

Organization for Security and Co-operation in Europe**Special Representative and Co-ordinator
for Combating Trafficking in Human Beings****Foreword**

On 9-13 May 2016 I had the pleasure of paying an official visit to Turkey to hold consultations with high-level government officials, including the Director General of Consular Affairs, the Deputy General Director of Migration Management, the Deputy Chief of Directorate of Human Smuggling and Human Trafficking under the Turkish National Police, Deputy General Director of Labour, the First Vice President and Deputy Secretary General of the Cassation Court, the Ministry of Family and Social Policies' Directorate General for Women Affairs and Directorate General for Assistance to Children, the Directorate General for Assistance to Children, the Ministry of Justice and the Governor of Gaziantep.

I also had fruitful discussions with civil society organizations and international and bilateral organizations accredited in Turkey. Furthermore, during the visit, I had the opportunity to visit shelters for trafficked persons and the Nizip 1-2 Temporary Protection Centres for Syrian Refugees in Gaziantep.

The objective of the visit was to promote the full implementation of OSCE commitments in the field of anti-trafficking and to propose action-oriented recommendations to better prevent and respond to human trafficking. I appreciate the constructive discussions held and I am pleased to have learnt about the implementation of some of my recommendations made during the visit.

I am particularly pleased to know that the Co-ordination Commission against Human Trafficking will convene its first meeting in February 2017 to speed up the revision of the 2009 National Action Plan to combat human trafficking. Furthermore, the Government plans to form sub-working groups to work with vulnerable groups and mobilize experts and academia to conduct an independent situation analysis and evaluation of the measures to combat human trafficking in the country. Finally, I acknowledge the efforts of the Cassation Court in publishing an analysis of Turkish jurisprudence on its website in both Turkish and English and for sharing its decisions with judges and prosecutors of the first instance courts in order to clarify the law and how THB is interpreted.

The Report was presented to the Delegation of Turkey for comments on 3 October 2016. The Delegation submitted its comments on 28 December 2016, which are annexed to this report in their entirety.

By encouraging relevant authorities to implement the recommendations made in this report and acting in the best interest of the most vulnerable and disadvantaged members of society, I look forward to further continuing our exchange and co-operation on the occasion of a follow-up to this report.



Madina Jarbussynova

**Report by OSCE Special Representative and Co-ordinator for Combating
Trafficking in Human Beings, Madina Jarbussynova, following her official visit
to Turkey
9-13 May 2016¹**

1. This Report presents the main findings of the official country visit to Turkey of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova (hereinafter referred to as the Special Representative), which took place from 9 to 13 May 2016².
2. The purpose of the visit was to hold consultations with government officials and experts from state institutions and civil society on human trafficking issues. More specifically, the objectives of the visit were to discuss ways to support and advance ongoing efforts to prevent trafficking, assist trafficked persons and protect their rights, as well as bring perpetrators to justice in line with OSCE commitments and relevant international standards.
3. In the course of the visit, the Special Representative engaged in direct consultations with high-level government officials, including the Director General of Consular Affairs, Ambassador Mehmet Samsar, the Deputy General Director of Migration Management, Osman Hacibektasoglu, the Deputy Chief of Directorate of Human Smuggling and Human Trafficking under the Turkish National Police, Ahmet Yarim, Deputy General Director of Labour, Sadettin Akyil, the First Vice President of the Cassation Court, Seyit Çavdar and Deputy Secretary General of the Court of Cassation, Mustafa Saldirim, the Ministry of Family and Social Policies' Directorate General for Women Affairs and Directorate General for Assistance to Children, Kubra Sertkaya, the Directorate General for Assistance to Children, Ahmet Okur, the Deputy General Director of International Law and International Relations of the Ministry of Justice, Kasim Cicek and the Governor of Gaziantep, Ali Yerlikaya.

Furthermore, the Special Representative held consultations with the anti-trafficking NGOs Women's Solidarity Foundation (WSF), Human Resource Development Foundation (HRDF), Antalya Family Counsellors Association (AFCA), Association for Solidarity with Asylum Seekers and Migrants (ASAM) and International Organizations such as the UN Resident Coordinator and UNDP Resident Representative in Turkey, International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), the United Nations Population Fund (UNFPA), International Centre for Migration Policy Development (ICMPD), the UN Women Regional Office in Istanbul, the European Union Delegation to Turkey and the Embassy of the United States of America in Ankara.

The Special Representative also visited two shelters for victims of human trafficking in Kirikkale and Istanbul and the Nizip 1-2 Temporary Protection Centres for Syrian Refugees in Gaziantep.

¹ The Report was finalized on 3 October 2016

² The Special Representative was accompanied by the OSR CTHB Advisor Georgina Vaz-Cabral and the OSR CTHB Associate Officer, Tarana Baghirova.

4. The Special Representative wishes to thank the Turkish authorities, and in particular, the Permanent Delegation of Turkey to the OSCE for their kind assistance in organizing and facilitating the visit. She also wishes to thank all interlocutors, from the national authorities to civil society and international organizations in Turkey, for their willingness to share their knowledge and insights.
5. Consultations during the visit were focused on the situation of trafficking in human beings (THB) in the country and the ongoing policy, legislative and practical responses to it. More specifically, discussions were focused on identification and assistance provided to victims of all forms of trafficking, in particular the victims of labour exploitation, the protection of victims' rights, especially among vulnerable migrants, efforts in the area of prevention, co-operation with NGOs as well as prosecution and convictions of traffickers. In view of the recent increase in migration to Turkey, the Special Representative also discussed the issue of Syrian refugees and the risk of trafficking along migration routes.
6. In the course of the visit, the Special Representative noted with appreciation that Government officials and civil society representatives demonstrated significant awareness of human trafficking as a serious violation of fundamental rights, knowledge of new trends in human trafficking in the country and a readiness to tackle new threats.
7. Furthermore, the Special Representative positively assessed the enhanced co-operation between authorities of Turkey and international organizations to fight human trafficking.
8. The Special Representative stressed the importance of maintaining the prevention and the fight against THB as one of the main priorities on the Government agenda. She notes that a decline in political attention to the problem could jeopardize the important results achieved, especially taking into account the increased migration flows to and through Turkey.

International and national legal framework

9. The Special Representative commends Turkey for having become a party to major international instruments providing high standards in the fight against trafficking in human beings, such as the United Nations Convention against Transnational Organized Crime ratified in 2000 and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children on 25 March 2003 and for its recent accession to the Council of Europe Convention on Action against Trafficking in Human Beings ratified on 2 May 2016.

The country also ratified a number of Conventions addressing slavery and forced labour such as the ILO Forced Labour Convention No.29, ratified in 1998, the ILO Convention on the Abolition of Forced Labour No.105, ratified in 1961, the ILO Convention on Worst Forms of Child Labour No.182, ratified in 2001, International Convention on the Protection of the Rights of all Migrant Workers and members of their Families, ratified in 2004, and the UN Convention on the Elimination of All Forms of Discrimination against Women, ratified in 1985.

Turkey became one of the first signatories to the Council of Europe Convention against Trafficking in Human Organs in 2015.

10. The Special Representative encourages Turkey to sign and ratify ILO Convention 189 concerning Decent Work for Domestic Workers, which entered into force on 5 September 2013 and serves as a powerful instrument for the prevention of THB for labour exploitation, especially for domestic servitude.
11. Likewise, as a participating State to the OSCE, Turkey has pledged to implement the commitments it has undertaken in the OSCE framework, in particular the 2003 Action Plan to Combat Trafficking in Human Beings, as well as its 2005³ and 2013⁴ Addendums.
12. In the national context, over the past decade, Turkey established an appropriate legislative framework to fight against human trafficking by amending its Criminal Code to include human trafficking as a criminal offence (Art.80), among other offences listed under the Chapter I. International Crimes. In addition, the Code criminalizes trafficking in organs and tissues (Art 91), the violation of freedom of work and labour (Art 117), the engagement in and facilitation of child prostitution (Art 227) and the use of children or persons with physical and mental disability in begging (Art 229). In this regard, the Special Representative notes that Arts. 117 (Violation of the Freedom to Work and Labour) is classified as less serious crime compared to trafficking and allows the defendant to receive a lenient penalty disproportionate to the gravity of his offence⁵. The Special Representative appreciates the detailed discussion held with the Ministry of Justice and the Court of Cassation on the interpretation of the definition of human trafficking while taking note of the concerns raised by civil society organizations on the application of the definition during qualification of cases of human trafficking by law enforcement and judiciary.
13. The Special Representative welcomes the adoption of Law No. 6458 on Foreigners and International Protection in 2013 as a key legal document in combating human trafficking. The adoption of this law enabled the establishment of a single Directorate General for Migration Management (DGMM) under the Ministry of Interior to implement migration policies and strategies, ensure co-ordination among relevant agencies and organizations, carry out the tasks and procedures related to foreigners' entry into, stay in, exit from Turkey, international protection, temporary protection and protection of victims of human trafficking⁶. Other legal documents in the area include the Regulation on Application of Highway Act, Turkish Citizenship Law No. 5901, Civil Code No. 4721, Child Protection Law No. 5395 and others.

The adoption of the new Regulation on Combating Trafficking in Human Beings and Protection of Victims of Trafficking adopted on 17 March 2016 is a step forward in ensuring the assistance services and protection to victims of human trafficking. The

³ OSCE Permanent Council Decision No. 685 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special needs of Child Victim of Trafficking for Protection and Assistance, PC.DEC/685

⁴ No.1107 on Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later, PC. DEC/1107/Corr.11

⁵ Art 117 criminalizes forced labour with the penalty of imprisonment for a term of six months to two years or a judicial fine, upon the complaint of the victim.

⁶ Art. 103 (1) of the Law on Foreigners and International Protection No. 6458 adopted on 4 April 2013

purpose of this Regulation is to provide effective identification of victims of human trafficking, prevent human trafficking, provide comprehensive assistance and protection to victims of human trafficking including sheltering, financial aid, employment and voluntary return to the country of origin⁷.

14. At policy level, Turkey has adopted two national action plans (NAP), in 2003 and in 2009, respectively. The latest plan adopted in 2009 divided the tasks into components which included improvement of awareness raising of human trafficking among the public at large and relevant government structures, development of assistance and support to victims, development of return and reintegration, improvement of the legal framework to combat human trafficking, strengthening relevant institutions, enhancing harmonization with the *EU Acquis* and strategy development in combating human trafficking⁸.
15. The Special Representative regrets that the Government of Turkey has not reviewed nor updated the NAP since its last adoption in 2009 and recommends that the next NAP should be developed in close co-operation with civil society and international organizations, build on solid empirical evidence of the features of THB in Turkey (e.g., *modus operandi* of criminal networks, means of abuse and coercion, major factors of vulnerability, forms of exploitation, etc.) and of the impact of measures previously taken, as well as on an analysis of the specific challenges to meet in order to enhance the effectiveness of the country's response. In this regard, she would also be ready to provide technical assistance for the elaboration of the new NAP.
16. With regard to the institutional anti-trafficking framework in Turkey, a National Task Force (NTF) was set up in November 2002 under the chairmanship of the Ministry of Foreign Affairs to co-ordinate between all relevant government agencies and civil society organizations involved in countering human trafficking. It was responsible for the development of the national action plans. The Special Representative regrets that the NTF has met only twice since the adoption of the NAP in 2009, and that the last meeting was held in 2014 after a two-year interruption. Furthermore, according to Art 117 of Law No. 6458 on Foreigner and International Protection, a National Commission was set up in 2013 under the chairmanship of the Ministry of Interior. The National Commission comprises the Ministries of Justice, Customs and Trade, Finance, Education, Foreign Affairs, Health, the Presidency of the Supreme Court of Appeal, the General Directorate of the Labour Placement Office, the National Intelligence Agency, the General Directorate of Borders and Coastal Security, the Turkish National Police, the General Directorate of Local Administrations, the Coast Guard Command, the Gendarmerie General Command, High Officials of the Bar Association and Turkish Human Rights Institutions. International organizations, academia, experts and civil society organizations can also be invited to the meetings. The Commission shall meet in February each year to discuss issues related to prevention of human trafficking, development of policy and strategy for combating this crime, development of national action plans and co-ordination among relevant state agencies and civil society organizations⁹. The Commission shall develop an

⁷ Regulation on Combating Trafficking in Human Beings and Protection of Victims published in Official Gazette on 17 March 2016 (available in Turkish language)

⁸ Strengthening Institutions in the Fight Against Human Trafficking – National Action Plan of Turkey, 2009

⁹ Regulation on Combating Trafficking in Human Beings and Protection of Victims published in Official Gazette on 17 March 2016, Art 5 (available in Turkish language) - <http://www.resmigazete.gov.tr/eskiler/2016/03/20160317-9.htm>

annual report based on the analysis of data provided by the members of the Commission¹⁰. In this respect, the SR strongly recommends establishing a clear division of responsibilities between the existing National Task Force and the newly created National Commission to avoid undue overlap. Additionally, she considers that the establishment of thematic working groups within the Commission would further enhance the work of the Commission and contribute to better identification of emerging trends and forms of human trafficking and improve referral and assistance to victims of human trafficking.

17. The Special Representative also stresses the importance of monitoring and evaluating anti-trafficking measures in the country and underlines the significant role of a National Rapporteur or equivalent national monitoring and reporting mechanisms as a means to obtain the most realistic and evidence-based data on THB at the national level, to assess the scope of trafficking, the effectiveness of the anti-trafficking measures taken by the State, and, drawing from this data collection and analysis, to produce recommendations for the government and the parliament¹¹. In this regard, she recommends that Turkish authorities establish an independent National Rapporteur to ensure the independent monitoring and evaluation of anti-trafficking activities in the country and improve research and the system of data collection and analysis, in order to develop effective and well-targeted policies on trafficking in human beings.¹²

Furthermore, the Special Representative notes the discrepancy between the different databases managed by various state agencies, such as the Ministry of Interior, the Ministry of Justice and the court and strongly recommends that Turkish authorities establish a unified database system with due regard to the confidentiality of data, and where possible to disaggregate statistics by sex, age, and other relevant factors as appropriate and compatible criteria for data collection, elaboration and reporting which are critical for the development and review of anti-trafficking policies and measures.

Identification, referral and assistance for victims of trafficking

18. Turkey remains a country of origin, transit and destination for human trafficking for the purposes of sexual and labour exploitation with the prevailing number of victims from Uzbekistan, Georgia, Turkmenistan and Morocco exploited in the country¹³. The identification of victims is conducted by the Department for Protection of Victims of Human Trafficking, established under the Directorate General for Migration Management of the Ministry of Interior in 2013 with the key responsibilities to carry out the procedures and principles on the fight against human trafficking and protection of victims, implement projects relevant to ensuring the victims' access to justice and operate hotlines for human trafficking victims. The identification is mainly conducted through the victim's testimony and other evidence

¹⁰ Regulation on Combating Trafficking in Human Beings and Protection of Victims published in Official Gazette on 17 March 2016, Art 8 (available in Turkish language) - <http://www.resmigazete.gov.tr/eskiler/2016/03/20160317-9.htm>

¹¹ OSCE Action Plan for Combating Trafficking in Human Beings, Chapter IV, para 1, p17

¹² OSCE, Ministerial Council Decision No. 14/06 "Enhancing Efforts to Combat Trafficking in Human Beings, including for Labour Exploitation, through a Comprehensive and Proactive Approach", MC.DEC/14/06, 5 December 2006

¹³ Information provided during the meeting with the Turkish National Police

collected during the investigation¹⁴. According to Art 18 of the Regulation for Combating Human Trafficking and Protection of Victims, persons believed or strongly presumed to be victims of human trafficking are identified as victims regardless of their statements and the conclusions of the interviews/interrogation¹⁵.

19. The Hotline 157 was established in 2005 with the support of IOM Turkey to report on cases of human trafficking. The hotline has been an effective tool to identify and refer potential and actual victims of human trafficking in the country for support and protection. Since its establishment, 174 victims have been rescued through the immediate action of the hotline staff¹⁶. In March 2016 the line was handed over to the DGMM and was extended to all foreigners. The hotline started in Russian, Romanian, English and Turkish and is currently operational 24/7 in 6 languages. The Special Representative encourages the DGMM to operate the line in a manner consistent with the intentions of its founders so that victims of trafficking benefit from the same type of assistance as they did prior to the hand over earlier this year.

20. The Special Representative notes that the number of identified victims declined from 2005 to 2010 from 256 identified victims in 2005 to 58 victims in 2010 and gradually increased in 2011. According to official statistics, the government identified 316 victims of human trafficking from 2011 to 2015 with the highest number of 108 victims in 2015 alone. The Government identified 89 victims in the first six months of 2016¹⁷. The Special Representative further draws attention to the low number of identified cases of forced labour¹⁸ and refers to ILO figures on forced labour, where it estimates that 21 million people are in forced labour globally, more than half of whom are women and girls. One quarter of these 21 million people are children below the age of 18. Available data indicate that the number of people in forced labour are not yet going down and may even be on the rise¹⁹. In this regard, the Special Representative reiterates that identification and assistance to victims of trafficking remains among the main challenges in the OSCE region and strongly recommends that Turkish authorities develop a set of indicators to effectively identify various forms of human trafficking. She also recommends strengthening early and proactive identification of victims of trafficking for labour exploitation, including among irregular migrants.

21. The Special Representative wishes to underline the issue of *consent* in identification of human trafficking, which was discussed at various meetings during the visit. The baseline established by the Palermo Protocol is that the consent of an adult victim to the intended exploitation is irrelevant if any of the listed means are used²⁰. Genuine consent is only possible and legally recognized when all the relevant facts are known

¹⁴ The Department for Protection of Victims of Human Trafficking was established under the Directorate General for Migration Management as per Art 108 of the Law on Foreigner and International Protection on 11 April 2013

¹⁵ Regulation for Combating Human Trafficking and Protection of Victims, adopted on 17 March 2016
<http://www.resmigazete.gov.tr/eskiler/2016/03/20160317-9.htm>

¹⁶ Data extracted from the official website of the MIA General Directorate for Migration Management on 16 July 2016
http://www.goc.gov.tr/icerik3/acil-yardim-hatti-alo-157_409_561_877

¹⁷ Data extracted from the official website of the MIA General Directorate for Migration Management on 17 July 2016
http://www.goc.gov.tr/icerik3/insan-ticareti-ile-mucadele_363_378_4714

¹⁸ Current Anti-Trafficking response in Turkey and the Way Forward, ICMPD research report, 2013, p14

¹⁹ ILO SDG Alliance 8.7 Joining forces globally to end child labour, forced labour, modern slavery and human trafficking
http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_450718.pdf

²⁰ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Trafficking in Persons Protocol, Art. 3(b).

and a person exercises free will.²¹ Moreover, she notes that Art 80(2) of the Turkish Criminal Code envisages the irrelevance of consent if the means listed in the definition of human trafficking are used. In this respect, the Special Representative encourages the Turkish authorities to correctly apply the law during identification and prosecution of human trafficking cases.

22. Internal trafficking from poor to wealthy areas, that has been underestimated and often not recognized as trafficking, is also increasing everywhere. Still, in a considerable number of the OSCE participating States, internal trafficking is not recognized as such, and its victims are deprived of the protection and assistance they are entitled to. The Special Representative regrets that no data is available for identified and assisted domestic trafficked persons in Turkey and considers that increased attention and efforts should be paid to the phenomenon of internal trafficking of children and adults, both for sexual and labour exploitation with a view to developing targeted responses and providing equal relief measures as available for foreign victims of trafficking.
23. The Special Representative welcomes the fact that Turkey possesses a comprehensive 2005-2015 “Time-Bound Policy and Programme Framework for Elimination of Child Labour in Turkey” which provides a comprehensive set of policies, objectives, indicators, outputs, target groups, activities and responsibilities for the effective elimination of child labour, in particular its worst forms.²² Within the framework of the ILO Programme for the Elimination of Child Labour (IPEC), the Turkish State Institute of Statistics (SIS) conducted three surveys on child labour (October 1994, October 1999 and October 2012) from which a database on working children was created. The findings of the recent survey conducted from October to December 2012 conclude that there are 292,000 children between the ages of 6-14 and 601,000 children between the ages of 15-17 involved in various sectors in Turkey. According to the Survey results, 44.7 per cent (399,000) of children are working in agriculture, 24.3 per cent (217,000) of children are in industry and 31 per cent (413,000) of children work in the service sector. It further reflects an 8.1 per cent increase in child labour in agriculture and a 6.6 per cent decrease in industry and a 1.5 per cent decrease in the service sector compared to 2006 data.
24. While the Special Representative praises Turkey’s remarkable progress in combating child labour through legislative and policy reform, as well as implementing targeted programmes to eliminate causes of child labour, she is concerned about the fact that child labour still continues in its worst forms in some areas of the country. In this regard, she further underlines the vulnerability of migrant children, in particular Syrian refugees, to exploitation and various forms of trafficking²³. The Special Representative urges Turkish authorities to strengthen the current system of child protection and the overall child care strategy and to tackle any type of exploitation of children, in particular in the current migration flow, which is largely on the burden of Turkey.

²¹ 2009 UNODC Model Law on Trafficking in Persons

²² Time-Bound Policy and Programme Framework for Elimination of Child Labour in Turkey, 2005-2015

²³ Syrian Child labour in Turkey – Euronews, Insider - <<http://www.euronews.com/2016/07/15/syrian-child-labour-in-turkey/>> [accessed on 18 July 2016]

25. Having had the opportunity to visit the Nizip 1-2 Temporary Protection Centres for Syrian refugees established in Gaziantep, the Special Representative applauds the commitment and the efforts of the Turkish Government in alleviating the sufferings of Syrian refugees by providing protection for the largest Syrian refugee community in the world. The Nizip 1-2 Temporary Protection Facility comprises 938 container and 1,858 tent camps with a total of 15,484 Syrian refugees. The centres were established in 2003 and are two of twenty five temporary centres²⁴ managed by the Turkish Prime Ministry for Disaster and Emergency Management Authority (AFAD). The Special Representative positively assesses the conditions of the visited centres where the refugees are provided with a hospital, a school, a drug store and clinical ambulance, two libraries, two play grounds, two stadiums and a supermarket operating in each camp. The presence of Syrian refugees in Turkey is regulated by Art 91 of the Law on Foreigners and International Protection of 2013 and the Temporary Protection Regulation adopted on 22 October 2014²⁵. There are currently 2,733,044 Syrian refugees registered in Turkey²⁶.
26. Moreover, the Special Representative welcomes the adoption in January 2016 of the Regulation on Work Permits for Foreigners under Temporary Protection, which allows Syrians to work in the country as envisaged in Art 29 of the Temporary Protection Regulation. The regulation applies both to refugees living in cities and to those housed in refugee camps. According to Art 3.5 of the Regulation on Work Permits, the number of Syrians who are allowed to work cannot exceed 10 per cent of the Turkish citizens employed at the workplace. The work permits given to Syrian refugees are valid in the construction, textile and manufacturing sectors with a maximum validity period of one year and the possibility for renewal. According to Art 21 of the Law on Work Permits for Foreigners, an employer can be fined 8,848 TL for each foreigner who does not possess a valid work permit at the time of employment. The Special Representative considers the adoption and application of this regulation as an effective tool to prevent labour exploitation of Syrians in the country.
27. The OSCE Action Plan to Combat Trafficking in Human Beings of 2005 and the OSCE ODIHR Handbook on National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons, published in 2004²⁷, recommend establishing identification and referral mechanisms for trafficking victims. In this respect, the Special Representative notes that the Turkish Government established its National Referral Mechanism (NRM) in 2005 and is pleased to know that the NRM is currently being updated in partnership with the IOM²⁸. The adoption of the 2016 Regulation for Protection of Victims of Trafficking further defined the role and responsibilities of the anti-trafficking stakeholders in the referral and protection process. She was pleased to learn that the development of Standard Operating

²⁴ <<https://www.afad.gov.tr/en/IcerikDetay1.aspx?ID=16&IcerikID=848>> [accessed on 19 July 2016]

²⁵ *Temporary protection may be provided to foreigners that have been forced to leave their country, cannot return to the country that they left and have arrived at or crossed the border of Turkey in a mass influx situation in order to receive immediate and temporary protection.* Art 91 Temporary protection, Law No. 6458 on Foreigners and International Protection

²⁶ <http://data.unhcr.org/syrianrefugees/country.php?id=224>

[accessed on 19 July 2016]

²⁷ See OSCE Permanent Council, Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings (Vienna, 7 July 2005), Chapter V "Protection and Assistance", paragraph 3. See also OSCE ODIHR, National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook (Warsaw, 2004), <http://www.osce.org/odihr/13967>, accessed 11 June 2013.

²⁸ Information provided during the meeting with the IOM and the DGMM

Procedures (SOPs) in partnership with the IOM is underway and is expected to enrich and further improve referral mechanisms for trafficking victims²⁹. To this end, she recommends that civil society organizations are involved in updating the NRM and developing SOPs as the key actors in the referral and assistance process.

28. Furthermore, the Special Representative wishes to underline that co-operation between law-enforcement and civil society or service providers in the identification and referral of trafficked persons should preferably be set out in formal co-operation agreements between the parties defining the roles and responsibilities of the different actors. In this regard, the Special Representative regrets to note that civil society organizations in Turkey are not involved in the identification process nor in outreach, but rather involved as service providers for victims referred to them by the DGMM and/or IOM. This significantly reduces the potential and able contribution that civil society organizations can give to anti-trafficking action in the country.
29. The Special Representative commends the Turkish Government for envisaging a 30-day recovery and reflection period for presumed victims³⁰. According to the Law on Foreigners and International Protection Act No. 6458, this period can be extended for six months, but cannot exceed three years in total³¹. From the time the NRM was established in 2005 until 2016, a total of 1,330 foreign victims were provided with assistance.
30. The shelters for trafficking victims have been exclusively provided through three non-governmental organizations (NGOs): Woman Solidarity Foundation (WSF) in Ankara, the Human Resource Development Foundation (HRDF) in Istanbul and the Family Counsellors Association (AFCA) in Antalya. The Government opened its first shelter in Kirikkale³² in May 2016 with a total capacity of 10 persons and a maximum duration of stay for 3 months as envisaged in the 2013 Law on Protection of Foreigners and International Protection and further stipulated in the 2016 Regulation for Protection of Trafficking Victims. According to state statistics, there was a significant decline in the number of victims accommodated in the shelters from 2005 to 2013³³; the figure started increasing in 2014 when 26 victims were provided with shelter, 69 victims in 2015 and 87 victims were placed in various shelters in the first half of 2016³⁴. While the Special Representative welcomes the opening of the shelter by the DGMM as it could provide safe accommodation for victims under high risk of physical attack, she is concerned to learn about the closure of the NGO-led shelter in Antalya due to a lack of financial support and security, the latter of which became a rather serious impediment in ensuring the safety for trafficking victims placed in the shelter. In this regard, the Special Representative strongly recommends that Turkish authorities ensure security and safety to all shelters servicing trafficking victims as well as provide adequate financial support to safeguard the quality and necessary assistance services provided by civil society organizations.

²⁹ Information provided by IOM on 9 May 2016

³⁰ Law on Protection of Foreigners and International Protection, Art. 30-49

³¹ The Law on Foreigners and International Protection Act No. 6458, Art/s 22, 48, 49, 55, 108 and 123

³² Kirikkale is located in the Central Anatolia region, 80 km east of Ankara.

³³ 142 victims (2005), 194 victims (2006), 111 victims (2007), 84 victims (2008), 83 victims (2009), 39 victims (2010), 51 victims (2011), 25 victims (2012), 9 victims (2013)

³⁴ Data extracted from the official website of the MIA General Directorate for Migration Management on 15 July 2016
http://www.goc.gov.tr/icerik3/insan-ticaret-i-ile-mucadele_363_378_4714

31. Trafficking for the purpose of domestic servitude is an issue that the Special Representative has highlighted in recent years³⁵. The Special Representative takes note that Turkey has developed a Guide for Diplomatic Mission in Turkey in 2015 which also regulates the terms and conditions for employing domestic workers in diplomatic households. According to the Guide, the Mission, where the private servant will be employed by its member, should send to the Ministry a “Letter of Undertaking” in duplicate for approval no later than 15 days from the date of entry into Turkey³⁶. The Special Representative appreciates the active participation of the Head of Protocol Department of the Turkish Ministry of Foreign Affairs and the representative of the Ministry of Interior during the OSR/CTHB workshop on prevention of trafficking for domestic servitude in diplomatic households³⁷ and encourages the Turkish authorities to enhance their focus on this form of exploitation and recommends, as a good practice already introduced in other OSCE participating States, that every employee be required to appear in person before the Protocol Department of the Ministry of Foreign Affairs to receive information about his or her rights.³⁸ Protocol Services should also require a proof of payment of salary from the employer. The Special Representative is ready to offer technical assistance to facilitate contacts with NGOs and Ministries of Foreign Affairs in the OSCE region who have established good practices in this field. Finally, the Special Representative encourages the Turkish authorities to take steps to increase access to justice for victims of domestic servitude in diplomatic households by, as a minimum, enabling victims to access compensation, including through mediation or State funds, also in cases where the perpetrators enjoy full diplomatic immunity.
32. Victims’ access to justice and remedies, including compensation, has been a priority for the Special Representative both as a preventive and protective measure as it empowers victims and deters exploitation. She also recognizes that a precondition for access to justice is the provision of free and qualified legal assistance. The Special Representative emphasizes that ensuring free and specialized legal counselling and representation as well as making compensation a reality for every trafficked and exploited person is a critical aspect of an empowerment strategy that enables trafficked persons to move forward with their lives and prevents re-trafficking. In this respect, the Special Representative calls on the Turkish governmental and non-governmental actors to enhance concrete measures to foster the access of victims to free legal assistance. Furthermore, the Special Representative regrets that Turkey does not have a dedicated Compensation Fund for victims of trafficking. Although the 2016 Regulation foresees one-time compensation, it does not define the amount and procedure to access it³⁹. The Special Representative recommends that Turkish authorities establish a dedicated fund and develop simple and effective procedures to enable trafficked persons’ access to compensation.
33. The Special Representative believes that child trafficking for various forms of exploitation, including for forced and organized begging, deserves particularly close attention. In this regard, the Special Representative notes that forced begging of

³⁵ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB), *Trafficking in Human Beings for the Purpose of Domestic Servitude*, Occasional Paper Series no. 4 (Vienna, 2010)

³⁶ Guide for Diplomatic Mission in Turkey, Art 3.3 Private Servants

³⁷ Third Workshop on prevention of trafficking in human beings for domestic servitude in diplomatic households, 8-9 October 2013, Hague

³⁸ Handbook on How to prevent human trafficking for domestic servitude in diplomatic households and protect private domestic workers, OSCE, 2014 < <http://www.osce.org/handbook/domesticservitude?download=true>>

³⁹ Chapter V, Art 31, Regulation for Combating Human Trafficking and Protection of victim, adopted on 17 March 2016

children and people with physical or mental impairments is punished for a term of one to three years by Art 229 of the Criminal Code. She notes that to date 10 victims of forced begging have been identified and assisted by the Turkish Government. The Special Representative also notes Turkish National Co-ordination Strategy Paper on Child Protection Services for the period from 2014-2019 which outlines protective and preventive measures to be led by the Ministry of Family and Social Policy to reinforce the Child Protection Law No.5395. The Special Representative encourages the Turkish authorities to increase their efforts in identifying and assisting victims, as well as mapping areas where forced and organized begging is likely to occur.

34. The lack of data regarding the location of Roma communities, living conditions, enrolment in educational institutions, employment, source of income, etc., might hamper the elaboration of effective THB-related prevention programmes. The Special Representative commends the recent adoption of the National Strategy to Support Roma citizens on 27 April 2016 which sets strategy for education, employment, protection, health, social services and assistance to Roma community from 2016 to 2021⁴⁰. In this regard, the Special Representative recommends Turkish authorities to continue developing sustainable integration programmes – addressing family vulnerability factors, ensuring access to education, vocational training, and the regularization of documents for at-risk groups.
35. New forms of trafficking, such as human trafficking for organ removal, deserve additional attention in all OSCE participating States, including Turkey, due to the growing demand for transplantations and the lack of supply through official channels. In 2013 the Special Representative provided the OSCE participating States with the results of research undertaken by her Office on this issue and designed to assist all participating States, including Turkey, in the fight against this particularly severe exploitation of victims⁴¹. According to Turkey’s response to the OSCE Survey launched in 2015, currently there are cases of THB for organ removal under investigation, in the judicial process and completed cases ending in conviction⁴². She was also pleased to learn that Turkey proclaimed 3-9 November annually as “Organ Donation Week” to promote legal organ donation, and regularly organizes symposiums and training activities for relevant structures and the public on this issue. Turkish authorities are also taking steps to increase the legal donation of organs from deceased and living donors and establishing criteria for authorizing centres for living donations. The Ministry of Health maintains an opt-in donor registration system of persons willing to donate their organs after death and established Ethical Committees to evaluate living donation applications. To this end, the Special Representative encourages the Turkish authorities to vigorously investigate all pending cases and suspicions as well as enhance international co-operation with the countries of origin and destination on this matter.

⁴⁰ National Strategy to Support Roma citizens published on 27 April 2016 in the Official Gazette <http://www.resmigazete.gov.tr/eskiler/2016/04/20160430-11-1.pdf>

⁴¹ Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE region: Analysis and Findings, OSCE, 2013

⁴² In 2015, the OSR CTHB launched a survey to assess the implementation of selected aspects of the OSCE Action Plan to Combat Trafficking in Human Beings (2003); and the Addendum to the OSCE Action Plan on Combating Trafficking in Human Beings: One Decade Later (2013).

Investigation and prosecution of human trafficking

36. With regard to investigation and prosecution of human trafficking and related crimes, the Special Representative notes that from 2011 to 2015, Turkish Criminal Courts opened 12,146 criminal cases on Art 80 of the Criminal Code and concluded 8,883 cases⁴³. During the same period 2,063 persons were convicted whereas 2,291 persons were acquitted⁴⁴. In this regard, the Special Representative notes the high number of acquittals, which was also the main findings of the OSCE/ODIHR Analysis of Human Trafficking: Victim's Rights Protection conducted in Turkey in June 2008⁴⁵. Misperceptions about human trafficking persist in the criminal justice sector, which was also a concern that some civil society representatives and the DGMM shared during the meetings. The Special Representative strongly recommends that Turkish authorities develop specialized training for prosecutors and judges on key indicators for various forms of human trafficking as well as on the *consent* and *the position of vulnerability* with a view to ensuring that crimes related to THB are effectively prosecuted.
37. Additionally, the Special Representative considers that one of the challenges in adjudicating human trafficking cases could be the similarity between *means* included in the Criminal Code Art 227 (4) on forced prostitution underlining the aggravating circumstances where a person is encouraged to engage in acts of prostitution or secures an individual to engage in prostitution through the use of threat, violence, deceit, or by taking advantage of another's desperation which envisages a penalty of imprisonment for a term of two to four years and a judicial fine up to three thousand days and the *means* stipulated in Art 80 on Human Trafficking but punishable for a term of eight to twelve years and to a judicial fine of up to ten thousand days. In this regard, the Special Representative appreciates the jurisprudence developed by the Court of Cassation in regard to the interpretation of human trafficking and forced prostitution definitions⁴⁶. To this end she refers to the decisions N. 2015/30988 E. and No. 2015/3863 K dated on 01.07.2015 of the Court's Criminal Chamber No. 18 which is the newly established chamber to examine cases of human trafficking and is composed of specialized judges. The Special Representative considers that a wider distribution of these decisions would benefit the legal practitioners during qualification of two crimes.
38. The Special Representative is concerned about the increase in the trafficking of girls and minors for forced and early marriages, which was also stated in some international reports. In this regard, she draws attention to the alleged trade of women belonging to *Yazidi* minority groups in the south of Turkey near the border of Syria⁴⁷ by a network of Syrian criminal groups operating in the country and expresses her concern about the acquittal of the perpetrators within 16 days without examining the evidence provided by the Bar Associations. In this regard, the Special Representative calls on the Turkish Government to investigate all suspicious cases and allegations

⁴³ Statistics provided by the Ministry of Justice on 3 June 2016

⁴⁴ The conviction decisions include sentences restricting freedoms, judicial fines, deferments, security measures and other conviction decisions.

⁴⁵ Human Trafficking: Victim's Rights Protection in Turkey – An analysis of the law and practice: Victim identification and assistance, the criminal justice system and the victim and human trafficking in the media, OSCE/ODIHR June 2008

⁴⁶ 18th Criminal Chamber Decision No. 2015/24178 E - 2015/1057 K dated 27/03/2012 as provided by the Cassation Court on 21 June 2016

⁴⁷ http://www.huffingtonpost.com/anne-speckhard/isis-sex-slave-trade-in-g_b_9774610.html [accessed on 18 July 2016]

with due diligence and ensure that all presumed and actual victims receive protection and assistance and those responsible are prosecuted and face criminal penalties.

39. Investigations are conducted by the Turkish National Police (TNP) Department for combating migrant smuggling and human trafficking established in February 2016. The TNP is currently in process of restructuring its provincial level agencies. It investigated 17 cases in 2013, 35 cases in 2014 and 29 cases in 2015.
40. The Special Representative is pleased to note that Turkish legislation contains a non-punishment clause which is fundamental for exempting victims of trafficking from civil, administrative or criminal liability for offences committed under coercion or intimidation. Art 28 on Force, Violence, Menace and Threat of the Criminal Code stipulates that “no punishment is imposed to a person who commits an offense as a result of intolerable or inevitable violence, or serious menace or gross threat. In such cases, the person involved in violence, menace and threat is considered as the offender.”⁴⁸ While this article does not directly apply to prevent administrative violations (overstaying visa, working without a permit, being involved in sex work without registration), the intention is to protect persons from being punished for something that was not their choice and was a part of a victimization process.⁴⁹ The 2016 Regulation also includes a provision whereby a victim or a person presumed to be victim cannot be expelled from the country while their status is still being determined⁵⁰. To this end, the Special Representative notes that prostitution is legal and regulated in Turkey. There are three main criteria: the person is required to be a citizen of Turkey, single, and registered with the Ministry of Health. In this regard, the Special Representative highlights the need to ensure that this provision applies in full for foreign victims of sexual exploitation and forced prostitution, as the data shows that almost all victims identified in Turkey are foreign women trafficked for the purpose of sexual exploitation. Additionally, while there are no official reports on trafficking for forced criminality, the Special Representative notes information provided by civil society organizations on the involvement of the disabled in forced criminality and begging as an increasing form of exploitation in the country. In this respect, she strongly recommends that the Turkish authorities explain the principle of non-punishment to all stakeholders and that judges and prosecutors interpret this principle in a broad way.
41. In conclusion, while positively noting the commitment and the numerous steps taken in the prevention and countering of trafficking by the Turkish Government, the Special Representative encourages the authorities to continue their efforts and invites them to consider the following recommendations to enhance the implementation of OSCE anti-trafficking commitments, in particular the OSCE Action Plan to Combat Trafficking in Human Beings and its Addendums⁵¹. The Special Representative and her Office stand ready to provide technical assistance, if requested, by national and local authorities as well as civil society, and welcome further dialogue and co-operation to promote the appropriate follow-up to these recommendations.

⁴⁸ Criminal Code of Turkey, Section II Excusatory and Mitigating Cause, Article 28 on Force and Violence, Menace and Threat

⁴⁹ Human Trafficking: Victims’ Rights Protection in Turkey, OSCE/ODIHR – June 2008

⁵⁰ Regulation for Combating Trafficking in Human Beings and Protection of Victims, Art 18 (7), adopted on 17 March 2016

⁵¹ OSCE Permanent Council, Decision No. 557/Rev.1 *OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005); OSCE Permanent Council, Decision No. 1107 *Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later* (Vienna, 6 December 2013).

Recommendations

1. Enhance legal and policy framework by:

- Ratifying ILO Convention 189 concerning Decent Work for Domestic Workers which serves as a powerful instrument for the prevention of THB for labour exploitation, especially for domestic servitude.

- Developing the new National Action Plan (NAP) in close co-operation with civil society and international organizations based on solid empirical evidence of the features of THB in Turkey and of the impact of measures previously taken, as well as on an analysis of the specific challenges that must be met in order to enhance the effectiveness of the country's response.

- Setting a clear division of responsibilities between the existing National Task Force and the newly established National Commission to avoid undue overlap.

- Establishing thematic working groups within the Commission to further enhance its work and contribute to better identification of emerging trends and forms of human trafficking and improve referral and assistance to victims of human trafficking.

- Establishing an independent National Rapporteur to ensure the independent monitoring and evaluation of counter-trafficking activities in the country.

- Establishing a unified database with due regard to the confidentiality of data, and where possible, to disaggregate statistics by sex, age, and other relevant factors as appropriate. In addition, this database should include compatible criteria for data collection, elaboration and reporting, which are critical for the development and review of anti-trafficking policies.

- Adopting legislation on the prevention of THB and exploitation in supply chains, including in relation to public procurement.

2. Enhance victim identification, assistance and protection by:

- Enhancing the capacity of the DGMM, in particular its Department for Protection of Victims of Human Trafficking in regard to identification of various forms of human trafficking.

- Developing a set of indicators to effectively identify various forms of human trafficking and strengthen early and proactive identification of victims of trafficking for labour exploitation, including among irregular migrants.

- Placing increased attention on the phenomenon of internal trafficking of children and adults, both for sexual and labour exploitation with a view to developing targeted responses and providing equal relief measures as available for foreign victims of trafficking.

- Strengthening the current system of child protection and the overall child care strategy and tackling any type of exploitation of children; prioritizing care and protective measures for children in reception and temporary protection centres.

- Including civil society organizations in the update of the NRM and development of the SOPs as the key actors in the referral and assistance process.
- Empowering civil society organizations to conduct outreach activities to identify and assist potential, presumed and actual victims of human trafficking.
- Ensuring security and safety to all shelters servicing trafficking victims as well as providing adequate financial support to safeguard the quality and necessary assistance services provided by civil society organizations.
- Enhancing the focus on human trafficking for the purpose of domestic servitude in diplomatic households by using the good practices introduced in other OSCE participating States (interview with the employee and requirement of a proof of payment of salary from the employer).⁵²
- Enhancing concrete measures to foster victim's access to free legal assistance and representation as well as establishing a dedicated fund for compensation for damages caused to victims of human trafficking as well as developing simple and effective procedures to enable trafficked persons' access to compensation.
- Increasing efforts to identify and assist victims of forced begging, as well as mapping the areas forced and organized begging is likely.

3. Enhance prevention of human trafficking by:

- Conducting targeted qualitative research to analyse the features and trends of the phenomenon of trafficking for forced criminality, forced labour and trafficking of children for the purpose of sexual exploitation, forced marriage and begging.
- Conducting training for the staff of the temporary protection centres and reception facilities, in particular, social workers and law enforcement officials working in these facilities, to detect indicators of abuse and exploitation and to refer presumed victims for assistance to service providers.
- Ensuring systematic labour inspections, especially in sectors prone to labour exploitation, i.e., agriculture, textile, construction and tourism.
- Continuing to raise awareness among professionals and the general public with regard to various and emerging forms of human trafficking, highlighting trafficking for labour exploitation, forced criminality and organ removal.
- Developing sustainable integration programmes – addressing family vulnerability factors, ensuring access to education, vocational training, and the regularization of documents for at-risk groups, including for Roma community.

⁵² Handbook on how to prevent human trafficking for domestic servitude in diplomatic households and protect private domestic workers, OSCE, 2014 <<http://www.osce.org/handbook/domesticservitude?download=true>>

4. Enhance the criminal justice response to all forms of human trafficking by:

- Ensuring that criminal investigations are aimed at detecting and dismantling the whole criminal network behind a trafficking operation, including those who organize and/or direct and those who aid and abet.

- Prioritizing proactive investigations and prosecutions of cases of trafficking for labour exploitation, forced criminality and trafficking for forced marriages.

- Investigating all allegations or suspicions of abuse and exploitation of children including in the temporary protection centres and reception facilities with due diligence. It is essential to ensure that the best interests of the child are the primary consideration in all actions, including victims or presumed victims of trafficking in human beings.

- Vigorously investigating all pending cases of human trafficking for organ removal, and instances where it is suspected, as well as enhancing international co-operation with the countries of origin and destination on this matter.

- Developing specialized training for the staff of DGMM, law enforcement officers, prosecutors and judges on key indicators for various forms of human trafficking as well as on the *consent* and *the position of vulnerability* with a view to ensuring that crimes related to THB are effectively identified, investigated and prosecuted.

- Widely distributing the jurisprudence of the Cassation Court on human trafficking and forced prostitution to ensure appropriate qualification of two crimes.

- Publishing an analysis of the jurisprudence in the Journal of the Cassation Court and sharing its decisions with the judges and prosecutors of the first instance courts in order to clarify the law and the interpretation of the THB crime as well as to better harmonize THB courts' decisions.

- Investigate all suspicious cases and allegations of trafficking of women and minors for forced marriage and sexual exploitation with due diligence and ensure that all presumed and actual victims receive protection and assistance and those responsible are detected and brought to criminal liability.

- Ensuring the application of the non-punishment provision with regard to foreign victims of sexual exploitation and forced prostitution, and ensuring that this principle is explained to all stakeholders and interpreted in a broad manner.

- Supporting the delivery of specific training for pro-bono and legal aid lawyers representing victims of trafficking.

APPENDIX I

**PROGRAMME
OF THE VISIT OF AMBASSADOR MADINA JARBUSSYNOVA,
OSCE SPECIAL REPRESENTATIVE AND COORDINATOR FOR COMBATING
TRAFFICKING IN HUMAN BEINGS TO TURKEY**

9-13 May 2016

Sunday, 8 May 2016	
18:15	Arrival in Ankara (TK 2976) Accommodation in Holiday Inn Ankara Cukuranbar, Isci Bloklari Mah. 1484 Sk No. 3 Cankaya - Ankara
Monday, 9 May 2016	
8:45 – 9:30	Meeting with the UN Resident Co-ordinator, Kamal Malhotra Meeting venue: UN House, Birlik Mahallesi Katar. Cad. No:11, 06610 Cankaya, Ankara
10:00-11:15	Meeting with the Civil Society Organizations of Turkey <ul style="list-style-type: none"> - Woman Solidarity Foundation (WSF) - Human Resource Development Foundation (HRDF) - Antalya Family Counsellors Association (AFCA) - Association for Solidarity with Asylum Seekers and Migrants (ASAM) Meeting venue: IOM Office Ankara, Birlik Mahallesi Sehit Kurbanı Akboga Sokak No:24 Cankaya/Ankara
11:15 – 12:15	Meeting with Lado Gvilava, IOM Chief of Mission Meeting venue: IOM Office Ankara, Birlik Mahallesi Katar Caddesi No:11 – 06610, Çankaya, Ankara
12:30 – 14:00	Working Lunch hosted by Amb Mehmet Samsar, Director General of Consular Affairs <ul style="list-style-type: none"> - Ambassador Mehmet Samsar, Director General of Consular Affairs - Ece Acarsoy, Head of the Department Venue: Sur Balık Restaurant Çankaya, Balgat Mahallesi Mevlana Bulvarı (Konya Yolu) Fen Lisesi Karşısı No.196/1 Çankaya-Ankara
14:30 – 16:00	Meeting with the Directorate General of Migration Management <ul style="list-style-type: none"> - Osman Hacibektasoglu, Deputy General Director of Migration Management

16:30 – 17:30	Meeting with Turkish National Police <ul style="list-style-type: none"> - Orhan Ozdemir, Chief of Directorate for Human Smuggling and Human Trafficking - Ahmet Yarim, Deputy Chief of Directorate - Ugur Kayran, Head of Department - Tolga Becer, Head of Desk
18:00-19:00	Meeting with the Cassation Court
Tuesday, 10 May 2016	
11:00-12:00	Meeting with the Ministry of Labour and Social Security <ul style="list-style-type: none"> - Sadettin Akyil, Deputy General Director of Labour
14:00 – 15:00	Meeting with the Ministry of Justice <ul style="list-style-type: none"> - Kasim Cicek, Deputy General Director of International Law and International Relations
15:30-17:30	Meeting with the Ministry of Family and Social Policies Directorate General for Women Affairs <ul style="list-style-type: none"> - Gulser Ustaoglu, Director General for Women Affairs - Kubra Sertkaya, Head of the Department - Mustafa Chadir, Head of the Department - Onur Dincer, Expert on Family Protection and Planning Unit - Fatma Karagoz, Expert Psychologist Directorate General for Assistance to Children <ul style="list-style-type: none"> - Ahmet Okur, Acting Director General for Assistance to Children
19:00-21:00	Working dinner with International Organizations <ul style="list-style-type: none"> - Paolo Artini, UNHCR Deputy Representatives - Karl Kulesa, UNFPA Turkey Representative – Country Director for Armenia, Azerbaijan and Georgia - Tamer Kilic, ICMPD Representative - Gulsah Cures, Country Project Officer - Wendy Nassmacher, Human Rights Officer, U.S. Embassy Ankara - Alessandro Budai, Sector Manager for Asylum, Migration, Human Trafficking European Union Delegation to Turkey Venue: Teppanyaki Alaturka restaurant (Muhsin Yazıcıoğlu Cad. Kızılırmak Mah. No: 30/C Çukurambar)
Wednesday, 11 May 2016	

8:30-9:30	Working breakfast with Platform for struggle for women held in Captivity - Leyla Ferman, Advisor
10:00-12:00	Visit to the shelter for victims of human trafficking in Kirikkale
19:45 Arrival: 20:55	Flight to Gaziantep (TK 7124) Accommodation: Divan Hotel Gaziantep Transportation provided by Gaziantep Governor
Thursday, 12 May 2016	
10:00	Meeting with the Governor of Gaziantep, Mr. Ali Yerlikaya
	Visit to Nizip 1-2 Temporary Protection Centers (Gaziantep) OSR accompanied by Halil Çavuş, Third Secretary
20:00	Flight to Istanbul (TK 2227)
Friday, 13 May 2016	
10:00	Visit to the shelter for victims of trafficking in Istanbul
11:30-12:30	Meeting with the UN Women Regional Office in Istanbul Mrs. Ingibjorg Solrun Gisladdottir, UN Women Regional Director for Europe and Central Asia, Representative to Turkey Venue: Abide-i Hürriyet Cad. İstiklal Sok. No: 11 KEY Plaza Kat:8 34381, Şişli, İstanbul
20:45	SR departure to Almaty (TK 350) – arrival on 14 May at 05:10

APPENDIX II

Comments of Turkey on the Report of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova, following her visit to Turkey 9-13 May 2016

(received on 28 December 2016)

On para 15:

Two action plans (for the years 2003 and 2009) on combating human trafficking and protecting victims in Turkey, published by the Prime Ministry, are available. The action plan for the year 2009 is in force, and its revisions are ongoing. Along with the ongoing implementation of the Regulation on Combating Trafficking in Human Beings and Protection of Victims of Trafficking and particularly the Council of Europe Convention on Action against Trafficking in Human Beings, this revision work has gained momentum. In this context, meetings have been held with the related public institutions and organizations, civil society organizations as well as international agencies. The Coordination Commission against Human Trafficking will also have this issue on the agenda of its meeting planned for February 2017.

On para 16:

With the aim of more effectively combating human trafficking and offering full service to the victims via the Regulation on Combating Trafficking in Human Beings and Protection of Victims of Trafficking which was issued on 17 March 2016, the National Task Force against human trafficking has been transformed into a new mechanism called the Coordination Commission against Human Trafficking. Also drawing on the information contained in the report, this Commission will work with the full participation of relevant stakeholders and create annual policies and strategies. In addition, the establishment of sub-working groups is foreseen for activities targeting various particularly vulnerable groups.

On para 17:

The newly established Coordination Commission against Human Trafficking can request the relevant institutions to assign experts or academicians for an annual situation analysis on human trafficking.

On para 18:

When investigating crime data on human trafficking, Turkey is understood to be not in the position of a source or transit but a target country in terms of human trafficking.

On para 20:

Determining the crime of human trafficking in the form of labor abuse is more complicated than with other forms. Training activities are ongoing for persons in workplaces in order to enable them to recognize informal employment or similar cases so as to strengthen the mechanisms for determining this form of human trafficking. In this context, labor inspectors and supervisors of Turkey's Social Security Institution have also received the necessary training.

On para 24:

Taking into account the principle of the best interests of the child as well as the fact that children are placed among the most vulnerable groups in the field of combating human trafficking, relevant measures are being taken in line with Law no. 5395 on Child Protection. In addition, special provisions regarding child victims, including preventive measures, have been included in the recently issued Regulation on Combating Trafficking in Human Beings and Protection of Victims of Trafficking. In the case of the crime of human trafficking being committed against children, conditions such as coercion, violence or force are not stipulated in the Turkish Criminal Code. In addition, to address and prevent the risk of human trafficking for foreigners who arrive in Turkey as a result of mass influx and are placed under temporary protection, a series of training activities and information campaigns are planned.

On para 30:

Cooperation between public and non-governmental organizations is essential for combating human trafficking. Three NGOs were established in this connection in 2014 under an EU project. Furthermore, a fund for shelters has been allocated from the central budget and plans have been made for providing financial support to shelters run by NGOs.

On para 32:

Within the scope of the victim support program, victims of human trafficking are provided with guidance on access to legal support. The crime of human trafficking is among those requiring a compulsory defender in the Code of Criminal Procedure. Thus the appointment of an attorney for victims by the relevant Provincial Bar Association is compulsory. Furthermore, Turkey has incorporated the provisions of the Council of Europe Convention on Action against Trafficking in Human Beings into its domestic law. In this context, work is ongoing on victims' access to compensation, which is among the Convention's provisions.

On para 38:

The recently issued Regulation on Combating Trafficking in Human Beings and Protection of Victims of Trafficking has made it compulsory to conduct detailed interviews on human trafficking aspects which are not included in Article 80 of the Turkish Criminal Code, such as early marriage and child begging, and to subsequently transmit any findings pertaining to criminal acts to the judicial authorities.

On the “Recommendations” section:

[- Establishing thematic working groups within the Commission to further enhance its work and contribute to better identification of emerging trends and forms of human trafficking and improve referral and assistance to victims of human trafficking.]

As also mentioned above, sub-working groups are to be established and situation assessments for different vulnerable groups are to be carried out within the Coordination Commission against Human Trafficking.