



# **SCREENING CHAPTER 24 JUSTICE, FREEDOM AND SECURITY**

## **AGENDA ITEM 7B: TRAFFICKING IN HUMAN BEINGS**

**Country Session: Republic of TURKEY**



## LEGISLATION

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime
- Protocol on Sale of Child, Child Prostitution and Child Pornography, supplementing the UN Convention on the Rights of Children
- Turkish Criminal Code No: 5237
- Labor Law No: 4857
- Passport Law No: 5682



- Turkish Citizenship Law No: 403
- Road Transportation Law No: 4925
- Code on Criminal Procedure No:5271
- Law No: 5395 on Protection of Child
- Law No: 2559 on Police Competency and Responsibility
- Law No: 1117 on Protection of Children from Obscenity
- 2005 Regulation on Apprehension, Detention and Interrogation
- Law No: 2803 on Gendarmerie Competency and Responsibility



Trafficking in human beings for purposes of sexual and labour exploitation is punishable in Turkish legislation. Offenders shall be sentenced to eight to twelve years of imprisonment and to judicial fine up to an amount corresponding to ten thousand days (Turkish Criminal Code No: 5237, Article 80). Attempt, solicitation and aiding to this offence are also punishable in the Turkish Criminal Code.

Turkish Criminal Code includes safety measures such as confiscation of assets, withdrawal of license etc. for the legal entities which commit this offence intentionally.



Human trafficking is perpetrated as an offence against public order. Investigations or prosecution are not dependent on the accusations made by victims (*ex officio*). Trafficking in human beings is included in the universal jurisdiction norm which is recognized in the Turkish Criminal Code.

Articles 103, 104, 226 and 227 of the Turkish Criminal Code lay down clauses on punishment for sexual abuse of children, child pornography and obscenity.





Liability of and sanctions on legal persons are arranged in Articles 60 and 220 of the Turkish Criminal Code.

In cases where those under the age of 18 are recruited, kidnapped, transported or transferred from one place to another or harboured for the purposes of forced labour or services, slavery or practices similar to slavery or the removal of organs, the perpetrator shall be punished with penalties provided in Article 80 of the Turkish Criminal Code No: 5237.



## COMBATting TRAFFICKING IN HUMAN BEINGS / EFFORTS IN TURKEY

Turkey is a destination country in human trafficking. In 2004, 235 victims were identified whereas in 2005 this number was 128. During the same period (2004-2005) 442 traffickers were apprehended in Turkey.

Ministry of Foreign Affairs chairs the National Task Force on Combatting Trafficking in Human Beings. The Task Force comprises representatives from several Ministries, Institutions, international organisations and NGOs.



A National Action Plan prepared by the Task Force was approved by the Office of Prime Minister, in 2003. In this context, Cooperation Protocols were signed respectively by Directorate General of Security and by Gendermarie with an NGO: " Human Resources Development Foundation". Directorate General of Security also concluded a similar Protocol with another NGO: " Foundation for Women's Solidarity".





Shelters for victims in İstanbul (established in 2004) and in Ankara (inaugurated in 2005) are managed by the aforementioned NGOs. İstanbul and Ankara Metropolitan Municipalities provide material support to these shelters such as allocating buildings or payment of utilities. Victims receive medical, psychological and legal counselling at these shelters. Since their inauguration, nearly 275 victims were accommodated in these shelters. Victims can claim compensation before the Turkish courts. Voluntary and safe return of victims are also arranged by the Turkish authorities, jointly with IOM and NGOs.



The Ministry of Health extends free medical care and medication to victims of trafficking.

Ankara Bar Association cooperates with IOM in providing legal counselling to victims.

The Ministry of Interior issues free of charge six months valid and extendable residence permits to victims in order to enable them to stay legally in Turkey during their rehabilitation period. This permit is usually granted for 6 months and can be extended. To obtain the permit, there is no precondition such as cooperating with authorities. Any victim wishing to stay in Turkey for a certain period before voluntarily returning to his/her country can acquire temporary residence permit.



Law enforcement authorities organise intensive training workshops for their personnel jointly with IOM and NGOs.

Specialized Child Units were established within Police branches in 81 provinces.

An EU Project aiming at training of relevant staff on child abuse offences has been implemented by Gendermarie in cooperation with several related Ministries and institutions.



## LATEST DEVELOPMENTS IN COUNTER-TRAFFICKING

A toll free tip off / emergency helpline (157) became operational in May 2005. The helpline is currently under the responsibility of IOM. Until today, 56 victims were reached through this helpline.

A spot film promoting 157 helpline for victims is aired on Turkish TV channels as well as on channels in Moldova and Ukraine.

More than 500,000 pamphlets (in Turkish, Russian, Romanian and English) have been handed over at air and sea ports by the Turkish National Police.





Several projects aimed at raising public awareness, providing further training for law enforcement agencies and assisting victims have been implemented in cooperation with IOM. A new public awareness campaign was launched by IOM on January 31st, 2006.

An EU Twinning Project on Trafficking in Human Beings was initiated in 2006. An Action Plan will be drawn up as an output of this project.



## BILATERAL AND INTERNATIONAL COOPERATION

Turkey signed bilateral cooperation protocols on the fight against trafficking in human beings with Belarus (2004), Georgia (2005) and Ukraine (2005). A protocol to this end was signed with Moldova on February 8th, 2006. Turkey has also proposed similar protocols to the main countries of origin such as Russian Federation, Azerbaijan, Bulgaria, Uzbekistan, Romania in 2003 and Kyrgyzstan in 2005. Negotiations with Russian Federation and Azerbaijan are continuing. No replies have been received from Bulgaria, Uzbekistan and Romania as yet.



Turkey attaches importance to international cooperation in counter-trafficking. She participates in the activities carried out within the framework of NATO, OSCE, Council of Europe, BSEC, Budapest Process, Bali Process, SECI and Bern Initiative.

Turkey also actively attended the sessions of the Council of Europe for drafting of a human trafficking convention namely CAHTEH.

Turkey in cooperation with IOM has initiated a project on establishment of a data collection network on victims of human trafficking in the Black Sea region.



THANK YOU FOR YOUR ATTENTION