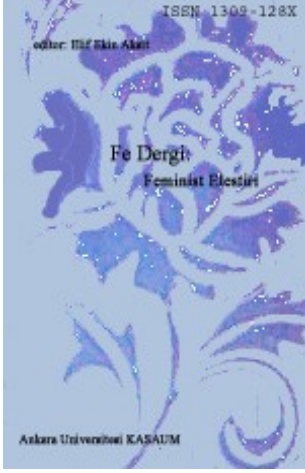


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Human trafficking in Turkey: A feminist analysis

Ceren Baykotan*

Human trafficking has grown into a global issue especially after the dissolution of the Soviet Union. Due to its geographical position and economic situation Turkey is both a destination and transit country for victims of human trafficking. Human trafficking mostly emanates from sexual exploitation of women in Turkey. In the study transnational sex trafficking of women in Turkey and Turkey's counter trafficking policy is analyzed from a feminist perspective under three titles- legalizing prostitution, tightening the borders and victim protection, and prosecution of traffickers. Feminism suggests a counter trafficking policy focused on victim's perspective however it cannot offer a universally valid formula. As every country Turkey has its own economical, social and cultural conditions which it should consider while building a victim oriented anti-trafficking policy.

Keywords: Human trafficking, Women, Sexual Exploitation, Feminism and Turkey.

Türkiye'de insan ticareti: Feminist bir analiz

İnsan ticareti özellikle Sovyetler Birliği'nin yıkılmasından sonra dünyada büyüyen önemli bir küresel sorun haline gelmiştir. Türkiye insan ticareti bağlamında coğrafi konumu ve ekonomik durumu nedeniyle hem transit hem de hedef ülke konumundadır. Türkiye'de insan ticareti daha çok kadınların cinsel istismar amacıyla sömürülmeleri şeklinde gerçekleşmektedir. Çalışmada Türkiye'deki cinsel istismar amacıyla yapılan uluslararası kadın ticareti ve devletin insan ticareti ile mücadele politikası, seks işçiliğinin yasallaşması, sınır kontrolü ve mağdurları koruma ve tacirlerin yasal takibatı başlıkları altında feminist bir bakış açısından analiz edilmiştir. Feminizm, toplumsal cinsiyet odaklı bakış açısıyla mağdur odaklı bir insan ticaretiyle mücadele politikası öngörmektedir fakat dünyaca geçerli bir formül sunamamaktadır. Her ülke gibi Türkiye kendine has ekonomik, sosyal ve kültürel koşullara sahip olduğu için mağdur odaklı insan ticareti politikası oluştururken bu koşullarını göz önünde bulundurmalıdır.

Anahtar Sözcükler: İnsan ticareti, Kadın, Cinsel İstismar, Feminizm ve Türkiye.

Introduction

Human trafficking has become an important international problem especially since the collapse of the Soviet Union but it is not a new phenomenon. It has been on the world agenda since the beginning of the 20th century. The first international attempt to control human trafficking was the "International Agreement for the Suppression of the White Slave Traffic" signed in 1904 followed by conventions in 1910, 1921 and 1933. However the international consensus about the definition of human trafficking was reached only in 2000 with the adoption of United Nations Convention against Transnational Organised Crime and its three Optional Protocols- the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. In the Article 3 of the protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children trafficking is defined as:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.¹

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Human trafficking can be domestic as well as transnational and there are many types of and factors for human trafficking like sexual exploitation, forced labor or services, slavery, servitude, child adoption, forced marriages and removal of organs. However, trafficking for the purpose of sexual exploitation is on the front burner. One of the reasons for that is that it is currently most widely recognized form of human trafficking since it seems to be most profitable for traffickers and the most physically and emotionally damaging for the victim.² A second reason is that “the singular focus on trafficking in women for sexual exploitation is due in part to media sensationalism of a “sexy” topic.”³ Another reason is that sex trade rates are tended to be overrepresented in statistics on human trafficking which may be deceptive and gets the attention on sex trafficking. For example in Thailand men are not included in the human trafficking statistics for they cannot qualify as trafficking victims according to the country’s national law.⁴

Trafficking of women for sexual exploitation is an academically controversial issue as well as a sensational one mentioned above. Matters like security of the state, legalizing of prostitution and victims’ rights have been discussed by many theoreticians. Among them feminists’ approaches are significant as they derive from women’s point of view. Feminists prioritize women’s interests while asserting their claims about human trafficking. In a feminist counter trafficking policy trafficked persons are decriminalized regardless of their immigration status and recognized as victims and survivors. Traffickers and public officials who are involved in trafficking and related activities are criminalized. Trafficked persons are consulted with during the process of the formulation, implementation and monitoring of laws.⁵

In this study transnational human trafficking of women for sexual exploitation in Turkey is analyzed by a feminist point of view. As a transit, source, and destination nexus for immigration, Turkey is vulnerable regarding human trafficking.⁶ After the collapse of the Soviet Union, Turkey has attracted many people from the former Soviet Union countries as a land of job opportunity. Especially women who have looked for jobs which they could not find due to the economic situation in their countries have been the victims of sex trafficking. The analysis is done under three main titles which are the issue of legalizing prostitution, tightening the borders and victim protection, and prosecution of traffickers. Under each title the feminist point of view is explained and then the situation in Turkey is analyzed to put forward if Turkey follows a feminist policy on fighting against transnational sex trafficking of women.

Legalizing Prostitution

Discussions on legalizing of prostitution in feminism generally focus on two main opposite views which are abolitionists, who are against the concept of prostitution and state regulation of it and argue that the elimination of prostitution will stop the need for sex trafficking and promote gender equality,⁷ and its critics. Abolitionists see no distinction between forced and voluntary prostitution. According to their views prostitution cannot be a free choice as it is always a form of violence against women and reduces women to sex objects.⁸ Critics argue that elimination of prostitution does not end sex trafficking however; legalization of it protects migrant workers’ rights and reduces sex workers risks to the dangers of trafficking. They make a distinction between voluntary and forced prostitution by stating the right of women to make choices in their lives. To sum up the views of different feminisms on legalizing prostitution; while radical, socialist and Marxist feminism are against decriminalizing prostitution and for eradicating prostitution, on the other hand existentialist and liberal feminism are for decriminalizing prostitution and against eradicating prostitution. Other than these liberal feminism which supports freedom with moral constraints claims that decriminalization of prostitution should be on qualified terms and prostitution cannot be eradicated as it is a civil right but should not be encouraged either.⁹

There are three main legislative approaches towards prostitution implemented internationally which are criminalization, legalization and decriminalization. Criminalization makes prostitution illegal and it aims to reduce or eliminate the sex industry. There are two forms of it. First is prohibitionist criminalization where all forms of prostitution are unacceptable and therefore illegal. In the USA and countries in the Middle East this approach is taken. Second is abolitionist criminalization which is a modified form of prohibition which allows the sale of sex, but bans all related activities. This approach is seen in England and Canada. Legalization is where prostitution is controlled by government and is legal only under certain state specified conditions. In the Netherlands, Germany, Iceland, Switzerland, Austria, Denmark, Greece, Turkey, Senegal, the USA state of Nevada, and many Australian states (Victoria, Queensland, ACT and Northern Territory) prostitution has been legalized. Decriminalization is repeal of all laws against prostitution, or the removal of provisions that criminalized all aspects of prostitution. In decriminalization there is a distinction between voluntary prostitution

and prostitution which involves either force and coercion or child prostitution – the latter remaining criminal.¹⁰ New Zealand decriminalized prostitution in 2003. The effects of the law are controversial. Although the number of sex workers has not increased and their conditions have improved since legislation decriminalizing prostitution became law in 2003 according to the official data,¹¹ there are criticisms about the law indicating its negative effects like increase in human trafficking and street prostitution.

A special case is Sweden which has a different approach to criminalization. It is the first and only country criminalized buyers of sex rather than sex workers. “The aim was to end prostitution, rather than regulate it – since it was viewed as violence against women and a barrier to gender equality.”¹² This approach is based on radical feminism’s views on prostitution. There are many criticisms against this approach. Dodillet and Östergren says that the number of people selling sex on the streets has been reduced after the law in 1999 but this does not mean that prostitution overall has been reduced. Sex workers and clients have begun using other means like mobile phones, internet, making contact in restaurants, bars and hotels to find each other.¹³ Also as sex workers go underground they are more exposed to danger. Finding safe places to work is harder and time for picking up clients is limited. It is likely to find clients who are not afraid of the law and have tendency to use violence.¹⁴ Additionally Dodillet and Östergren criticize the ban for not having a significant and provable effect on reducing trafficking for sexual purposes.¹⁵

Feminism’s prioritizing women is very important on deciding which legislation approach towards prostitution to take however feminism cannot offer a universally valid formula about it as it involves many different ideas on prostitution itself and every society’s structure is different. Therefore in the process of law making each society’s own economical, social and cultural conditions should be considered while not abandoning feminism.

Situation in Turkey

Prostitution has been legalized and regulated in Turkey. The regulation only allows women who have Turkish citizenship to perform sex work in state-licensed brothels. This means unlicensed prostitution, any other form of prostitution including street work and foreigners’ performing prostitution are prohibited.

After the collapse of the Soviet Union, Turkey has received increasing numbers of immigrants from former Soviet Union and Eastern Europe countries. Many women came to Turkey to seek for job opportunities. At first “suitcase trade” was their major occupation however when this activity was not profitable any more, women look to sex work to sustain themselves. Some of these women have become open to danger of being trafficked. Today trafficked women are still mostly from these countries. Top ten countries where trafficking victims in Turkey originate are Moldova, Russian Federation, Ukraine, Kyrgyzstan, Azerbaijan, Georgia, Uzbekistan, Turkmenistan, Romania, and Kazakhstan.¹⁶ Victims usually come from poor economic conditions. They are either unemployed or working in the lowest paid and least secure jobs. Additionally they come from patriarchal societies where there are gender based hierarchies, division of labor and distribution of property in the family which makes them secondary in the society.¹⁷ Within these conditions women decide to immigrate to find better jobs and reduce the society’s pressure on them.

Women mostly migrate to Turkey with the intention to do domestic work- cleaning, caring for old or disabled people and babysitting. Migration is organized through middlemen, who are usually women’s relatives, friends or neighbors. They get in contact with women and mention about the false domestic work abroad where they can earn a good amount of money comparing to their low income in their home countries. Women learn the reality when they arrive in Turkey which is they are brought by middlemen for sex work and are victims of trafficking. Some foreign women have a different way to become victims. They really start doing domestic work but after some time they leave their jobs to do sex work which they believe will provide higher income and victims of sex trafficking while they are doing sex work.¹⁸ We see that domestic work sector plays a role in sex trafficking in Turkey. Women are preferred in domestic work sector as workers because of the gender based division of labor in the society. It is a fact that starting with 1980s hiring foreign women for domestic work became popular. Today women who are employed in domestic work in Turkey are mostly from post-Soviet countries. These women commonly do undeclared work and adapt to flexible working hours. They are likely to be vulnerable to exploitation and psychological and sexual abuse.¹⁹

During their victimization women are kept in a house and their passports are taken. One of the techniques to keep women in the business is debt bondage. When they first arrive in Turkey, victims may be charged with debt up to 6000 U.S. dollars for visa expenses, flight tickets, passport, fees paid at the borders,

travel expenses, bribery if given. To pay their debt immediately and gain some money for themselves afterwards, women agree to work harder. However, they cannot pay their debts no matter how hard they work as they are burdened with debts by traffickers continually. In this case debt bondage has become an ongoing pressure tool on victims.²⁰ Another technique is to give a small share of the profit to the victims and allow them to go shopping and make a phone call which makes victims to think that things may get better in time. Therefore they continue to live the life their traffickers offer them instead of reporting them to the security forces.²¹

Also victims may have their own reasons to stay in the business. They usually do not want their families, friends or neighborhood to learn that they did sex work in Turkey because when they go back they will have to bear the pressure coming from the patriarchal environment they will live in. Even if they were forced to do sex work, victims feel shame for it and avoid asking help from their families and friends in their countries. In the end they become more dependent on the traffickers to not to reveal themselves. This results from the patriarchal structure in their countries and families which has a control on women's body and sexuality.²²

Traditional norms in Turkey which restrict sexual desire are important to create demand for foreign sex workers. Women are attributed traditional norms as wives and mothers in the society and they cannot be seen as sexual objects. Foreign sex workers cannot resist clients' different sexual demands as they are under pressure and violence of middlemen therefore they are more preferable as sexual partners.²³ In Özer's interviews one victim mentions this. When she asked her previous client why he would go to those special houses to have sex with other women while he had a wife, he answered that his wife covered her head and prayed five times in a day (this indicates the wife's being traditional) and was not good at sex therefore he would go to those houses.²⁴

In its 2013 Trafficking in Persons Report, the U.S. Department of State remarks that when prostitution is illegal traffickers can convince their victims that police will arrest them for breaking the law and make them lie to the authorities.²⁵ This can be seen in Turkey too. In Özer's interviews we learn that one of the victims tried to get help for escaping. When her pimp heard this he threatened the victim that nothing would happen to him as he would give the police bribe. She would be the harmed one because the police would take her to the foreigners department-in this case deportation would occur- and she would be without any money.²⁶ The fear of being caught and deported by the police makes many victims to give up or postpone the idea of escaping.

The situation of the victims in Turkey shows that gender inequality in societies heightens the risk of women's victimhood. Women and girls' access to the opportunities are limited and they are secondary because of the values in society and these make them vulnerable to human trafficking.²⁷ Also patriarchal structure of the society, the traditional roles as wives and mother attributed to women in the family, undeclared work where women workers are preferred and the perception of foreign women in the society are the factors which affect sex trafficking in Turkey. Without considering these factors making laws about prostitution will be wrong and neglect abuse of women. Therefore Turkey should take a case oriented approach while regulating prostitution law. As in the U.S. Department of State's Trafficking in Persons Report 2013 is emphasized "the occurrence of trafficking does not depend on the legality of prostitution; it exists whether prostitution is legal, illegal, or decriminalized."²⁸ Prostitution will end only in an egalitarian and emancipatory society where women's position is strengthened. Without these conditions, banning working areas of sex workers will restrict their choices and lead them to live in harder and more abusive conditions. When legal regulations for prostitution are prohibitive or when regulations are not implemented adequately, prostitution goes underground and opportunities occur for organized crime groups.²⁹ This is clearly seen in the case of sex trafficking in Turkey.

Tightening the Borders and Victim Protection

States tighten their borders in order to protect themselves from illegal entries of people and the problems that they may cause. This is a generally accepted security policy by states which can be referred as traditional security approach. In this approach, traffickers as well as with undocumented migrants are seen as threats to states security. To provide their security, states tighten their borders against migrants and involve in international law enforcement cooperation.³⁰

Feminists challenge this traditional security approach. Their security referent is people instead of states. In human trafficking problem, they implement this view; individuals' security comes first. When counter trafficking focus primarily on border control policies as in the traditional security approach, trafficked people are seen as criminals rather than victims which threatens the human rights of the trafficking victims. This may also cause victims being re-trafficked when they are deported upon being seen as threats and return to their countries.³¹ For feminists the security threats are traffickers, border patrol and law enforcement officials and

abusive employers and clients. Feminists suggest the broadening and modification of security concept for the nation state. More attention should be given to vulnerable groups including women and minors and they should be protected against the risk of being trafficked. While building a counter trafficking policy, emphasis should be on the victim's perspective. By this way victims will not be marginalized and can be brought into the policy arena as human beings and not as under the terms "illegal immigrants", "potential criminals" and the like. Counter trafficking policies include social services, human rights, safe migration and worker protections and attention to status of prostitution for preventing these threats.³² If states build their policies considering these notions, trafficking victims will not experience additional traumatic events by the hands of the host countries after their traffickers.

States tightens the borders with the aim of stop trafficking. However, it is controversial whether tightening the borders really achieves its goal. Feingold says it is a wrong assumption to expect that tightening borders will end trafficking. He states that global tightening of asylum admissions has caused increasing trafficking as many people turn to smugglers. He gives the example of a Burmese regulation which does not allow women under 26 to visit border areas without company of a husband or parent. Although the law aimed to prevent trafficking of women, it turned out that the law made women, who do not have a company, more vulnerable to exploitation along the way as they have to give bribe to the police and depend on facilitators who move them across the border.³³ Also banning or restricting women's mobility on the assumption that if women who do not move, they are protected from being trafficked leads to controlling women rather than empowering them and helping them to deal with oppressive environment.³⁴

Bort asserts:

If there is a connection between illegal migration and organized crime, it is human trafficking. And human trafficking is a consequence not of open borders, but of closed borders. By tightening border control, would-be refugees are driven into the arms of organized human smugglers.³⁵

The outcome of tightening borders by states is generally deporting trafficking victims. The fear of deportation stops victims from reporting crimes to the authorities. In the U.S. fear of deportation and family separation has lead many women to remain silent about the abuse and exploitation in the workplace. The scarce distribution of T visas which are for survivors of labor or sex trafficking leave victims helpless.³⁶

From the feminist perspective deportation is not a solution although it is an easy way to get someone out of the country it doesn't have a productive outcome. Sometimes victims express an inability or unwillingness to return their countries because of fear of persecution or threats to their life or freedom. In this case they should be referred to asylum procedures or to other specific protection mechanisms. Application for a longer stay in the country of destination or permission to move to a third country, if the victim desires should be considered.³⁷ If the victim chooses to go back home then the reintegration process should be secured. However, this is the rarest policy followed by the states today.³⁸ Today the support offered to the victims of human trafficking is still very limited worldwide. Few victims are identified and fewer victims want to testify against their traffickers. Neither in source nor in destination countries are opportunities offered to victims therefore they have to go back to the same poverty, despair and inequality environment.³⁹

Situation in Turkey

Turkey's counter trafficking reform has started in 2002 with counter trafficking program implemented in 2002-2010 after it came under UN Convention against Transnational Organized Crime and its supplementary Protocols. Under the program free health services for trafficked persons in 2003 were started, shelters for trafficked women were opened, a helpline was established to rescue trafficked persons, and public awareness campaigns were raised focused on media prejudices towards women from former Soviet Union countries. Turkey left its practice of dumping trafficking victims after counter trafficking program implemented in 2002.⁴⁰ In the U.S. Department of State's Trafficking in Persons Report 2013 it is remarked that "there were no reports of victims being detained or fined for acts committed as a direct result of their trafficking" in the last year; however "weak victim protection mechanisms left potential victims at risk of deportation."⁴¹ Turkey provides a six-month residence permit for trafficked persons, by autumn of 2013 only forty-five persons have applied for this residence since 2004, other victims preferred to return to their home countries. Victims mostly return to the same or even worse conditions before being trafficked if no support is provided them after their return.

The low social and economic status of women in many countries further diminishes their chances of

participating in normal professional and civil life and limits their access to the necessary resources to fend for themselves. In many cultures a daughter is expected to take care of her parents. Women who return without the money they were expected to earn during their promised employment away from home may be subject to feelings of profound guilt and shame. They may be exposed to reproach, punishment and retaliation by members of the family for having dishonoured the family, particularly in cases where the family paid money to arrange the alleged job opportunity.⁴²

This situation is seen among trafficked women in Turkey. In Özer's book we see that all of the victims interviewed are ashamed of going back home without any money and causing disappointment in their families and children who expect them to earn money in Turkey and buy a house or a car in their countries or at least bring some presents.⁴³

After victim identification psychological, legal, medical, and social assistance is limited and has problems in Turkey. NGOs have a significant role in assisting in victims but their efforts are not enough without government's support and victim oriented policies. Human Resource Development Foundation (HRDF) started the anti-trafficking activities in 2003 and is the first NGO in Turkey that introduced anti trafficking work to the civil society sector. HRDF has a victim assistance program which provides psychological counseling, accommodation, translation assistance and covering of urgent needs. Organizations such as Foundation for Women's Solidarity, Purple Roof, Antalya Family Counseling Foundation and Antalya Woman Counseling and Solidarity Foundation also carry on projects on human trafficking. HRDF established the first shelter for victims of trafficking at the end of 2004 in Istanbul. Also Foundation for Women's Solidarity provided a shelter for victims in Ankara. However shelters had to be closed due to lack of funding.

Free health service, which entered into force with the Ministry of Health circular in 2004, has problems in practice. Victims of sex trafficking are under risk of catching sexually transmitted diseases including HIV/AIDS and having unwanted pregnancy due to unprotected sex with clients as many clients do not want to use condoms and victims cannot object it.⁴⁴ For example in Özer's interviews one of the victims tells her story about how she had an unwanted pregnancy and wanted to end it. She claims she was exposed to psychological violence by the health personnel in a public hospital when she went there for abortion. They wanted her to prove her marital status because according to the circular of the Ministry of Health if victim is married, her husband's permission is obligatory for abortion. As victim's passport was taken by traffickers she could not prove her identity and marital status. Besides she was accused of stealing Turkish women's husbands by performing sex work.⁴⁵ This is a good example to show untrained health personnel as to the crime of human trafficking and how wrong the circular about abortion is. It also reveals the "Natasha" perception of foreign women in Turkish society which is equated with a sex worker. The Natasha issue has provoked much societal debate on the sanctity of the family and caused stress between husbands and wives.⁴⁶

Regarding the tightening of borders, Özer emphasizes the negative effects of migration policies on female migrants. For example in Uzbekistan citizens have to pay for getting a special visa to leave the country. Many trafficked women from Uzbekistan go to Turkey without having this visa through illegal ways. When these women consider escaping from their traffickers they hesitate to do so since they are scared of being punished for leaving the country illegally on their return to Uzbekistan. Moreover Turkey's migration policy, which makes it harder to receive visa, residence and work permit for foreigners coming from non-Western countries, causes women to be dependent on middlemen during their migration process and to go underground.⁴⁷ This leads trafficked women not to go to the authorities to escape from their victimhood as they are scared to be deported. The situation shows that tightening the borders without considering social factors and taking precaution against them does not prevent human trafficking on the contrary it may increase it.⁴⁸

Prosecution of Traffickers

Prosecution of traffickers is a necessary procedure to fight against human trafficking. However, to build a policy focused on victim's perspective as feminists suggest, how victims are affected during their traffickers' prosecution should be considered. Victims should be ensured legal and other assistance during prosecution process.⁴⁹

Victims may play an important role during the prosecution of their traffickers through their cooperation with authorities. However not all victims have information to share with the authorities especially if they are under strict control they may not know enough about the organization of the crime they are part of. And not all

victims would gain benefits from giving information if they or their families get serious threats from their traffickers. Moreover police may be reluctant to investigate the events with uncertain outcomes and difficult access to evidence. For example in these cases tying assistance as a residence permit to cooperation with authorities which some states do may exclude groups of victims from protection in the destination country.⁵⁰ Feminists find tying victim protection and assistance to cooperation with authorities flawed from a human rights perspective. By tying victim protection and assistance to cooperation with authorities, the needs of the victims are subordinated to the security needs of the state.⁵¹

Brunovskis puts forward two recommendations to strike the balance between protection and prosecution. Firstly states should see themselves responsible to protect individuals exploited in their territory and find solutions that would not make victims to cooperate with authorities to get protection. Secondly as in the Article 13 of Council of Europe Convention on Action against Trafficking in Human Beings combined solutions or multi-path designs may compromise the needs to protect victims and prosecute traffickers.⁵²

Situation in Turkey

In Turkey human trafficking is described as a crime in the Article 80 of the Criminal Code which was put into force in 2005 and foreseen sentences to eight to twelve years of imprisonment to judicial fines up to an amount corresponding to ten thousand days. The U.S. Department of State 2013 report says that Turkish government showed significant improvements in its efforts to convict and sentence traffickers. During the period of January through September 2012, new investigations of 505 trafficking suspects were started. 226 defendants were prosecuted under Article 80 in the first three quarters of 2012. Forty-seven trafficking offenders were convicted under Article 80 and sentenced them to prison terms ranging from seven to twenty-one years.⁵³ The same report states that Turkish government did not have any policies to encourage trafficking victims to participate in the prosecution of traffickers. Although the government asserts that it encouraged victims to participate in criminal proceedings against their traffickers, it was observed that courts did not let victims to be accompanied by advocates and therefore victims received threats by defendants.⁵⁴ This lack of policy of Turkish government's causes disruption in the prosecution process. Renk and Demir states victims want to return to their countries immediately and are usually reluctant to testify against perpetrators. Human trafficking is a crime which is hard to gather evidence for therefore victims' testimony is significant for prosecution of traffickers. Besides when victims do not testify, they cannot be participants during the prosecution thus they do not have a right to go for an appeal.⁵⁵

Many victims refuse to give statements against their traffickers with fear of putting their loved ones in danger in their home countries. In this case statements taken by a female psychologist proves to achieve better results than those taken by members of security forces since training members of the security forces in the fields of victim psychology and communication techniques can only achieve a certain level of knowledge and victims tend to assume that security forces are trying to deceive them. A public prosecutor states that traffickers threaten victims by saying that they know all police officers and if victims give statements against them police will surrender the victims to the traffickers. In these cases psychologist support is significant. Also unless a victim show hostile behavior to people from her gender, interviews made by female officials give better results.⁵⁶

Turkish legal system in regard to the prosecution of human traffickers has many flaws. The number of police who do operation against traffickers and state attorneys and judges who are expert on human trafficking cases is the insufficient. Most of the lawsuits brought against traffickers end in acquittal. Also some cases are not regarded as related with human trafficking, are misinterpreted and judged under Article 227 of the Criminal Code,⁵⁷ which regulates penalizing prostitution, instead. Although the rate of acquittals for trafficking defendants has been reduced recently, many traffickers were convicted of lesser crimes with more lenient sentences.⁵⁸ Today human trafficking crime is committed individually which is different than the crime was committed by organized groups in the past. Therefore security forces are not permitted to conduct technical surveillance by judicial authorities as the individual traffickers in a particular territory are not governed by a strict hierarchy. This leads traffickers to refrain from heavy criminal punishments defined for organized crime. They get sentenced within the framework of instigation to prostitution and procurement; crimes require lighter punishments than human trafficking.⁵⁹

Turkey started to provide a thirty-day residence permit for potential trafficking victims for recovery and deciding whether to cooperate with authorities in April 2013 with the Article 48 of Law No. 6458 on Foreigners and International Protection. This permit can be renewable for six-month periods up to three years depending on

the safety, health or special conditions of the victim. The law seems to tie residence permit to victim's cooperation with the authorities because victims may feel themselves obliged to cooperate with authorities to renew their residence permit. However the inability to keep victim's identity confidential after the victim decides to make official complaint against the traffickers⁶⁰ poses a threat to victims' safety.

During the prosecution process victims are provided limited support. The need to have trained personnel who will concern victims' psychology and protective laws which will ease their concerns about their own and families safety is significant. Some victims' families left in their home countries are looked after by traffickers while they are doing sex work in Turkey. If these victims testify against their traffickers, their lives will be in danger as well as their families'. How can they go back to their countries and lead a secure and safe life after the testimony? This question prevents many victims to testify against their traffickers and cause traffickers not to be punished and sex trafficking crime to continue.

Conclusion

In this study transnational sex trafficking in Turkey and Turkey's counter trafficking policy towards transnational sex trafficking was analyzed from a feminist perspective. As every country Turkey has its own economical, social and cultural conditions which bring the need to build a case oriented anti-trafficking policy as well as a victim oriented one.

In Turkish society patriarchal culture is in power. Women are still attributed traditional roles as wives and mothers. The division of labor is gender based. Besides nationals, foreign women are abused in domestic work sector. The view towards foreign women in the society is also flawed. Foreign women are usually seen as easy and have no moral values therefore it is more acceptable for men to exploit them sexually. Even if they are victims of sexual exploitation, they may be approached with suspicion by the society and authorities and their victimhood may be questioned. Additionally foreign women who are victims of sex trafficking in Turkey come from patriarchal societies and poor economical and social conditions which put them in secondary status. The situation shows the gender inequality in both source countries where women come from and destination country, Turkey.

Trafficking is a form of gender based violence against women. Acceptance and approval of a male dominant society makes the abuse of women and children by men acceptable. When this behavior is not punished, the acceptance is strengthened.⁶¹ Without promoting gender equality in the society, anti-trafficking policies of countries will not be successful. The Council of Europe Convention on Action against Trafficking in Human Beings, which Turkey signed in 2009, also emphasizes the eliminating gender equality in societies to prevent human trafficking. As well as revising its counter trafficking policy by considering its and victims' own conditions, Turkey should do its share by eliminating gender inequality in the society to prevent sex trafficking of women to its borders.

- ¹ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000), Article 3.
- ² International Organisation for Migration. *The IOM Handbook on Direct Assistance for Victims of Trafficking*. (Geneva, IOM, 2007), 25.
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