

Makale türü: Derleme

SEX TRAFFICKING IN TURKEY: A CRITICAL EXAMINATION OF THE NATIONAL RESPONSES TO THE PROBLEM¹

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■ **Abstract** Turkey, as both a destination and a transit country for sex trafficking, is exposed to growing problems due to its geographical location. Recent migrant influx from war-torn neighboring countries such as Syria and Iraq is resulting in enormous numbers of potential sex trafficking victims. Although the Turkish state seems willing to combat the problem by increasing cooperation with international organizations and legal instruments, lack of commitment in implementation and inadequate funding are some of the problems faced by the state. In this study, it is argued that increasing efforts and cooperation with international organizations such as United Nations Office on Drugs and Crime (UNODC) and International Organization for Migration (IOM) and reshaping the underlying socio-cultural factors that facilitate illegal sex work sector may assist the Turkish state's fight against this crime. However, Turkey's effort to combat trafficking will have little impact since the extensive nature of sex trafficking requires global, international action, which will address not only nation states but also international socio-economic problems.

Keywords: Sex Trafficking, Turkey, Migration, War, Syria.

Türkiye'de Kadın Ticaretine Yönelik Politikaların İncelenmesi

■ **Öz** Türkiye kadın ticareti açısından hem geçiş hem de varış ülkesi olarak değerlendirilen coğrafi konumu nedeniyle artan oranda kadın ticaretine maruz kalmaktadır. Irak ve Suriye gibi savaşın etkilediği komşu ülkelerden gelen yoğun göçmen akışı potansiyel kadın ticareti mağdurlarının sayısını ciddi şekilde artırmaktadır. Türk devleti uluslararası örgütlerle yapılan proje ve çalışmalar ve yeni yasal düzenlemeler ile bazı adımlar atsa da yeterli maddi olanakların yaratılmaması ve kararlılığın gösterilmemesi karşılaşılan bazı sorunları oluşturmaktadır. Bu çalışmada, Türkiye'nin, Birleşmiş Milletler Suç ve Uyuşturucu Ofisi (UNODC) ve Uluslararası Göç Örgütü (IOM) gibi uluslararası örgütlerle bu mücadelede işbirliği içinde olması gerektiği ve yasadışı seks işçiliğini kolaylaştıran sosyo-kültürel etmenlerin göz önüne alınması gerekliliği tartışılmıştır. Öte yandan, insan kaçakçılığı ve kadın ticareti ile mücadelede sadece ulus devletlerin değil uluslararası kaçakçı ağlarının ve sosyo-ekonomik sorunların da göz önüne alındığı kapsamlı bir uluslararası müdahalenin şart olduğu vurgulanmaktadır.

Anahtar Kelimeler: Kadın Ticareti, Türkiye, Göç, Savaş, Suriye.

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INTRODUCTION

Sex trafficking is defined as “a modern-day form of slavery in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act is under the age of 18 years” (Department of Health & Human Services, n.d.). There are millions of international human trafficking victims in the world at any moment, of which majority 79% are believed to be trafficked for sexual slavery (UNODC, 2016). International Labour Organization (ILO) (2017) report suggests that the estimated number of enslaved people is 40,3 million globally. This number includes sex trafficking victims, people in forced labour and forced marriages. Considering recent developments in the Middle East, this number is highly likely to increase. Every year, millions of people are trafficked internationally by illegal organizations in order to profit from cheap labour opportunities and the sex slavery market (Mattar, 2002). If the number of people who are dislocated within their country for the same purpose as human trafficking, is added to the total number of human trafficking victims, it would become twice as much (Miko, 2006). According to F.B.I statistics, \$9.5 billion is generated by international criminal groups from sex trafficking every year (Miko, 2006). Hyland (2001) also states that trafficking is the third most profitable illegal industry after drug and arms trade. However, these statistics are not certain and are subject to change due to the fact that sex trafficking is mostly an underground activity. It is assumed that more money and people are involved in illegal sex trafficking.

With globalization, new technological advancements make transportation easier and cheaper, and with these developments in mobility, people smuggle or traffic others in increasingly complicated ways. Trafficking of victims for sexual exploitation could be realised in various ways and some of the most common ones include promising prosperity and good jobs in another country; establishing trust with false promises like marriage or wealth; deceiving victims, taking their passports, and arranging their trip to a transit or destination country. After employing these initial tactics, traffickers confiscate the victim's passports and ID cards, leaving the victims without the means to break out the circle. Once victims become vulnerable and dependent on traffickers for survival, traffickers use different methods to keep their business running: detaining wages; locking the victims in a room and restricting movement or banning talking with other people; taking advantage of the victims' language barriers; threatening the victims' family members; or making them addicted to drugs (Hyland, 2001: 30). Although voluntary sex work is in the literature, it is not considered within the sex trafficking theme as our definition of sex trafficking includes coercion or fraud.

As for the reasons for sex trafficking, a variety of factors affect sex trafficking and even facilitate it. First, adverse living conditions and lower living standards force people to look for better life opportunities and make them

vulnerable to traffickers. Secondly, as Zhidkova and Demir (2016) put it “Patriarchal traditions of subordination of women to men, as well as societal attitudes to sexuality in the Turkish society creating demand for prostitution...” can clearly affect the demand for sex trafficking in Turkey and in similar contexts. This makes it easier to exploit women in various ways. Moreover, the growing demand for sex labour is another issue that needs to be taken into account and the level of profit is another contributor to the sex trafficking sector. This demand is usually met through various methods including sex trafficking, sexual slavery, child pornography, and etc. For instance, according to statistics, 70% of web content is related to sexual acts (Demir, 2009: 8). Interestingly, the act of having sex with the victims of sex trafficking is seen as more normal or human than illegal drug or arm trade by those who commit this act (Surec, 2012). Therefore, it becomes something less illegal and un-human in the eyes of traffickers and victims or clients. This may help us understand the lack of commitment and clear objection to the issue on the public and government levels. Insufficient legal regulations in countries to address this issue and a lack of attention to the issue facilitate the traffickers' job. Finally, treating the victims of human trafficking as illegal immigrants contributes to the victims' unwillingness to trust authorities in a given country and to share vital information about the identities of traffickers. Indeed, a general lack of commitment and political will to encounter this problem encapsulate the many factors contributing to its growth. And last but not least, internal conflicts that force people to migrate to another country make migrants potential victims especially in the case of Turkey.

COMBATTING TRAFFICKING

Many policies and organisations work towards ending sex trafficking globally. The Trafficking Victims Protection Act of 2000, United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women and the 1989 Convention on the Rights of the Child are some of the acts which address the sex trafficking problem.

The Acts and Conventions regarding trafficking persons are motivated to prevent human trafficking as well as children and women's exploitations. Some of them are specifically concerned with sex trafficking whilst some are more general. In this sense, due to the UN's representativeness of the vast majority of countries around the world and its unique position as having sanctioning power over state parties, United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Supplementing the United Nations Convention Against Transnational Organized Crime plays an important role in

tackling the sex trafficking problem. Indeed, the extensive nature of sex trafficking requires global, international action, which will address not only nation states but also global network of sex traffickers.

In this regard, United Nations Protocol is the first comprehensive international framework to define trafficking and aim to combat it. The UN General Assembly adopted the Organised Crime Convention, which includes a protocol against trafficking persons as well (Hyland, 2001). According to the Protocol, state parties are bound by law and they have to comply with the Articles in the Protocol. Article 2 and 5 discuss the crimes that traffickers may commit, obliging state parties to punish these crimes (UNODC, 2004).

Although these conventions and legal arrangements are promising, monitoring the implementation of the laws is also significant. It is reported that many governments and state institutions, such as border agencies and security bodies, intentionally or unintentionally ignore the sex trafficking problem in order to profit from this market. There have been cases reported in which government servants turn a blind eye to traffickers or help them to facilitate their business in exchange for benefiting from the sector by being a client of their service or through financial gain (Hyland, 2001: 30).

Moreover, critiques to the Protocol assert that the permissive language of the Protocol gives room for flexible interpretation of the articles; hence, its implementation is weak especially in developing countries. Article 6 in the Protocol, for instance, employs a permissive language by saying "state parties shall consider implementing measures..." (UNODC, 2004). An example of the Protocol's weak implementation might be found in the case of Turkey. According to the UN's Trafficking in Persons 2011- Turkey report, Turkey does not give adequate jail sentences to those who committed trafficking offences (United States Department of State, 2011). Moreover, it criticises Turkey on the ground that the law does not clearly address the trafficking within Turkey's borders. Police corruption is another issue in the report, which states: "The government did not take any additional action stemming from a 2009 prosecution involving three police officers under Article 80" (United States Department of State, 2011).

TURKEY AND SEX TRAFFICKING

There are transit and destination countries for traffickers and their victims. Turkey is both a transit and a destination country for the victims of human trafficking (PBS, 2012). Albania, Bulgaria and Hungary are some of the transit countries but Thailand and Turkey are classified as both transit and destination country for sex trafficking alongside with Belgium, Greece, Italy and Japan (UNODC, 2006).

As far as Turkey's sex trafficking statistics are concerned, there is very limited data or if there are records held, they are not easily accessible. According to the Human Trafficking Victims' Protection Office report, Turkish authorities

identified 642 human trafficking victims of which 460 are trafficked for sexual exploitation during the 2014-2017 period (DGMM, 2018). 994 victims of human trafficking were identified in a period of 5 years from 2003 to 2008, and 438 victims between 2008-2013. The majority of the victims were sex trafficking victims from Moldova, Russia, and Ukraine (UNODC, 2009; DGMM, 2018). Although the same report states that the number of identified trafficking victims steadily increased after the establishment of the Office in 2014, the statistics are not convincing considering the unreported cases such as those amongst Syrian migrants. In general, the majority of sex trafficking victims come from former Soviet Union states such as Ukraine, Moldova, and Russia, where the standards of living are very poor and people are looking for a chance to establish better lives (U.S. Department of State, 2011). Another issue is that Turkey's geographical position enables traffickers and victims to transport easily also without visa restrictions (Kaya ve Erez, 2018: 2956). These conditions make victims (both adults and children) vulnerable to traffickers.

According to the International Organisation for Migration, the main entry point to Turkey for traffickers and victims is Istanbul, followed by Antalya, Diyarbakir and Trabzon (ECPAT, 2006). Istanbul and Antalya are the cities that attract the most tourists every year. Even though mainly local people use traffickers' services, due to the clear connection between the trafficking entry points and main tourist places, it is reasonable to say that tourism may also be increasing the demand for sex workers (ECPAT, 2011).

Moreover, 3.6 million Syrian war-torn migrants who escaped from internal conflicts in Syria have become sex trafficking potential victims as lack of financial sources and sociocultural problems lead some migrant women to work as sex slaves or slavish wives. According to reports, traffickers or mediators a.k.a "aracı" in Turkish, abuse women and sell them as wives to men who look for cheap sex slaves. Men, especially from neighbouring countries contact those mediators who take advantage of Syrian migrants who feel that the only way out of the situation is to marry rich men. According to NGO's that work closely with migrants, sexual slavery and abuse are quite common even amongst those who reside in the camps established by the Turkish authorities. The report also claims that local people take advantage of Syrian women and take them as second or third wives in exchange for house rents (Mazlumder, 2014). It is also reported that Syrian, Turkish or Kurdish children who are sometimes under the age of nine are exploited in the labour market and in forced marriages especially in Southeast of Turkey where the majority of migrants reside (ECPAT, 2015). Governments' tight measures on refugee camps seem to be ineffective since the socio-cultural structure of Syrian migrants tend to allow abuse and exploitation of women and these women tend not to report who are already weakened and devastated by recent conflicts and fearing deportation. Although the exact data is not available due to the nature of the problem (there is no stable official statistical data and victims especially Syrian

migrants hardly report such instances due to security concerns and language barriers), it is believed that migration and internal conflicts increased trafficking numbers (UNODC, 2016: 61).

Another factor that must be borne in mind is that prostitution is legal in Turkey; therefore, it gives room for traffickers to deceive Turkish authorities via different methods, including fraudulent documents. There are still 56 brothels that run by the state in Turkey, although the number of brothels decreased in recent years (Özaşçılar ve Ziyalar, 2015). Workers in those brothels must have a state license to work and licensed workers are tested bi-weekly against sexually transmitted diseases. In total, it is argued that there are almost 150.000 sex workers whose only 15.000 licensed by the state in Turkey. (Coşkun, 2015). Although the brothels are state run and there are police officers assigned to every one of them to establish security, many police raids occur in illegal brothels to detect illegal residents and sex trafficking victims (Lee and Persson, 2012). While sex workers may be detained and sent back to their origin country after the raids, users of the services that sex workers provide are left unquestioned. There are no legal arrangements nor measures stated in the Turkish legal system for those who demand illegal sex work and exploit sex workers as customers. Better measures to control these brothels and introducing legal measures against those seek and abuse illegal sex workers may help to control sex trafficking problem. On the one hand, it could be said that the idea of state-run brothels seem strange to some, on the other, outlawing and dissolving state run brothels may lead traffickers and victims to underground even more, is another side of the argument. According to Kahvecioğlu (2016), restrictions and shutting down the state-run brothels seem to lead to the increase in the number of illegal foreign sex workers in recent years.

It is also the case that more than one thousand women from various countries such as Moldova, Belarus and Ukraine work in nightclubs in North Cyprus (the area controlled by Turkish authorities). It is reported that some of the workers who registered as barmaids involved or forced into sex work. Recent years witnessed a series of measures taken by the North Cyprus government to control the nightclubs that employ foreign women as barmaids and some of them were shut down due to forced sex work allegations (U.S. Department of State, 2018).

MEASURES AGAINST SEX TRAFFICKING IN TURKEY

The U. S State Department ranking system shows that Turkey is ranked as a *Tier 2* country, which indicates that although Turkey is making significant efforts to prevent human trafficking, it does not fully comply with the *Trafficking Victims Protection Act* minimum standards (United States Department of State, 2018). The Stop Sex Trafficking of Children and Young People initiative (ECPAT, 2011) stated that Turkey is one of the countries, which is undertaking a limited set of measures to prevent sex trafficking of children and young people.

The Ministry of Foreign Affairs (MFA) in Turkey issued two reports

annually in 2006 and 2007 (last available reports) entitled “Report on Combating Human Trafficking” (MFA, 2018). These reports describe the measures, which were taken by the Turkish government in order to prevent human trafficking. The measures can be divided in-to four categories: legal measures, administrative regulations, regulations relating to victim assistance, and international cooperation.

As for the legal measures, Article 80 in the new criminal code, which was introduced into the legal system in 2005, declares that traffickers can be sentenced to eight to twelve years. Furthermore, forced prostitution is included in the definition of trafficking in human beings (MFA, 2018). Turkey signed the Council of Europe Convention on Action against Trafficking in Human Beings in 2009 and became a party in 2016. The National Task Force is established to combat human trafficking in 2002 and two action plans were developed by the Force since then. After the last meeting of The Force in 2014, “The Coordination Commission on Combating Human Trafficking” was established.

According to Ministry of Foreign Affairs statement, necessary regulations made in in the Turkish Penal Code and Law on the Work Permits for Foreigners and the Turkish Nationality Law to fight human trafficking. Article 80 of Turkey’s Penal Code prohibits both sex and labour trafficking and Article 227 prescribes penalties up to 10 years’ imprisonment for facilitation of child prostitution.

Lastly “Law on Foreigners and International Protection” and “Combatting Human Trafficking and Protection of Victims Regulation” define human trafficking and provide detailed explanation of residence permit can be issued for the victims up to three years (MFA, 2018).

In terms of administrative regulations, Turkish state established an institution for migrants adopting the new developments in the region,. The Directorate General for Migration Management (DGMM) was established under the Ministry of Interior. According to official numbers, there are more than 3.6 million refugees in Turkey. In parallel with human flow to Turkey, human trafficking cases to Central European countries increased significantly (UNODC, 2016).

Apart from the rights and facilities established for Syrian migrants, shelters were provided for the victims of human trafficking in Istanbul and Ankara. An even more important step was taken in 2005 by establishing an emergency hot line, which can operate in Russian, Romanian, English and Turkish languages (MFA, 2018). This hot-line aims to help sex trafficking victims when they manage to call this number, officers can help the victims and take them out of the circle. This step was also praised by the United States Department of State in 2011 Trafficking in Persons Report- Turkey and in the ECPAT 2011 report (United States Department of State, 2011; ECPAT, 2011). On the other hand, the same reports criticise Turkey for not funding the shelters for victims of human trafficking, which resulted in one of the shelter's shutting down in 2010. Another important step was taken to help the victims of human trafficking by exempting them from any charge or penalty in the case of returning to their country of origin. Finally, 'Fighting Against Trafficking in

Human Beings' brochures were prepared in Russian and in English and distributed in main cities in Turkey to raise the awareness and reach the victims of human trafficking.

As for the rehabilitation of the victims of human trafficking victims, 'Humanitarian visa and short term residence permits' are issued for the victims to stay in Turkey legally during the rehabilitation period. Free medical care, psychological, judicial and medical counselling services are granted for the victims under the monitor of the newly established Directorate General for Migration Management.

MFA (2018) states: "Turkey participates in and supports the activities, carried out by the UN, the OSCE, the NATO, the European Union, the Council of Europe, the Black Sea Economic Cooperation and the Stability Pact, in the field of fighting against THB". Turkey signed Protocols with the states that are exposed to the problem of sex trafficking, including Belarus, Moldova and Ukraine, and with the International Centre for Migration Policy Development (ICMPD). The Turkish Ministry of Interior carried out a project entitled "The Project of Strengthening Institutions in the Fight Against Trafficking in Human Beings" since January 2006, in the context of the EU-Turkey Financial Assistance 2003 Program. However, critiques claim that Turkey's international cooperation is insufficient due to the fact that Turkey has not ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation. Moreover, MFA's statement regarding Turkey's international cooperation in the fight against human trafficking seems far from convincing since it does not give any statistics or any achievements in terms of outcomes of the international efforts.

The United States Department of State recommends that Turkey penalize internal trafficking, increase efforts to identify potential victims, and fund NGO's which work closely with municipalities in Turkey (United States Department of State, 2011). Moreover, the ECPAT (2011) report suggests that Turkey should increase its efforts to raise awareness on trafficking and train professionals to help traumatised victims of sex trafficking. Moreover, it is stated that medical services should be improved for victims of sex trafficking and shelters which run by NGOs need to get better funding from the government (ECPAT, 2011). Furthermore, Turkey's efforts should also address socio-cultural structure that allows traffickers to operate in Turkey. It might be as effective as legal instruments that raising public awareness of sex trafficking and its effects on local people as well as victims can help Turkish state in terms of prevention and protection of victims.

CONCLUSION

In conclusion, sex trafficking victims are usually in desperate conditions where poverty, crime, wars, and internal conflicts force the victims to sacrifice many including their own body for the sake of better life promises. Combating human trafficking in general requires global action that takes an equal distribution

of wealth, justice, human rights into consideration globally. It is clear that it is not an independent problem, it is rather a consequence of many more conditions that leave victims in such defenseless positions. Turkey as a transit country in between the Middle East, Africa, and Europe, is exposed to trafficking more than ever after the conflicts in Syria and neighbouring countries. Apart from global actions that needed to be taken, Turkey may put the effort in legislation that punishes not only traffickers but also the abusers of illegal sex workers. It is also significant that public awareness of illegal sex work and workers must be raised. As long as the underlying cultural structure that legitimize taking women as second and third wives in exchange for money or goods remains unchanged, sex trafficking problem may continue especially amongst Syrian migrant population in Turkey.

Although the Turkish state takes important steps to combat the sex trafficking problem, lack of commitment and inadequate funding are some of the problems faced by the state. It is argued that increasing cooperation with UNODC and other international organizations such as IOM may assist the Turkish state's fight against this crime. However, Turkey's effort to combat trafficking will have little impact since the extensive nature of sex trafficking requires global, international action, which will address not only national issues but also international socio-economic problems.

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