matter of fact, it is stated in the article that "(4) The punishment to be imposed according to above subsections is doubled in case a person is encouraged to become a prostitute by use of threat or force, or malice, or taking advantage of one's helplessness." In other words, instrumental acts of trafficking in human beings for purposes of sexual exploitation are also valid in forcing others to prostitution. To distinguish forced prostitution from trafficking in human beings, the reference to 'trans-boundary' in the definition of forced prostitution was removed in 2006, and thus trans-boundary cases are referred to Article 80. Thus, while there is no clear distinction between two crimes with respect to content, a distinction was made with respect to space. In this distinction, while Article 227 is also applied to trafficking in women for purposes of sexual exploitation in the country, Article 80 started to be used for the same crime that migrant women are exposed to with the criterion of 'trans-boundary'. This is in contrast with international documents. Indeed, the Palermo Protocol does not require trans-boundary character in trafficking in human beings and this situation indicates that Turkey has accepted the narrower definition of international trafficking in human beings and there are gaps in alignment.

Another legislative arrangement closely related to trafficking in human beings is about the violation of the freedom of work and labour. This offence is defined as follows in the Turkish Penal Code (TPC) No. 5237:

- (1) Any person who violates freedom of work and labour by using violence or threat or

performing an act contrary to the law, is sentenced to imprisonment from six months to two years and imposition of punitive fine upon complaint of the victim.

- (2) Any person who employs helpless, homeless and dependent person (s) without payment or with a low wage incomparable with the standards or forces him to work and live inhumanly conditions, is sentenced to imprisonment from six months to three years or imposed punitive fine not less than hundred days (Article 117).

This definition of offence is in compliance with international legal instruments but, insofar as it overlaps with the offence of trafficking in persons, it is used particularly in place of trafficking for purposes of labour exploitation. This penalty is in compliance with norms related to freedom, protection from forced labour and respect for human dignity included in international conventions.

The Ministry of Interior Circular No. 72 was issued on 27 October 2006 in the context of identifying the offence in order to avoid confusing of the definition of trafficking in human beings with other offences in practice. This circular prepared as a guide includes criteria that security forces should observe in identification, victim identification document, methods of interviewing, evidence collection and other procedures and states that victims are entitled to a month of recovery and reflection.

### **3.2.3. Citizenship Law**

Besides legislative arrangements directly related to the offence of trafficking in persons, the law also includes arrangements related to access to work permit and citizenship through marriage in order to support combat against trafficking. The amendment made in Citizenship Law in 2003 aimed to prevent fake marriages as a method used by human traffickers. With this amendment, access to citizenship through marriage is arranged as follows:

- (1) Marrying a Turkish citizen does not directly grant the status of Turkish citizenship. However, foreigners with continuing marriage with Turkish citizens for at least three years may apply for Turkish citizenship. Requirements are:
  - a) Living in family union,
  - b) Not engaging in any activity incompatible with marriage union,
  - c) Absence of any status that may be a threat to national security and public order (Official Gazette No. 27256 dated 12/06/2009).

With this arrangement, to be entitled to citizenship through marriage, conditions to be met include having been married for 3 years, living in family union, and not engaging in any activity irreconcilable with family union. This modification and the condition of being married for at least 3 years is a restriction applied in many EU countries for permanent residence permits; however, there is yet no data or study on how this modification affects combat against trafficking in women. There is need for gender-specific qualitative studies on marriages. There is presently no data, for example, on what percentage of victims are married. These gaps are also mentioned in indicators suggested for Turkey.

Forced marriage of children is addressed in the context of gender-based trafficking in children and it requires legislative arrangement. According to the United Nations Convention on the Rights of the Child (CRC) that Turkey is a State Party since 1990 any person under age 18 is a child. Article 3 in the Child Protection Law No. 5395 adopts this definition and safeguards the rights of the child to “life, development, protection and participation.” Although there is no reference to marriage in the Child Protection Law, international conventions have supremacy over domestic law as foreseen in the Constitution. Hence, causing somebody to marry before age 18, fixing legal ground for such marriage and condoning such acts constitutes constitutional violation. Women’s organizations in Turkey, CSOs and international organizations like OSCE draw attention to this issue. However, domestic legislation questioning the age and consent of children in qualified sexual abuse of the child makes the situation vague. The most widely debated arrangement is the definition of child sexual abuse in TPC Article 103 amended in 2016.

With the amendment in 2016, the law brings categorisation of punishment for the crime of sexual molestation for different ages; it brings heavier punishment for sexual abuse of children under the age of 12. The amendment has been criticised for lightening the punishment for the crime of sexual molestation of children between the ages of 12 and 15. Women’s Platform for Turkish Criminal Code (WPTCC) criticises the amendment for opening the discussion of consent issue for children under the age of 15.

#### **3.2.4. Labour Codes**

In relation to migrants, the ‘Law on Work Permits of Foreigners’ adopted in 2003 in the context of exploitation of labour, made it possible for enterprises employing migrant workers to apply for work permits. This legislation aims to facilitate the access of migrant women in domestic works in particular to work permit and to prevent such incidences as exploitation, sexual harassment and trafficking in this field. However, according to this law issuance of work permit is dependent upon the employer who is supposed to get it issued either before person’s arrival to Turkey or after getting residence permit for 6 months. Besides time consuming bureaucratic formalities, the number of work permits has not increased as expected given the priority of citizen workers and criteria such as employing at least ten citizens in a workplace. Indeed, according to ÇSGB data there were 64,547 work permits issued in 2015 and 16,825 of these permits are related to home-based care and cleaning works. It must be noted here that the European Court of Human Rights concluded that the dependence of work permit to the employer makes employees vulnerable to exploitation and trafficking in the case of *Rantsev* which is now taken as example in cases brought under Article 4 of the ECHR which is related to cases of slavery, servitude and forced labour. It must be noted in this context that the migration regime in Turkey which makes visas and work permits of migrant workers strictly dependent to employers also poses serious risks particularly to migrant women employed in domestic works. Besides work permits, another problem that leads to abuse in this field is the absence of sufficient arrangements related to the employment of domestic workers. The 2017 Turkey Report by OSCE Special Representative recommends Turkey’s ratification of the ILO Convention No. 189 on Domestic Workers to entitle domestic workers their rights fully.

### 3.2.5. Law on Foreigners and International Protection (LFIP)

Legislative arrangements that Turkey has committed to for alignment with international conventions continued with the Law on Foreigners and International Protection (LFIP) that was adopted in 2013 and put into effect in 2014. Article 108 describes the duties of the General Directorate of Migration Management (GİGM) which include “establishing, operating or commissioning the operation of shelters for victims of trafficking in human beings”. The LFIP also includes some measures geared to protecting victims of trafficking in human beings. Article 55, for example, states that persons in victim support process cannot be removed; further, victims of psychological, physical or sexual violence cannot be deported until their treatment is completed. According to Article 48, persons for whom there is strong circumstantial evidence of victimization by trafficking are entitled to residence permit for 30 days and work permit procedures should be facilitated for persons benefiting from “victim support” (LFIP, Art 16 (f)). The provision related to residence permits to be granted to potential victims is also repeated in Article 20 of the “Combating Trafficking and Regulation on the Protection of Victims” (CTRPV) adopted on 17 March 2016.

### 3.2.6. Combating Trafficking and Regulation on the Protection of Victims (CTRPV)

Article 4 in the CTRPV which aims to ensure alignment with the CECATH also points out to the principle of gender equality by stating “a fair, effective and speedy procedure is followed on the basis human rights and gender equality and also in line with the principle of social state” in the implementation of the regulation. Measures that appear for the first time in this document include training activities to reduce demand that fuels trafficking (Art. 11), awareness building in public servants and CSOs (Art. 14), and confidentiality of personal information of victims. Further, the CTRPV refers, for the first time, to citizen victims of trafficking in human beings (Art. 23. 1-2) and states that a protocol will be acted with the Ministry of Family and Social Policies (ASPB) for women and children who are Turkish citizens and identified as victims. It is also stated that the best interest of the child will be observed in identifying victims of trafficking in human beings (Art. 24).

Article 25 in the regulation states that the identification of victims of trafficking is to be made at return centres and Article provides that individuals will be taken for medical examination when they are found during inspections on prostitution. However, it is known that medical examination may deem women who are already traumatized speechless. This particular statement suggests that the CTRPV has introduced no significant change to the mechanism of identifying victims of trafficking and entitlement to 30 days of recovery and reflection is not guaranteed. Indeed, it is envisaged that first interviews to be made by security forces and experts to be requested from the GİGM if there is any need for. Moreover, Article 25 says “separate spaces may be allocated to victims during preliminary identification, referral to shelters and safe return processes.” This provision is in contrast with the principle of avoiding the detention of potential victims and it also puts the entitlement of 30 days of recovery and reflection at risk.

The CTRPV also describes the conditions of referring victims of trafficking to shelters, their rights and support they are entitled to. These include health and psychosocial support services, legal assistance, vocational training, temporary material support from the Social Assistance

and Solidarity Foundation, access to counselling services extended by CSOs, translation and processing of documents. With this regulation access to services was given a legal ground for the first time. While it is envisaged that victims should first stay in shelters, there are also provisions making it possible for them to stay in alternative spaces when it is necessary.

The legislation presently in effect in Turkey covers arrangements in various areas within the framework of international norms and standards in relation to trafficking in human beings and there is effort to keep in compliance with current documents in the field. It is aimed to facilitate with indicators specific to Turkey given in Part 6 monitoring the effect of these arrangements on practice and how effective they are in combating trafficking in human beings.

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### **3.3. Analysis of Policy Documents Related to Trafficking**

This section includes the content and gender wise analysis of policy documents that Turkey has adopted so far in the field of trafficking in persons. Until 2015 these documents were produced under different ministries including the Ministry of Foreign Affairs. After 2015 the General Directorate of Migration Management under the Ministry of Interior was designated as the sole authority and relevant documents started to be produced by this unit. Presently the GIGM comes to the fore as a policy maker in trafficking while the General Directorate on the Status of Women (KSGM) under the Ministry of Family and Social Policies (ASPB) is the main unit focusing on gender-based inequalities. Below is a list of policy documents signed and adopted by Turkey.

#### **3.3.1. Action Plan on Combating Trafficking in Human Beings (2004)**

The first action plan prepared in 2003 jointly by the Ministry of Foreign Affairs and the Ministry of Interior includes ways of identifying cases of trafficking, measures of protection for victims and inter-agency division of work in this respect. In relation to trafficking in human beings, the 2003 National Programme for the Adoption of the Acquis (NPAA) both identified Turkey's needs and also described the National Task Force in Combating Trafficking in Human Beings which was established in November 2002 under the responsibility of the Ministry of Foreign Affairs. It was envisaged in this context to expedite the approval of waiting international conventions (Palermo Protocol). The headings under the First National Action Plan seeking procedures and investigations conducted in line with international standards are as follows:

- Establishment of shelters,
- Ensuring safe return back to their countries of victims of trafficking in human beings,
- Availability of 7/24 free urgency hotlines,
- Amending Article 5 in Citizenship Law (No. 403) and introducing a period of observance of 3 years before gaining status of Turkish citizenship,
- Application of humanitarian visa for victims of trafficking in human beings (1 month),
- Organizing trainings in combat against trafficking in human beings for security, judiciary and other personnel,

- Ensuring horizontal cooperation between relevant ministries, institutions and universities in combatting trafficking,
- Passing a special law on witness protection covering victims-witnesses of trafficking in human beings,
- Making necessary arrangements for issuance of work permits to foreigners in Turkey by the Ministry of Family and Social Policies,
- Recording of detailed statistics to the General Directorate of Statistics and Criminal Record of the Ministry of Justice,
- Ensuring the treatment and rehabilitation of victims of trafficking in human beings,
- Mobilizing the support of CSOs working with victims of trafficking in human beings, particularly women,
- Supporting victims of trafficking in human beings in line with the Law on Encouraging Social Assistance and Solidarity,
- Preparing posters with specific information to raise awareness about trafficking in human beings (EGM, 2009: 10-12).

Following the Action Plan, efforts were made to attain some targets through a series of circulars. Free extension of health services to victims, opening of shelters, information building campaigns, issuing guides for identification, development of return programme and urgent help line were among the themes of these circulars.

### **3.3.2. National Action Plan on Enhancing Institutional Capacity in Combat against Trafficking in Human Beings (2009)**

The Second National Action Plan exposes the state in Turkey in combating trafficking and points out to comprehensive arrangements relating to fundamental rights, justice, freedom and protection of consumers and their health with specific reference to the National Programme for Accession Partnership and Adoption of the Acquis (NPAA). Turkey's National Action Plan for Strengthening Capacity in Combat against Trafficking in Persons assesses the present situation in Turkey in the areas listed below with reference to the National Programme for Accession Partnership and Adoption of the Acquis and the European Union strategy for combating trafficking:

- **Building awareness:** It is stated that the security should make regular announcements to have the media cover cases of trafficking in human beings; there is need to collect information regularly and to build trust with the media.
- **Assistance and support to victims:** It is stated that there are bilateral protocols between government entities, security in particular and CSOs and a sheltering programme has been given start.
- **Return and re-integration:** In returning victims identified through witness protection approach, there is need to consider family situations and risk of stigmatization, medical

support, access to employment, risk of oppression in country of citizenship and subsistence problems.

- **Legislative framework:** It is stated that amendments and new definitions of offence in the new Law on Criminal Procedure 2005 are sufficient with respect to EU standards.
- **Training programmes to combat trafficking in human beings:** Extended language training programmes particularly in English and Russian and cooperation with CSOs are envisaged.
- **International Cooperation:** Training and cooperation are envisaged in this field.

Gender equality is stressed only in few occasions in the second National Action Plan. In line with the objective stated as “ensuring equality of sexes in treating victims, the following are envisaged in medium and longer term: “Presence of sufficient women personnel” in identification processes; “training in gender sensitivity”; “developing a training programme on equality”; and “providing necessary means to treat victims appropriately”. The National Task Force in Combating Trafficking in Human Beings established in 2002 under the Ministry of Foreign Affairs was transferred to the GiGM in February 2013 and started functioning as “Coordination Commission” in combat against trafficking in human beings.

### 3.3.3. 2011-2013 and 2014-2018 Medium-Term Development Plans

Among medium-term development plans the Ninth Development Plan covering the period 2011-2013 (Ministry of Development, 2011) mentions increasing border security and reorganization in the context of combat against trafficking in persons. There is no reference to this form of trafficking in more recent plans. As far as gender equality is concerned there is reference to measures encouraging women’s participation to employment. Under “2.1.7. Family and Women” the Tenth Development Plan suggests measures for ensuring access to social assistance and employment for empowering family and women and points out to arrangements for combating violence against women and to the establishment of the KEFEK.

### 3.3.4. Ministry of Interior General Directorate of Migration Management Strategic Plan 2017-2021

The Strategic Plan 2017-2021 developed by the Ministry of Interior General Directorate of Migration Management is an important strategy document shaping Turkey’s migration policies for a period of five years. Regular and irregular migration has its important place as a heading in the document providing for international protection and adaptation problems of refugees in the context of combat against trafficking in human beings. Indeed, the fourth strategic goal of the plan is formulated as “developing a victim-focused effective system of protection and combat from the perspective of international law against trafficking in human being and protection of victims.” Other strategic goals include improvements in victim identification systems, strengthening legal and administrative capacity and cooperation with CSOs.

On strategic plane there are also performance indicators related to trafficking in human beings. These include the number of persons trained, number of interviews conducted with potential victims of trafficking, the number of identified victims, and proportion of persons benefiting



from support programmes to the number of identified victims. The Five-Year Strategic Plan of the GiGM includes increasing the number of trained personnel which was 431 in 2016 to 700 in 2021, the number of interviews with victims from 1930 to 3,000-3,500 in the same five-year period and the number of identified victims to 350. It is also intended to increase the number of shelters to 7 in 2021, which had dropped to 2 in 2016 and the number of beneficiaries of victim support programmes. It must be noted here that these targets and data have not been developed in a gender-sensitive way.

Beyond strategic goals, neither risks are defined in gender-sensitive ways. Given the changing methods of traffickers and complex nature of the crime itself, identification becomes even more difficult. Personnel who may come across victims of trafficking are uninformed about this complex nature of the crime and there is shortage of expert personnel. There are other problems as well including the “avoidance of victims to cooperate with authorities under the impact of their experience” and their wish to return as soon as possible which make support services only short-breathed. Other important problems include yet insufficient contribution by CSOs and poor coordination in relevant CSO initiatives.

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### **3.4. Public Institutions and Agencies Related to Trafficking and Relevant Policy Documents**

The leading ministries in Turkey in combat against trafficking in persons are the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Health, Ministry of Labour and Ministry of Family and Social Policies. The GiGM, General Directorate of Security (EGM) and General Command of Gendarmerie under the Ministry of Interior and the General Directorate on the Status of Women (KSGM) and Social Services and Child Protection Agency (SHÇEK) under the ASPB are directly related to policy making and implementing. There are also inter-state and international CSOs like IOM and ICMPD and national CSOs active in this field.

#### **3.4.1. General Directorate of Migration Management (GiGM)**

The General Directorate of Migration Management (GiGM) established in 2013 upon the Law on Foreigners and International Protection (No. 6458) is authorized in operating, developing strategies and policies not only in the field of migration but also in trafficking in human beings. Within the GiGM, the Department of Protecting Victims of Trafficking (DPVT) was set up as a special unit in charge of combating trafficking and supporting its victims. The duties of this unit include ensuring coordination with other relevant government units, protecting victims, carrying out related paper work, conducting projects and establishing and operating a helpline.

In 2014, the GiGM launched the project “Protection of Victims of Trafficking”. The objective of the project was stated as “reducing trans boundary offences, preventing trafficking in human beings and providing human rights-based protection to its victims.” Under this two-year project, workshops and activities including training of trainers, awareness building, counselling, working visits etc. were organized and material support was extended to shelters. The project “Identifying and Combating Trafficking of Refugees in Turkey” (PICTOR-Turkey) is carried out together with the ICMPD. The objective of the PICTOR project is to prevent the

exploitation of victims of trafficking, Syrians under temporary protection in Turkey and other displaced persons. The project also aims to expand the work of victim identification and proactive screening in vulnerable groups and improve services offered to victims of trafficking. Under the project planned to be finished in March 2017, informative brochures in Turkish and Arabic on different forms of trafficking in human beings and the rights of Syrians in Turkey as well as a media campaign were prepared.

The GİGM is the main implementing agency of the Regulation on the Protection of Victims (CTRPV). In this vein, combat against trafficking and protection of victims were identified as one of the six themes within the framework of the Strategic Plan covering the period 2017-2021.

### **3.4.2. General Directorate on the Status of Women (KSGM)**

A "Women Services Department" was created under the KSGM. Then there was the "Human Trafficking, Asylum Seekers and Refugee Services Unit" under this department. Under the department there are also the "Women's Guesthouse Services Unit", "Women's Counselling and Monitoring Centres Unit", "Early Marriages Unit" and "Unit for Combating Violence against Women." The KSGM is in charge of receiving in shelters victims of trafficking and migrant and refugee women who experienced domestic violence. As of the end of 2016 there are 137 shelters with total capacity of boarding 3,433 persons including 101 shelters with capacity of 2,674, 32 shelters run by municipalities and 4 women's shelters run by CSOs.

The KSGM is the unit in charge of coordinating the National Action Plan 2008-2013. The Gender Equality National Action Plan (2008-2013) assigns priority to eight topics: "Education of Women and Girls", "Women and Health", "Women and Economy", "Women and Poverty", "Women and Environment", "Women and Media", "Women in Authority and decision-Making Mechanisms" and "Advancing Gender Equality in Turkey". It is envisaged set up mechanisms to advance GE in government, civilian life, trade unions and academy. The KSGM organizes "Gender Equality Training of Trainers Programme" with different public organizations. Trafficking in human beings is also included in this programme.

Under the National Action Plan on Combating Violence against Women covering the period 2016-2020, improvements are targeted in five fields as classification of VAW, legislative arrangements, strengthening of VAW victims through protective and preventive services, organization of health services and inter-agency cooperation. While refugee women and girls are described as more vulnerable groups in terms of VAW, combat against early marriages and trafficking in human beings are also listed in the context of awareness building efforts. With reference to the Istanbul Convention, it is envisaged to create special service models which employ trained and specialized personnel to extend medical, judiciary and trauma support and counselling services to victims of sexual violence. To build GE awareness, it is also envisaged to launch training of trainers for public servants which should cover the following themes at least: "Combating violence against women; harms of early marriage; combat against trafficking in human beings; gender equality; equality of women and men and its importance; women's human rights; discrimination against women; disabilities and rights of persons with disabilities; child rights; correct approach to victims; and training in values."

The KSGM is also preparing the “Strategy Document and Action Plan for Preventing Child and Forced Marriages 2018-2023” which is directly related to the issue of trafficking. The plan has not been announced yet.

### 3.4.3. Commission on Equal Opportunities for Women and Men (KEFEK)

The functions of the TBMM (Grand National Assembly of Turkey) Commission on Equal Opportunities for Women and Men include examine draft bills, proposals and law decrees presented to the parliament in terms of their compliance with equality of women and men, activities geared to informing the public about equality, and examine applications made on the basis of cases of violation of equality and gender-based discrimination. In cooperation with *UN Women* the KEFEK prepared the report on monitoring gender equality legislation in 2014.

### 3.4.4. Human Rights and Equality Institution of Turkey (TİHEK)

It was established in 2016 with significant functions like protection and promotion of fundamental human rights, equal treatment and prevention of discrimination in accessing rights (Law No: 6701, Art. 1). Article 3 in the Law No. 6701 reads “Within the scope of this Law, discrimination on the basis of gender, race, colour, language, religion, faith, sect, philosophical or political opinion, ethnic origin, wealth, birth, civil status, medical condition, disability or age is prohibited.” The TİHEK’s mandate also includes adopting measures against human rights violations and discrimination and combating torture and maltreatment (Art. 9). Any real or corporate person thinking to be discriminated against can apply to the TİHEK and the TİHEK may file criminal complaint upon identifying cases of violation.

### 3.4.5. Ministry of Family and Social Policies (ÇSGB)<sup>2</sup>

Ministry of Family and Social Policies is the single authority in matters related to work permits of migrants in particular. The Law on Work Permits of Foreigners (No. 4817) took effect in 2013. The ÇSGB regulates the working conditions of foreigners. The Ministry also put in implementation the National Plan on Combating Child Labour covering the period 2017-2023.

### 3.4.6. Ministry of Development<sup>3</sup>

In the Medium-Term Development Plan 2011-2013 by the Ministry of Development (2011), the 6<sup>th</sup> heading is “Enhancing the Effectiveness of Security Services.” Here, the main objective is stated as ensuring security services which considers the critical balance between security and freedom, focusing on illegal migration and asylum and human trafficking while restructuring border management. The heading “2.1.7. Family and Women” in the Tenth Development Plan covering the period 2014-2018 stresses social services and assistance to low-income families, participation to employment and decision-making mechanisms for empowering women and families. In the context of gender equality, the main objective is stated as “strengthening the role of women in social, cultural and economic life, preserving and improving the status of family institution and consolidating social cohesion.”

2 Upon the Law Decree No. 703 issued in January 2018, the ministry is merged with the Ministry of Family and Social Policies and renamed as the “Ministry of Family, Labour and Social Services.”

3 Upon the Law Decree No. 703 issued in January 2018, the Ministry of Science, Industry and Technology is merged with the Ministry of Development and renamed as the “Ministry of Industry and Technology.”

### 3.4.7. Turkish Statistical Institute (TÜİK)

The TÜİK is the institution that releases data and statistics directly related to gender inequality including trafficking in women for sexual purposes and trafficking in children through early marriages. The report “Women in Statistics” published in 2016 allows for observing gender inequalities through some key data including life expectancy, literacy, labour force participation, employment, marriage and family structure, divorce, political participation, life satisfaction, domestic violence and household tasks and responsibilities (TÜİK, 2016). As far as judicial statistics are concerned, there are numbers of cases and accused that can be related to trafficking in human beings. It is also possible to reach statistics about children officially married which is considered as a gender-specific form of trafficking in human beings.

### 3.4.8. General Directorate of Criminal Records and Statistics

The **General Directorate of Criminal Records and Statistics (ASİGM)** under the **Ministry of Justice** releases statistics on court cases related to the offences of trafficking in persons (80) or forcing others to prostitution (227/1) which give information by years and number of perpetrators by age and gender (ASİGM, 2016). Though information can also be obtained on the basis of provinces this source is fit only for large-scale data analyses.

**Table 3:** Relevant Public Agencies in Combat against Trafficking and their Statements Concerning GE

Name of Central Public Agency/Policy Document	Date	GE		None
		Yes	No	
<b>MINISTRIES</b>			✓	
<b>Ministry of Interior</b>				
Mission/vision				
Mission			✓	
Vision			✓	
Strategic Plans				✓
Action Plans				✓
<b>SUBSIDIARIES</b>				
<b>General Directorate of Migration Management (GİGM)</b>	2015			
Mission/vision				
Mission			✓	
Vision			✓	
Strategic Plans				
GİGM Strategic Plan (2017-2021)	2016		✓	
Action Plans				
EGM Action Plan				✓
<b>General Directorate of Security</b>	1923			

Name of Central Public Agency/Policy Document	Date	GE		None
		Yes	No	
Mission/vision				
Mission			✓	
Vision			✓	
Strategic Plans				
EGM Strategic Plan				✓
Action Plans				
EGM Action Plan				✓
<b>MINISTRIES</b>				
<b>Ministry of Family and Social Policies (ASPB)</b>	1984			
Mission/vision				
Mission			✓	
Vision			✓	
Strategic Plans				
ASPB Strategic Plan				✓
Action Plans				
Action Plans				✓
<b>SUBSIDIARIES</b>				
<b>General Directorate on the Status of Women (KSGM)</b>	2015			
Mission/vision				
Mission		✓		
Vision		✓		
Strategic Plans				
Strategy Document and action Plan on Preventing Early and Forced Marriages (2018-2023) (at planning stage)	2018			
Action Plans				
Gender Equality National Action Plan(2008-2013)	2007	✓		✓
National Action Plan on Combating Violence against Women (2016-2020)	2016	✓		
Projects				
Humanitarian Aid Programme on Combating and intervening to Gender-Based Violence	2013	✓		
Project on Improving Women's Access to Economic Opportunities (2016-2017)	2016	✓		
Project on Combating Domestic Violence (2013-2016)	2013	✓		

Name of Central Public Agency/Policy Document	Date	GE		None
		Yes	No	
<b>MINISTRIES</b>				
<b>Ministry of Family and Social Policies (ÇSGB)</b>				
Mission/vision				
Mission			✓	
Vision			✓	
Strategic Plans				
ASPB Strategic Plan				✓
Action Plans				
National Programme against Child Labour(2017-2023)	2017		✓	
<b>SUBSIDIARIES</b>				
<b>Turkish Employment Agency (ISKUR)</b>				
Mission/vision				
Mission			✓	
Vision			✓	
Strategic Plans				
Strategic Plan				✓
Action Plans				
Action Plans				✓
<b>MINISTRIES</b>				
<b>Ministry of Development</b>				
Mission/vision				
Mission			✓	
Vision			✓	
Strategic Plans				
Tenth Development Plan (2014-2018)	2014	✓		
Action Plans				
2014-2023 Regional Development National Strategy	2014		✓	
<b>Under Prime Ministry</b>				
<b>Turkish Statistical Institute</b>	1926			
Mission/vision				
Mission				✓

Name of Central Public Agency/Policy Document	Date	GE		None
		Yes	No	
Vision				✓
Strategic Plans				
Strategic Plan (2017-2021)	2017	✓		
<b>MINISTRIES</b>				
<b>Ministry of Justice</b>				
Mission/vision				
Mission			✓	
Vision			✓	
Strategic Plans				
Ministry of Justice Strategic Plan 2015 - 2019	2015		✓	
Action Plans				
Action Plan				✓
<b>General Directorate of Criminal Records and Statistics</b>				
Mission/vision				
Mission			✓	
Vision			✓	
Strategic Plans				
Strategic Plan				✓
Action Plans				
Action Plan				✓

### 3.5. Inter-State Agencies

#### 3.5.1. International Organization for Migration (IOM)

The International Organization for Migration (IOM) which is an independent inter-state agency then moving under the roof of the United Nations has been an important actor in Turkey's combat against human trafficking in the fields of both policy development and implementation. The activities of the IOM in combating trafficking in human beings include the introduction and operation of 157 support line, translation services, trainings in victim identification, funds to build capacity in local CSOs and voluntary return programme for identified victims of trafficking. The return of about 1,000 persons was organized under the programme. In 2005, a public awareness campaign was organized under the heading "Have you seen my mother?" stressing the role as mothers of potential victims of trafficking. The IOM has recently focused on such activities as training of public servants in prevention, protection and technical cooperation,

financial support for the protection of victims, ensuring returns and development of policy documents.

### **3.5.2. United Nations High Commissioner for Refugees (UNHCR)**

Established in 1950 to protect refugees and bring solutions to their problems, the UNHCR signed a Host Country Agreement with Turkey on 1 September 2016. The Ankara-based organization has its offices in five provinces. With partners in implementation it receives international protection applications from non-Syrian refugees and organizes placements in a third country. The UNHCR extends financial and technical support to capacity building in tons of CSOs in Turkey including its implementation partners ASAM and İKGV. It shares data and statistics related to refugees and asylum seekers which are also gender disaggregated.

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## **3.6. Mapping the Capacity of Civil Society Organizations and Other Public Actors (Structural Monitoring)**

The existence of civil society organizations active in the field of trafficking in persons is important in Turkey. International instruments that Turkey is a State Party require cooperation with civil society in this field in terms of both identification of the offence and at stages of protection and prevention. The presence of CSOs and other public actors and mapping of their capacity is also indispensable in conducting monitoring in this field. This section evaluates the activities of existing CSOs with respect to GE.

### **3.6.1. Human Resources Development Foundation (İKGV)**

The İKGV was established to build public awareness in reproductive health and support those in need in this field. The foundation launched a shelter for victims identified under to programme on combating trafficking in human beings and delivered trainings to security and judiciary personnel who are in charge of issues related to trafficking. To start in 2007, the İKGV published booklets in 2009, 2012, 2015 and 2017 on problems related to trafficking in human beings, suggestions for solution and good practices. It also contributed to other reports with its evaluations on Turkey. Once rooming in over 500 victims of trafficking, the İKGV had to close its shelter in 2016 due to budget shortage. Focusing on information building campaigns in trafficking, preventive measures and advocacy activities in the new period, the İKGV published "Understanding the Crime of Trafficking in Human Beings: A guide for CSOs" in Turkish and Arabic in 2017. The İKGV draws attention to gender inequality among causes of trafficking and in particular to trafficking of Syrians for purposes of forced marriage and prostitution.

### **3.6.2. Women's Solidarity Foundation**

The Women's Solidarity Foundation is a CSO established in 1993 to combat all forms of violence against women including domestic violence in particular and to contribute to social transformation this way through women's solidarity. The Women's Solidarity Foundation extends counselling and psychological support services directly to women victims of violence and carries out advocacy work in women's human rights. In the period 2005-2016



the foundation extended sheltering and urgent assistance support to victims of trafficking with its shelter with capacity of 12 beds. In the period 2005-2016 when the shelter was open the Women's Solidarity Foundation services covered 286 women 9 children and 2 infants. Gender-sensitive principles and activities of the foundation can be summarized as follows:

- Keeping the address of the shelter and women's personal information confidential,
- Employing persons in shelters whose native languages are Russian and Romanian as translators,
- Extending social, legal and psychological support to women,
- Informing women about civil society organizations working in this field in native countries to help them avoid re-victimization after their return,
- Supporting women in solving their health problems,
- Organizing various hobby activities as women wish during their stay in shelters,
- Responding to basic needs of women in shelters without any fee and extending material support to help them cover their needs (Women's Solidarity Foundation, 2017)

The Women's Solidarity Foundation is continuing its activities to build awareness in trafficking in women and gender equality, transfer information and experience to public organizations and to participate to various radio and television programmes to state its position in relevant issues.

### **3.6.3. Family Counsellors Association (Aile-Der)**

The Family Counsellors Association or Aile-Der (Family-Der) was established in 2008 to "empower individuals and families socially and psychologically". With its membership mostly consisting of social workers, child development specialists, psychologists and advisors, both women and men, the Aile-Der started extending sheltering to victims of trafficking. In the period 2009-2016 the associated operated "Station Type Shelter" in Antalya, took part in victim identification with its member social workers, interviewed 584 persons and supported 66 victims in its shelter. The Aile-Der implemented the project "Power of Civil Society in Combat against Trafficking in Human Beings" under which it conducted information and awareness building activities with CSOs and social workers. The association also published the guidebook "Social Services with Victims of Trafficking" in 2014. It has also made suggestions to improve the situation of women and child victims of trafficking from a gender perspective.

### **3.6.4. Women's Solidarity Foundation (KADAV)**

Istanbul-based KADAV was founded immediately after the Marmara Earthquake of 1999 following gender-sensitive solidarity activities in the disaster area. It is engaged in advocacy activities in combating violence against women, women's employment and LGBTI rights. In recent years, the KADAV considers gender-based violence and discrimination against migrant women in particular as one of its major areas of combat. Related activities of the

foundation include counselling support to migrant and refugee women and in-situ support in Küçükçekmece (Istanbul) where there is a large Syrian refugee community. The foundation also lays stress on different forms of trafficking in human beings like forced marriage of girls. The Women's Labour and Employment Initiative (KEİG) under KADAV is engaged in studies, information building, reporting and various other activities to support women's participation to employment on the basis of gender equality.

### **3.6.5. Flying Broom (Uçan Süpürge) Women's Communication and Research Association**

The Flying Broom first established in 1996 as a non-profit organization was later renamed as "Flying Broom Women's Communication and Research Association." The Flying Broom organizes media campaigns and develops projects against different forms of violence against women including gender inequality, forced marriage of children, femicide and sexual harassment of women and children. The project "Child Brides: Victims of Destructive Traditions and Patriarchal Social Heritage" launched in 2010 carried the issue to the agenda of the country by stressing the fact that one in every three marriages is a child marriage. Follow-up and survey work was conducted in ten selected provinces. Targeting the empowerment of women at local level, the foundation is also working to transform the masculine media language used in presenting cases of violence against women with its "Local Women Correspondents Network". The foundation contributes to efforts to ensure gender equality and empower women through annual film festivals as a part of cultural-artistic activities.

### **3.6.6. Domestic Workers Union (Evid-Sen)**

The Evid-Sen is active since 2011 as a trade union to make domestic workers' problems visible to have this engagement recognized as an occupation. Its activities include public awareness building in the position of domestic workers on the basis of gender inequality and paying visits to international organizations like ILO and relevant ministries to share problems. Having migrant women workers among its members as well, the Evid-Sen combats discrimination, workplace harassment and unfavourable working conditions as problems faced by migrant workers. The union visits workplaces to support migrant domestic workers suffering unfair practices, makes press releases and launches social media campaigns.

### **3.6.7. İmece Domestic Workers Union**

It is a union working specifically for making visible the problems of domestic workers and undocumented migrant women, providing safe working environments and opportunities for unionization. The Union is also working for Turkey's accession to the ILO Convention No. 189, ILO Recommendation No. 201 on "Decent Work for Domestic Workers" and the ILO "Domestic Work Convention" No. 177. The union fights discrimination against domestic workers, unsafe and unfavourable working conditions. Its efforts aim to grant legal status to migrant domestic workers so that they can benefit from social protection. Both Evid-Sen and İMECE are well aware of the fact that migrant women engaged in domestic works are under the risk of trafficking.

### **3.6.8. Association for Solidarity with Asylum Seekers and Migrants (ASAM)**

The Association for Solidarity with Asylum Seekers and Migrants (SGDD-ASAM) is the implementation partner of the United Nations High Commissioner for Refugees (UNHCR) Office in Turkey with its 60 offices serving refugees in more than 50 provinces. The SGDD receiving asylum applications in Ankara on behalf of UNHCR has its online and face-to-face counselling centres, health centres and centres for women's health. The association extends legal and social counselling services to migrants and refugees and conducts awareness building campaigns and surveys on the problems of refugees. In the context of gender equality it has its health counselling units and "Safe Spaces" project for women and girls. With support from the UN Population Fund UNFPA, it delivers health and psychosocial counselling services and trainings in women's and reproductive health to women and adolescent girls. The association extends counselling services in cases of gender-based violence and follow court cases. Application centres named as "safe spaces" include Fatih Multi-Faceted Support Centre, Unkapanı Child and Family Support Centre and Tarlabası Migrant Health Centre in Istanbul, Buca and Konak Centres in İzmir and Migrant Health Centre in Antakya.

### **3.6.9. Support to Life Association**

The Support to Life Association is active since 2005 in such areas as emergency aid to disaster victims, assistance and support to refugees in various fields; awareness building in child protection and combat against child labour and strengthening of civil society. In the field of gender equality, the Support to Life Association has conducted campaigns particularly related to forced marriages of young girls and it extends support to women and female children with its social support and counselling activities. Having its counselling offices in provinces where there is large population of Syrian refugees like Hatay, Şanlıurfa and Istanbul, the Support to Life Association extended material support to about 97,000 persons in 2016. It also supports refugees' employment through its vocational training courses. The 2016 report of the association "Vulnerability Assessment of Syrian Refugees in Istanbul" points out to the needs of women and children as most vulnerable groups. In the field of gender equality the Support to Life Association has conducted campaigns particularly related to forced marriages of young girls and it extends support to women and female children with its social support and counselling activities.

### **3.6.10. International Centre for Developing Migration Policies**

The International Centre on Migration Policy Development (ICMPD) is an Austria-based international CSO that conducts studies on trafficking in human beings, shares information with states and launches campaigns to build awareness in related issues. Turkey joined the ICMPD as its 17<sup>th</sup> member. Engaged in five different projects in Turkey, ICMPD activities include supporting the government in issues related to refugees, migration and border management, trafficking in human beings, return agreements with the EU and capacity building. The organization has its project in Turkey titled "Preventing, Identifying and Combating Trafficking in Persons in Turkey." The project covers such areas as strengthening institutional framework and improving cooperation, developing effective policies in combating trafficking in human beings, supporting capacity building and designing communication campaigns.

### **3.6.11. Bar Associations and Women's Right Centres**

Bar Associations have no specific work on trafficking in human beings. The GIGM, international organizations and CSOs give training in trafficking in persons to the Turkish Union of Bar Associations and members of local bar associations.

Further, local bar associations have their Women's Rights Implementation Centres and Human Rights whose domain touches the issue of trafficking. The Union also has a Working Group on the Rights of Refugees. The "Handbook on the Offence of Human Trafficking in Turkish Law" (Yenidünya et. al. 2007) jointly prepared in 2009 by the European Union, Ministry of Interior and IOM is a guide for lawyers discussing the various dimensions of the issue. Though embedded in the Palermo Protocol and European Council conventions and also stressed in other instruments, there is no free legal assistance automatically extended to victims of trafficking in persons. It makes it difficult for victims to find representation or access the right to redress.

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## 4. Sources of Indicators and Data

Part Four contains indicators and sources of data relating to human trafficking including works of international organizations and agencies active in this field. There are assessments in relation to the state in Turkey in OSCE, EU and UN Global Reports on Trafficking in Persons in the first place, in reports of inter-state agencies, in Eurostat statistics and in some global indicators. By taking a look at Turkey's combat against trafficking in persons from the perspective of efforts by other countries, from without, these reports offer means of assessing the situation in Turkey and also point out to some important issues.

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### 4.1. Mapping Sources of Indicators

#### 4.1.1. UN Global and Regional Human Trafficking Reports

The report on global trafficking in human beings that evaluates trafficking on regional basis takes Turkey together with western and eastern European countries. The report states that 99 per cent of cases of trafficking in Turkey are reported as for purposes of sexual exploitation without any mention of any other form of trafficking. According to the report, a large majority of victims of trafficking in Turkey (86 per cent) are from Eastern Europe and Central Asia indicating that Turkey is particularly affected as a transit country in flows of trafficking. The report makes reference to an IOM survey made in 2016 by interviewing a total of 2,385 persons in Greece and Turkey. According to this reference, 7 per cent of refugees and asylum seekers and 9 per cent of Syrian refugees are exposed to trafficking or other forms of exploitation during their move to a safer place. Report remarks that there is need in Turkey to develop a victim-centred and multi-disciplinary approach to combat trafficking in human beings.

#### 4.1.2. Organization for Security and Co-operation in Europe (OSCE) Country Reports

The report prepared by the special representative of the Organization for Security and Co-operation in Europe (OSCE) in May 2016 stresses the importance of Turkey's accession to international conventions on trafficking in human beings and in addition to acceding to ILO Convention No. 189 on Decent Work for Domestic Workers. The report also draws attention to some shortcomings as the absence of specialized persons in identifying victims and suggests the standardization of gender-sensitive processes. Other suggestions of the OSCE include a new action plan to be prepared, assignment of an independent national rapporteur, surveys and development of a gender-sensitive data collection system.

The report focuses on the issue of "consent" in identifying victims in trafficking in human beings reminding that consent is to be considered void when used in the context of tools and purposes specified in the Palermo Protocol. There is reference to the National Steering Mechanism developed in 2005; cooperation made with the IOM in developing Standard Operational Processes (SOP) is stressed and it is suggested to include civil society as well in these processes at the stages of both identification and protection. The report also mentions

the importance of cases of trafficking within national boundaries and points to the need to prevent the exploitation and abuse of Syrian refugee children both as cheap labour and through marriage. Suggested preventive measures include training in trafficking of personnel in temporary protection centres, social workers and police officers. With respect to prostitution, the need to adopt measures to protect migrant women in particular since sexual exploitation of migrant women is identified as the only form of trafficking in human beings prevailing in Turkey.

#### **4.1.3. Eurostat Indicators**

As the statistics institution of the European Union, the Eurostat released its first report on human trafficking (*Trafficking in Human Beings*) in 2013 and the second in 2015. In 2012 member states reported to have identified 10, 998 victims. In the period 2010-12 there were 30,146 victim and 80 per cent of these victims were women and girls. Among various forms of trafficking in human beings, trafficking in women for purposes of sexual exploitation leads the list with 69 per cent, followed by trafficking for purposes of labour exploitation (19 per cent). 85 per cent of women victims were identified as victims of trafficking for sexual exploitation. 65 per cent of victims and 69 per cent of traffickers are from EU countries. As to nationality of suspected traffickers Turkey is at the top part of the list. When Turkey is concerned, Eurostat statistics particularly draw attention unavailability of gender specific data and limited number of victims benefiting from recovery period and residence permit.

#### **4.1.4. US Trafficking in Persons Reports (TIP)**

The US trafficking in human beings report evaluates countries' victim protection and prevention measures including their legislation, cooperation with and financial support to CSOs, access to shelters other than detention, legal alternatives to deportation, assistance to victims, voluntary and safe return opportunities, and curbing demand for commercial sex industry. The US trafficking in human beings report places Turkey in Group 2 (Tier 2) which denotes "countries not in full compliance with minimum standards to end trafficking in human beings but making efforts for it." While mentioning Turkey's increased efforts in combat against trafficking in human beings, the report still states that minimum standards in some key areas have not been met yet. The closure of two shelters operated by CSOs is considered as a negative development. The report also points to the insufficiency of identification work in migrant and refugee camps and stresses the need to improve efforts to identify victims with Turkish citizenship and protection of vulnerable refugee-migrant groups. The 2017 TIP report mentions the necessity of providing necessary sheltering services to citizen women, children begging in streets and adult males. Other recommendations include training of personnel in charge of first intervention and identification, regular financial support to and cooperation with CSOs, making it possible for international organizations and civil society representatives to extend support services to victims, inter-agency cooperation and sound and regular collection of data relating to trafficking in human beings.

## 5. Gender Equality Mapping in Turkey

Monitoring in the field of combat against human trafficking in Turkey requires the tracing and mapping of available data and statistics in this field in the light of national and local level indicators. The point in the present report is to do gender equality mapping in seven provinces so as to monitor manifestations, data and practices related to gender-based trafficking in human beings. This part is intended to give information on a range of issues: Mechanism used in identifying cases of human/women trafficking; whether referrals are made; cooperation between government and civil society in combat against trafficking; accessibility of data relating to both migrants and citizens; protection services extended to women and female children identified as victims; and whether indicators in the next section are applicable at local scale. However, unavailability of sufficient data in these areas and in particular gender-disaggregated data related to trafficking in human beings allows mapping only to a limited extent and points out to data needed in monitoring. Hence, this part will summarize data related to trafficking in women in Turkey and then give an evaluation about indicators for which data collection is recommended.

International conventions on trafficking in human beings adopted by Turkey, their adaptation to domestic legislation and relevant policy documents are all considered as an important indicator. This point was addressed in the preceding section. Data related to issues under trafficking in persons/women is shared monthly and annually on the website of the GiGM. As mentioned in the earlier section, some data can be followed irregularly over reports published by UN, US or EU or inter-state agencies. The content of this data published in tables on the GiGM website ([goc.gov.tr](http://goc.gov.tr)) can be summarized as follows: Number victims of trafficking in human beings identified on monthly basis; information about shelters and their services; number of victims by nationality; and distribution of cases of trafficking by their forms.

The Annual Migration Report released in 2016 includes, in addition to data mentioned above, the number of cases of human trafficking, of those identified as traffickers and the number of accused persons. Only a part of these data is disaggregated by gender; hence data related to the very essence of trafficking in human beings is limited in Turkey. For example, when calls made on helpline are concerned, absence of information concerning the gender of the caller, province or content is a problem. Similarly, availability data concerning parties in criminal cases, the nature of the case of trafficking, duration and outcomes of court cases without gender disaggregation makes gender-based monitoring difficult.

Monitoring is even harder at local level. Although the number of victims the first 10 provinces in cases of trafficking is available, relevant data is not gender-disaggregated. According to information given in GiGM website, leading provinces in terms of number of trafficking victims identified are big metropolis like Istanbul, Antalya, Ankara, İzmir and Trabzon as well as Muğla, Aydın, Artvin, Mersin and Bursa as tourism centres. This limited data does not provide information about the form of trafficking or who identifies victims and how. Similarly, information that constitutes an important part of efforts to prevent trafficking in human beings,

for example needs, demands or return expectations of women identified as victims cannot be drawn from this data.

Besides limited data on combat against trafficking released by the GiGM, it is also possible to make use of some data related to violence against women and gender inequality. These include acts and offences of forcing other to prostitution, cases of sexual assault, child sexual abuse, child marriages and residence and work permits of migrant women. It is important to keep data on child marriages since it is defined as a form of trafficking in human beings.

According to marital statistics produced by TÜİK by using Central Population Administration System (MERNİS) database the proportion of marriages by 16-17 years old girls in total marriages dropped from 7.3 per cent in 2002 to 5.2 per cent in 2015. In 2015, 31,000 out of about 603,000 marriages were by girls at ages 16 and 17. However, this information excludes girls under age 16 as well as unofficial partnering and there is no information whether these marriages were by court decision. In the distribution of forced marriages by provinces we find Kilis, Kars and Ağrı as top three provinces with 15 per cent each. Coming to provinces where monitoring is to be conducted with the present report we see Kars, Gaziantep and Adana with highest proportion of girl child marriages.

**Table 4:** Number and Proportion of Child Marriages by Selected Provinces (2015)

	Number of Marriages	Number of Girls	Proportion of Girls (%)
<b>Selected provinces</b>			
Adana	17 281	862	5.0
Ankara	38 139	1 293	3.4
Bursa	21 062	564	2.7
Gaziantep	16 578	1 962	11.8
İzmir	32 469	937	2.9
İstanbul	114 382	2 438	2.1
Kars	2 117	321	15.2
<b>First 10 provinces</b>			
Kilis	1 277	195	15.3
Kars	2 117	321	15.2
Ağrı	5 114	771	15.1
Muş	3 534	509	14.4
Niğde	2 807	384	13.7
Bitlis	2 831	360	12.7
Kahramanmaraş	8 892	1 114	12.5
Aksaray	3 621	438	12.1
Gaziantep	16 578	1 962	11.8
Yozgat	3 875	446	11.5
<b>Total</b>	<b>602 982</b>	<b>31 337</b>	<b>5.2</b>

Source: TÜİK, Marital Statistics, 2015



It is observed that it was first in the 2017 trafficking report that information is given about forced and/or child marriages which is one of the common forms of trafficking in human beings. According to this report 74 Syrian women and girls were identified in 2017 as victims of trafficking through marriage (no data is available on ages).

Criminal statistics provide information about the prevalence of some offences. These include sexual harassment, child abuse, forcing to prostitution and depriving persons of their freedom. For example, according to statistics related to court cases opened for some gender-based offences reached over TÜİK, on average over 2,000 court cases were annually launched in the period 2006-2008 solely on "forcing to prostitution" and the number of trafficking-related offences such as child abuse and depriving a person of his/her right to work total to 20,000-25,000. The fact that 90 per cent of defendants in these offences are males indicates that they are closely associated with gender inequality. It is observed that there is increase in cases of child sexual abuse from 2006 to 2008. Access to content and outcomes of these cases requires time consuming work. According to GiGM statistics, while the number of court cases launched on TPC article 80 is 55 in 2017 with 358 defendants, only 2 persons were given sentences of imprisonment in concluded cases.

The availability of standardized statistics sensitive to gender equality (GE) such as the number of prostitution related cases, child marriages and child abuse is important in combating trafficking in women. Indicators required to enable monitoring in line with international conventions are given in a detailed table in the next section.

## 6. Indicators and Sources of Data in Combating Trafficking in Persons/ Women

In Turkey, substantial part of data relating to human trafficking is released by the GiGM. Data shared in this field mostly cover such demographic characteristic of victims as age, country, sex and number of children they have and whether they are sheltered. Hence, data related to such important headings as health, trained personnel, shelter facilities, psychosocial support, legal support, judicial processes, number of court cases on redress, asylum application of victims and access to employment are not released regularly and shared as rather irregular data in annual reports. Some data like those related to groups under risk can be collected only through qualitative surveys. Thus, available data fall short in exposing the dimensions of the problem and there is need for standardized data as well a field surveys in combat against trafficking in women.

To evaluate monitoring work on trafficking in women within the framework of norms and standards we need specific criteria and indicators as tools of data collection. The table below describes gender-sensitive data in line with relevant human rights and women's rights specified in international documents and within the framework of standards determined. Indicators given in detailed tables are divided into two groups. The first table gives indicators based on existing data in Turkey and the second gives data and indicators based on international standards which need to be collected in GENDER-sensitive way. Data need to be collected for these indicators is presented together with relevant human rights, data sources and data collection frequency.

**Table 5:** Indicators for the Prevention of Human/Women Trafficking with their Data Collected in Turkey

Theme	Relevant human right/rights	Indicator	Data source	Data collection method	Data collection frequency
Preventive measures	Protection against all forms of exploitation, Freedom, Right to security of person	Number of persons identified as victims of human trafficking	GiGM Annual Migration Reports (2014, 2015, 2016)	GiGM website, reports and web site and statistics	Monthly and annually
Preventive measures	Protection against all forms of exploitation, Freedom, Right to security of person	Age web site and statistics of persons identified as victims of trafficking (2014-2017)	GiGM 2017 Annual Report on Combat against Trafficking in Human Beings	GiGM website, reports and web site and statistics	Once a year

Theme	Relevant human right/rights	Indicator	Data source	Data collection method	Data collection frequency
Preventive measures	Protection against all forms of exploitation, Freedom, Right to security of person	Forms of trafficking by nationality of victims (not gender disaggregated)	GiGM 2017 Annual Report on Combat against Trafficking in Human Beings	GiGM website, reports and web site and statistics	Once a year
Preventive measures	Protection against all forms of exploitation, Freedom, Right to security of person	Nationality of victims of trafficking	GiGM Annual Migration Reports (2014, 2015, 2016)	GiGM website, reports and web site and statistics	Once a year
Preventive measures	Protection against all forms of exploitation, Freedom, Right to security of person	Number of persons identified as victims of human trafficking in top 10 provinces (Not gender-disaggregated).	GiGM Annual Migration Reports (2005-2016)	GiGM website, reports and web site and statistics	Once a year
Preventive measures	Protection against all forms of exploitation, Freedom, Right to security of person	Number of persons identified as human traffickers (Not gender-disaggregated).	GiGM Annual Migration Reports (2005-2016, 2017)	GiGM website, reports and web site and statistics	Once a year
Preventive measures	Protection against all forms of exploitation, Freedom, Right to security of person	Number of criminal cases related to human trafficking, defendants and victims (Not gender-disaggregated).	GiGM Annual Migration Reports (2008-2016, 2017)	GiGM website, reports and web site and statistics	Once a year
Preventive measures	Protection against all forms of exploitation, Freedom, Right to security of person	Number of girls married during their childhood ages	TÜİK	TÜİK	Once a year
Preventive measures	Protection against all forms of exploitation, Freedom, Right to security of person	Number of migrant women employed in domestic works with work permit	ÇSGB	ÇSGB annual reports	Once a year
Preventive measures /Substantive Penalty	Protection against all forms of exploitation, Freedom, Right to security of person	International conventions adopted in the field of human trafficking and legislative articles	GiGM website (www.goc.gov.tr)	GiGM website, TPC, TBMM, Ministry of Justice Web site	Fixed data (no update is specified)

Theme	Relevant human right/rights	Indicator	Data source	Data collection method	Data collection frequency
Protection/ Support Services	Right to protection against all forms of exploitation, Access to support services, Humane treatment, Gender equality	Support extended to victims of human trafficking (Not gender sensitive).	GiGM website (www.goc.gov.tr)	GiGM website.	Fixed data (no update is specified)
Preventive measures / Projects conducted	Protection against all forms of exploitation	Summary of projects carried out for the prevention of human trafficking and identification and protection of victims	GiGM website (www.goc.gov.tr)	GiGM website, TPC, TBMM, Ministry of Justice Web site	Fixed data (no update is specified)
Preventive measures	Liberty, Equality before the law, Respect for human dignity	Number of migrant women deported for unlicensed sex work or having contagious disease (CEDAW, Art. 6; ICCPR Art. 10, Art.13).	EGM, GiGM, ASiGM	GiGM, EGM, ASiGM web site and statistics, annual reports, press statements	Irregular data
Protection /Return	Right to protection against trafficking, Respect for human dignity	Existence of any safe return programme for victims of human trafficking (Not gender sensitive) (CECATH, Art. 23; Palermo Protocol, Art. 8)	GiGM	GiGM website and annual reports	Monthly, Once a year
Substantive penalty / Legislative arrangements	Right to protection and life security, gender equality	Accession to international conventions (Palermo Protocol, CECATH).	GiGM, TBMM, Ministry of Justice	GiGM, TBMM, Ministry of Justice Web sites	Once a year
Substantive penalty / Legislative arrangements	Right to protection and life security, gender equality, Non-discrimination	Existence of legislative arrangements and policy documents necessary for combating trafficking in women and penalizing such acts (Palermo Protocol, CECATH, Art. 18; OHCHR, 2002; 2010).	GiGM, TBMM, Ministry of Justice TPC, Circulars and regulations	GiGM, TBMM, Ministry of Justice Web sites	Once a year

Theme	Relevant human right/rights	Indicator	Data source	Data collection method	Data collection frequency
Investigation and prosecution	Right to be protected against all forms of exploitation, sale and trafficking in persons, gender equality	Existence of coordinating bodies in charge of ensuring gender sensitive policies in combating trafficking in women and coordination between state institutions and other public agencies (CECATH, Art. 29.2, Art. 5).	GiGM, CSOs	GiGM, CSOs web sites, reports	Once a year
Cooperation sensitive to gender equality	Right to security of life and protection against human trafficking, gender equality	Existence of gender sensitive CSOs in combating trafficking in women (CECATH, Art. 33, 34, 35)	GiGM, CSOs	GiGM, CSOs web sites, reports	Once a year

**Table 6:** Gender Sensitive Data Needed and Indicators Related to the Prevention of Trafficking in Human Beings/ Women

Theme	Relevant human right/rights	Indicator	Data source	Data collection method	Data collection frequency
Preventive measures	Gender equality, Protection against all forms of exploitation, Freedom, Security of person	Number of victims of human trafficking as disaggregated by gender * (OHCHR, Principle 3; CECATH, Art. 5, 17).	ASiGM, GiGM	ASiGM, GiGM website, reports and web site and statistics	Once a year
Preventive measures	Gender equality, Protection against all forms of exploitation, Liberty, Right to security	Availability of data standardized according to the forms of human trafficking identified (related to sexual or labour exploitation, forced begging or giving the child for adoption etc.) ** (OHCHR, Principle 3; CECATH, Art. 5, 17).	ASiGM, GiGM	ASiGM website, GiGM reports and web site and statistics	Once a year

Theme	Relevant human right/ rights	Indicator	Data source	Data collection method	Data collection frequency
Preventive measures	Gender equality, Protection against all forms of exploitation, Liberty, Right to security	Number of human traffickers identified as disaggregated by gender * (OHCHR, Principle 3; CECATH, Art. 5, 17).	ASiGM, GiGM	ASiGM website, GiGM reports and web site and statistics	Once a year
Preventive measures	Liberty, Non-discrimination, Right to be protected against all forms of exploitation, sale and trafficking in persons.	Availability of standardized data relating to earlier legal status of women identified as victims of trafficking (asylum seekers, migrants without documents or TC citizenship) ** (OHCHR, Principle 3; CECATH, Art. 5).	GiGM, EGM, ASiGM	GiGM, EGM, ASiGM websites, annual reports	Once a year
Preventive measures	Liberty, Equality before the law, Respect for human dignity	Proportion of women engaged in unlicensed sex work and thus detained who are referred to the process of identifying victims of human trafficking ** (CEDAW, Art. 6; ICCPR Art. 10, Art.13).	GiGM, EGM, ASiGM	GiGM, EGM, ASiGM websites, annual reports	Once a year
Preventive measures	Liberty, Equality before the law, Respect for human dignity	Proportion of migrant women/ men deported for reasons of unlicensed sex work or having contagious diseases ** (CEDAW, Art. 6; ICCPR Art. 10, Art.13).	GiGM, EGM, ASiGM	GiGM, EGM, ASiGM websites, annual reports	Once a year
Preventive measures	Gender equality, Children's right to special protection	Number of girls victimized by human trafficking in early marriage through force or taking advantage of vulnerability ** (Palermo Protocol Art.3, CECATH, OHCHR, CRC; Slavery Convention, Art.1-2).	GiGM, EGM, ASiGM	GiGM, EGM, ASiGM websites, annual reports	Once a year
Preventive measures	Gender equality, Children's right to special protection	Legal status of female children subjected to human trafficking through forced marriage ** (i.e. Syrian, TC citizen, etc.) (Palermo Protocol Art.3, CECATH, OHCHR, CRC).	GiGM, EGM, ASiGM	GiGM, EGM, ASiGM websites, annual reports	Once a year

Theme	Relevant human right/ rights	Indicator	Data source	Data collection method	Data collection frequency
Preventive measures /Informing	Liberty, Right to security, Right to be protected against all forms of exploitation, sale and trafficking in persons, Non-discrimination	Presence of gender and age sensitive, accessible information building campaigns in writing or in voice about legal rights in different languages targeting migrants, asylum seekers and refugees under the risk of human trafficking * (CECATH; OHCHR, 2002; Palermo Protocol, Art. 2).	GiGM, Relevant CSOs	GiGM	Once a year
Preventive measures /Informing	Liberty, Right to security, Right to be protected against all forms of exploitation, sale and trafficking in persons, Non-discrimination	Presence of gender sensitive, accessible information building campaigns in writing or in voice in different languages about the definition and forms of human trafficking and counselling points targeting migrants, asylum seekers and refugees under the risk of human trafficking. * (CECATH; OHCHR, 2002; Palermo Protocol, Art. 2).	GiGM, Relevant CSOs	GiGM	Once a year
Preventive measures /Informing	Liberty, Right to security, Right to be protected against all forms of exploitation, sale and trafficking in persons, Non-discrimination	Presence of information campaigns about human trafficking and legal rights at locations accessible by asylum seekers and refugees (i.e. airports, borders, hospitals, etc.) * (CECATH; OHCHR, 2002; Palermo Protocol, Art. 2).	GiGM, Relevant CSOs	GiGM	Once a year
Preventive measures /Informing	Right to security, Right to be protected against all forms of exploitation, sale and trafficking in persons, Non-discrimination	Information and awareness building campaigns at places where there are girls and women under risk (health facilities, hospitals, means of public transportation, etc.) * (CECATH; OHCHR, 2002; Palermo Protocol, Art. 2)	GiGM, Relevant CSOs	GiGM	Once a year

Theme	Relevant human right/ rights	Indicator	Data source	Data collection method	Data collection frequency
Preventive measures/ Education	Right to be protected against all forms of exploitation, sale and trafficking in persons	Number of rights-based and gender sensitive trainings for public employees* (Palermo Protocol, Art. 10-2; (CECATH, Art. 5).	GiGM, CSOs	GiGM website	Once a year
Preventive measures/ Education	Right to be protected against all forms of exploitation, sale and trafficking in persons	Proportion of public servants who receive rights-based and gender sensitive trainings (Palermo Protocol, Art. 10-2; (CECATH, Art. 5).	GiGM, CSOs	GiGM website	Once a year
Preventive measures/ Education	Right to be protected against all forms of exploitation, sale and trafficking in persons	Proportion of identifications made by public servants who receive rights-based and gender sensitive trainings *(Palermo Protocol, Art. 10-2; (CECATH, Art. 5).	GiGM, CSOs	GiGM website	Once a year
Preventive measures/ Education	Right to be protected against all forms of exploitation, sale and trafficking in persons	Number of rights-based and gender sensitive trainings for the press and civil society *(Palermo Protocol, Art. 10-2; (CECATH, Art. 5).	GiGM, CSOs	GiGM website	Once a year
Preventive measures/ Legislative arrangements	Liberty and secure life, Non-discrimination	Availability of regular migration, residence and employment channels for groups of female migrants, asylum seekers and refugees under risk* (CECATH, Art. 5).	GiGM, ÇSGB	GiGM, ÇSGB	Once a year
Preventive measures/ Legislative arrangements	Liberty and secure life, Non-discrimination	Arrangement of gender sensitive work and residence permits for single women refugees and asylum seekers with children under risk ** (CECATH, Art. 5).	GiGM, ÇSGB	GiGM, ÇSGB	Once a year
Preventive measures/ Legislative arrangements	Liberty and secure life, Non-discrimination	Proportion of 'foreign' women with work permit (migrant, asylum seeker and refugee) to migrant, asylum seeker and refugee women with residence permit ** (CECATH, Art. 5).	GiGM, ÇSGB	GiGM, ÇSGB	Once a year



Theme	Relevant human right/ rights	Indicator	Data source	Data collection method	Data collection frequency
Preventive measures /Supervision	Liberty, Right to be protected against all forms of exploitation, sale and trafficking in persons	Presence of legislation allowing for the supervision of licences and activities of services and enterprises such as family, employment and tourism agencies, hotels and escort services * (OHCHR, Principle 4).	GiGM, ÇSGB, Professional Chambers	GiGM, ÇSGB, Professional Chambers	Once a year
Preventive measures /Social and economic support	Right to benefit from social and economic support	Number of women and girls either citizens or under temporary international protection benefiting from psychosocial and economic support* (Palermo Protocol, Art., 1-2; CECATH, Art.5; CRC)	GiGM, ASPB	ASPB, GiGM reports and web site and statistics	Once a year
Preventive measures/ Survey	Obtain information, Gender equality	Regular monitoring and data recording of gender-based studies on trafficking in women * (OHCHR, CECATH, Art. 6).	ASiGM, GiGM, ASPB	ASiGM, GiGM, ASPB web site and reports	Once a year
Preventive measures/ Survey	Data collection and survey, Obtain information, Gender equality	Supplying data to studies and reports conducted by non-state actors on trafficking in women * (OHCHR, CECATH, Art. 6).	ASiGM, GiGM, ASPB	ASiGM, GiGM, ASPB web site and reports	Once a year
Preventive measures/ Survey	Data collection and survey, Obtain information, Gender equality	Allocating budget to studies and reports conducted by non-state actors on trafficking in women * (OHCHR, CECATH, Art. 6).	ASiGM, GiGM, ASPB	ASiGM, GiGM, ASPB web site and reports	Once a year
<b>Identification and protection measures within the framework of gender equality</b>					
Identification in the context of gender equality	Respect for physical and spiritual integrity	Proportion of the number of women entitled to 30 days of 'unconditional' recovery and reflection period to number of total women victims identified (OHCHR, 2010, s. 151; CECATH, Art. 13; UNODC, 2009, p.33).	GiGM, ASPB, CSOs	GiGM, ASPB web site and web site and statistics	Once a year
Identification in the context of gender equality	Right to security Right to protection	Proportion of identifications made by experts trained in rights-based and gender sensitive approaches (OHCHR, 2010, p.162).	GiGM, ASPB	GiGM, ASPB web site and web site and statistics	Once a year

Theme	Relevant human right/ rights	Indicator	Data source	Data collection method	Data collection frequency
Assessment in the context of gender equality	Non-discrimination, Respect for human dignity, Gender equality, Right to security, Right to protection	Ensuring that public servants and translators in charge of identifying cases of human trafficking to take at least 30 hours of training in different forms of gender-based violence* (CoE, 2008)	GiGM, CSOs	GiGM statistics, CSOs	Once a year
Assessment in the context of gender equality	Gender equality	Proportion of women in all public employees in charge of identifying cases of trafficking in women* (OHCHR, Principle 5).	GiGM, CSOs	GiGM statistics, CSOs	Once a year
Assessment in the context of gender equality	Non-discrimination, Gender equality, Right to security, Right to protection	Presence of formal arrangements for awareness building activities in victim identification for social workers and health workers (nurses, care givers, doctors) who may come across with potential victims** (OHCHR, Principle 5).	GiGM, CSOs	GiGM statistics, CSOs	Once a year
Identification of cases of trafficking in persons	Right to liberty and secure life, Respect for human dignity, Ban on gender discrimination	Presence of gender sensitive implementation procedures designed in line with international conventions for identifying victims.**	GiGM, CTRPV, CSOs	GiGM website, surveys and reports	Once a year
Identification of cases of trafficking in persons	Respect for human dignity, Ban on gender discrimination.	Use of a guide specifying ethic codes in relation gender sensitive way of victim identification* (OHCHR, Principle 2).	GiGM, CTRPV, CSOs	GiGM website, surveys and reports	Once a year
Identification of cases of trafficking in persons	Respect for human dignity, Ban on gender discrimination	Whether potential women and child victims are detained prior to their referral that covers the period of identification and reflection ** (Palermo Protocol, CECATH).	GiGM, CTRPV, CSOs	GiGM website, surveys and reports	Once a year
Identification of cases of trafficking in persons	Right to access legal protection	Availability of disaggregated data relating to victims of trafficking in women identified according to methods of access (direct application to police or public authorities, hotlines etc.) ** (Palermo Protocol, CECATH).	GiGM	GiGM website	Once a year

Theme	Relevant human right/ rights	Indicator	Data source	Data collection method	Data collection frequency
Victim identification	Non-discrimination, Gender equality, right to access social and economic support	Proportion of women victims of forced prostitution (TPC Art. 227) with access to support mechanisms** (CECATH, Art. 3).	ASiGM, EGM, GiGM	ASiGM web site statistics, GiGM statistics	Once a year
Victim identification /Children	Child's right to protection, Child's best interest, Non-discrimination	Presence of a distinct definition of the offence of human trafficking covering child-related forms of trafficking.** (CRC; CECATH, Art.10, 14, 16; OHCHR Principle 8; CoE, 2008).	ASPB, GiGM	ASPB, GiGM web sites and data	Once a year
Victim identification /Children	Child's right to protection, Child's best interest, Non-discrimination	Definition as a crime of subjecting female children to trafficking by the way of marriage ** (Palermo Protocol Art.3(a); CRC; CECATH, Art.10, 14, 16; OHCHR Principle 8; CoE, 2008; UN 1926 Supplementary Convention to Slavery Convention -1956).	ASPB, GiGM	ASPB, GiGM web sites and data	Once a year
Victim identification /Children	Child's right to protection, Child's best interest, Gender equality	Number of children victimized on the basis of their sex and nationality* (CRC; CECATH, Art.10, 14, 16; OHCHR Principle 8; CoE, 2008).	ASPB, GiGM	ASPB, GiGM web sites and data	Once a year
Victim identification /Children	Child's right to protection, Child's best interest, Non-discrimination	Proportion of female child victims of gender-based human trafficking in all child victims of human trafficking (forced marriage, sexual exploitation, adoption) ** (CRC; CECATH, Art.10, 14, 16; OHCHR Principle 8; CoE, 2008).	ASPB, GiGM	ASPB, GiGM web sites and data	Once a year
Protection measures	Child's best interest, Child's right to life and protection	Number of female child victims receiving gender sensitive special psychosocial, legal, educational, residential, and health related assistance** (CRC; CECATH, OHCHR).	ASPB, Sevgi Evleri, GiGM	ASPB, GiGM web sites and reports	Once a year
Protection measures	Right to security right to protection, Gender equality	Availability of gender sensitive special shelters -other than affection houses- where victims of trafficking through forced marriage can stay.**	ASPB, GiGM	ASPB, GiGM web sites and data	Once a year

Theme	Relevant human right/ rights	Indicator	Data source	Data collection method	Data collection frequency
Protection measures	Child's best interest, Child's right to life and protection	Having one specialized social worker for every 10 children identified as victim ** (CRC, Art. 19; CoE, 2008).	ASPB, Sevgi Evleri, GiGM	ASPB, GiGM web sites and reports.	Once a year
Protection measures	Child's best interest	Arranging the process of appointing GS legal guardians to child victims including girls in particular** (CRC; CECATH, OHCHR).	ASPB, Sevgi Evleri, GiGM	ASPB, GiGM web sites and reports.	Once a year
Protection measures	Child's best interest	Presence of formal arrangements for providing translators with gender sensitive training to female child victims.* (CRC; CECATH, OHCHR).			
Protection measures	Right to security, right to protection, Gender equality	Sheltering facility for one women and average number of dependent children per 10,000 people * (CoE, 2008).	ASPB, GiGM	ASPB, GiGM web sites and data	Once a year
Protection measures	Right to security, right to protection, Gender equality	Arranging existing shelters in Turkey in GS ways to serve better to victims of trafficking in persons/women**	ASPB, GiGM	ASPB, GiGM web sites and data	Once a year
Protection measures	Gender equality, Right to health and health care in appropriate standards	One assault crisis centre for 200,000 female population* (CoE, 2008) (ECHR, Art. 3; Art. 8; CEDAW, Art. 12).	ASPB, GiGM	ASPB, GiGM web sites and reports	Once a year
Protection measures	Gender equality, Right to access psychosocial support	Availability of multi-lingual and gender sensitive hotline** (CoE, 2008; Palermo Protocol; CECATH)	ASPB, GiGM	ASPB, GiGM web sites and reports	Once a year
Protection measures	Gender equality, Right to access psychosocial support	Number of counsellors responding to calls on multi-lingual hotline who have received minimum training in gender sensitivity ** (CoE, 2008; Palermo Protocol; CECATH)	ASPB, GiGM	ASPB, GiGM web sites and reports	Once a year
Protection measures	Right to access justice	Proportion of redressed women victims of trafficking in women to all identified women victims of the same act*(CECATH, Art. 6, 15; OHCHR, Principle 8).	ASiGM, GiGM	ASiGM, GiGM reports	Once a year

Theme	Relevant human right/ rights	Indicator	Data source	Data collection method	Data collection frequency
Protection measures	Liberty and secure life, Right to access justice, Equality before the law, Right to asylum	Availability of mechanisms of redress for victims of trafficking in women* (CECATH, Art. 6, 15; OHCHR, Principle 8).	ASiGM, GiGM	ASiGM, GiGM reports	Once a year
Protection measures	Liberty and secure life, Right to access justice, Equality before the law, Right to asylum	Number of women victims who receive free legal aid for finding legal representative in court cases and for access to the right to asylum ** (CECATH, Art. 6, 15; OHCHR, Principle 8).	ASiGM, GiGM	ASiGM, GiGM reports	Once a year
Protection measures	Right to protection and life security	Proportion of migrant victims of trafficking in women who have their residence permits ** (CECATH, Art. 14)	GiGM, ASPB, CSOs	GiGM website and reports	Once a year
Protection measures	Right to health and health care in appropriate standards	Proportion of women victims of trafficking who enjoy physical, psychosocial and economic support to total number of victims** (CECATH, Art. 12.6).	GiGM, ASPB, CSOs	GiGM website and reports	Once a year
Protection measures	Right to protection and life security, Respect for private life	Number of women victims having access to labour market** (CECATH, Art. 12.4).	GiGM, ASPB, CSOs	GiGM website and reports	Once a year
Protection measures	Right to asylum, Gender equality	Proportion of migrant women applying for asylum to total number of identified migrant women victims** (Istanbul Convention, Art.4, 6; Palermo Protocol, Art.6, 14; CECATH, Art. 4, 60).	GiGM, ASPB, CSOs	GiGM website and reports	Once a year
Protection	Right to access justice, Gender equality	Proportion of* women victims receiving free counselling services from personnel specialized in gender sensitive approaches, violence against women and trafficking in women (Palermo Protocol, Art. 6; CECATH, Art. 14).	ASiGM	ASiGM web site	Once a year

Theme	Relevant human right/ rights	Indicator	Data source	Data collection method	Data collection frequency
Protection/ Return	Right to protection against trafficking, Respect for human dignity	Existence of gender sensitive return programmes developed jointly by national and international organizations and CSOs for victims of t trafficking in women * (CECATH, Art. 23; Palermo Protocol, Art. 8)	GiGM	GiGM website and annual reports	Monthly, Once a year
<b>Indicators of substantive penalty</b>					
Substantive penalty /Legislative arrangements	Right to protection and life security, Gender equality, Non-discrimination	Gender sensitive translation of relevant legislative arrangements and policy documents for the purpose of combating trafficking in women and penalizing offences in this context ** (Palermo Protocol, CECATH, Art. 18; OHCHR, 2002; 2010).	GiGM, TBMM, Ministry of Justice TPC, circulars and regulations	GiGM, TBMM, Ministry of Justice web sites	Once a year
Substantive penalty /Legislative arrangements	Right to protection and life security, Gender equality, Non-discrimination	Presence of gender sensitive national action plans and strategies** (Palermo Protocol, CECATH, Art. 18; OHCHR, 2002; 2010).	GiGM, ASPB, Ministry of Development	GiGM, ASPB, Ministry of Development web sites, reports	Once a year
Substantive Penalty/ Demand curbing measures	Gender equality, Right to security right to protection	Existence of legislative arrangements penalizing persons who knowingly buy sexual services, make benefit of or condone services forcibly delivered by victims of trafficking in women ** (CECATH, Art. 14, 19; OHCHR, Principle 7).	GiGM, TBMM, Ministry of Justice TPC, circulars and regulations	GiGM, TBMM, Ministry of Justice Web sites	Once a year
Preventive measures	Protection against all forms of exploitation, Liberty, Right to security, Child's best interest	Number of court cases addressing the situation of female children forcibly married** (CRC; Slavery Convention, Art.1-2).	AŞiGM, TÜİK	AŞiGM, TÜİK data	Once a year
Substantive Penalty	Gender equality, Children's right to special protection	Number of court cases filed for trafficking through forced marriage of girls ** (Palermo Protocol Art.3, CECATH, OHCHR, CRC; Slavery Convention, Art.1-2).	GiGM, EGM, AŞiGM, ASPB	GiGM, EGM, AŞiGM websites, annual reports	Once a year

Theme	Relevant human right/ rights	Indicator	Data source	Data collection method	Data collection frequency
Substantive Penalty	Gender equality, Children's right to special protection	Number of persons convicted for trafficking through forced marriage of girls (Palermo Protocol Art.3, CECATH, OHCHR, CRC; Slavery Convention, Art.1-2).	GiGM, EGM, ASiGM, ASPB	GiGM, EGM, ASiGM websites, annual reports	Once a year
Substantive penalty	Right to security right to protection	Number of enterprises penalized for the offence of trafficking in women and their fields of activity** (Palermo Protocol, Art. 11; CECATH Art. 20, 21)	ASiGM, GiGM	ASiGM GiGM web sites and reports	Once a year
<b>Investigation and Prosecution</b>					
Investigation and prosecution	Right to security right to protection	Proportion of the number of suspects convicted of trafficking in women to the number of total prosecutions** (CECATH; Palermo Protocol; OHCHR)	ASiGM, GiGM	ASiGM, GiGM website, reports	Once a year
Investigation and prosecution	Right to security right to protection	Availability of gender disaggregated and standardized data of suspected perpetrators** (CECATH; Palermo Protocol; OHCHR)	ASiGM, GiGM	ASiGM, GiGM website, reports	Once a year
Investigation and prosecution	Right to be protected against all forms of exploitation, sale and trafficking in persons	Presence of independent expert persons or institutions to assist in combat against trafficking in women and protection of victims.** (UNODC, 2009, s.17).	GiGM, CSOs	GiGM, CSOs web sites, reports	Once a year
<b>International and civil society cooperation</b>					
Cooperation	Right to security and protection, Respect for private life and confidential information	Presence of legislation relating to international cooperation in conformity with principles of respect to privacy and confidentiality in process of gender sensitive combat against trafficking in women and identification and protection of victims** (CECATH, Art. 32).	GiGM	GiGM reports	Once a year

Theme	Relevant human right/ rights	Indicator	Data source	Data collection method	Data collection frequency
Cooperation	Security of life and protection against human trafficking	Identification of areas in which there is cooperation with CSOs active in combat against trafficking in women (i.e. identification, protection, prevention) ** (CECATH, Art. 33, 34, 35)	GiGM, CSOs	GiGM, CSOs web sites, reports	Once a year
Cooperation sensitive to gender equality	Security of life and protection against human trafficking, Gender equality	Description of activities of gender sensitive CSOs in combat against trafficking in women ** (CECATH, Art. 33, 34, 35)	GiGM, CSOs	GiGM, CSOs web sites, reports	Once a year

(\*) Indicators that are currently used internationally and suggested for use by Turkey as well.

(\*\*) Indicators that are (specially) developed for Turkey in this study.



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