

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Türkiye - 2021

*THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY
LABOUR Protocol of 2014 P029 to the Forced Labour Convention*

REPORTING

Fulfillment of Government's reporting obligations

p29 Fulfillment of Government's reporting obligations

Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

a) The most representative employers organizations? b) The most representative workers organizations? c) The competent authorities?

92. To which employers organizations was the report sent? [12] Please provide the list

Turkish Confederation of Employer Associations (TİSK)

93. To which workers organizations was the report sent? [13] Please provide the list

- Confederation of Turkish Trade Unions (TÜRKiŞ), - Confederation of Real Trade Unions of Turkey (HAK-İŞ), - Confederation of Progressive Trade Unions of Turkey (DİSK), - Confederation of Public Servants' Unions (MEMUR-SEN), - Confederation of Turkish Public Employees' Union (TÜRKiYE KAMU-SEN), -Confederation of Public Employees' Unions (KESK).

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| <p>94. Please describe the consultation process(es). [10.2]</p> | <p>After its completion, a copy of this report has also been sent to the above-mentioned employers' and workers' organizations.</p> |
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OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

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| <p>83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]</p> | <p>Yes</p> |
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| <p>84. Please provide details and provide any relevant URL(s) [6.2]</p> | <p>The most representative employers' and workers' organizations are requested in writing to provide their comments on the issues referred to in the questionnaire under the last part of the Report Form. Participation of social partners (employer/worker organisations) is considered in every legislative process regarding to labour and employment.</p> |
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| <p>95. Did employers organizations comment on the report? [11a]</p> | <p>No</p> |
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Workers' organizations

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| <p>83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]</p> | <p>Yes</p> |
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| <p>84. Please provide details and provide any relevant URL(s) [6.2]</p> | <p>The most representative employers' and workers' organizations are requested in writing to provide their comments on the issues referred to in the questionnaire under the last part of the Report Form. Participation of social partners (employer/worker organisations) is considered in every legislative process regarding to labour and employment.</p> |
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| 96. Did workers organizations comment on the report? [11b] | No |
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EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

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| 61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol? | No information |
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Existence of a policy and or plan of action for the suppression of forced or compulsory labour

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| 63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1] | Yes |
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| 65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3] | During the preparation and adoption stages of the above-mentioned laws the relevant stakeholders have been consulted. When preparing draft laws to be submitted to the Parliament, the Ministries invite the relevant stakeholders to provide their views. Non-governmental organizations, including employers' and workers' organizations can also participate actively in the legislative work of the relevant parliamentary committees during the law making process. |
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| 68. Is there a national policy and plan of action setting out measures and | Yes |
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specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]

69. Please describe these measures. [1.5]

National legislation works have been carried out in accordance with many international legislations, especially the Palermo Protocol dated 2000 and the Council of Europe Convention on Action against Trafficking in Human Beings dated 2005. Firstly, the crime of human trafficking was defined in Turkish legislation, namely in the Turkish Criminal Code dated 2002. Essential regulations on combating human trafficking and protection of victims are laid down in the Foreigners and International Protection Law No. 6458 and the Regulation on Combating Human Trafficking and the Protection of Victims in order to ensure uniformity in practice and to determine the procedure to work in the works and transactions to be carried out. Determination and identification procedures are carried out by the provincial migration experts in our Provincial Directorates of Migration Management (with the involvement of professional staff such as psychologists and social workers) as a result of the interviews they make with the person suspected of being victims. All countries in the world are affected by the crime of human trafficking as a source, transit or destination country. Turkey, particularly when assessed in terms of exploitation of women and children emerges as a transit and destination country. In accordance with the provisions of the Regulation on Combating Human Trafficking and Protection of Victims, physical, psychological and social support services are provided to the victims in cooperation with the relevant public institutions and organizations, taking into account their security and protection needs. Article 28 of the aforementioned Regulation guarantees the support services to be provided to the victims. Accordingly, victim

support program is provided on the basis of information and consent, taking into account the safety, health and special situation of the victim during the assessment period, investigation and prosecution stages and afterwards. The following services are provided within the scope of this program:

- Accommodation in shelters or in a safe place,
- Access to health services,
- Psycho-social support,
- Access to social services and assistance,
- Consultancy on access to legal aid and legal rights of victims,
- Guidance on access to education and training services,
- Support for vocational training and access to the labour market,
- Guidance on financial support in accordance with the provisions of the Social Assistance and Solidarity Encouragement Law,
- Access to consultancy services that can be provided by relevant non-governmental organizations and international and intergovernmental organizations,
- Translation service,
- The opportunity to provide information to the embassy or consulate of the country of which he is a citizen upon his / her consent and to meet with the authorities,
- Assistance with identification and obtaining travel documents.

The following services were provided to these victims:

- A monthly cash support of 500 TL is provided for the victims staying in shelters, and 200 TL per child, if any.
- Children accompanying the adults were enrolled in schools according to their age and education level.
- All children staying in our shelter were vaccinated within the scope of the Accelerated Vaccination Program.
- Child-friendly areas have been built in shelters.
- The victims under severe trauma were admitted to psychiatry clinics.
- Victims of infectious diseases were treated.
- Regular trainings on basic health, first aid and sexual health were given in cooperation with relevant institutions.
- Participation of the victims in education programs on access to legal aid and basic foreigners' law was ensured.
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| | <p>Participation of the victims in various vocational courses was provided. • Social activities are held regularly and support services are provided for their social adaptation.</p> |
| <p>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</p> | <p>Yes</p> |
| <p>71. Please describe these data. [1.6.1]</p> | <p>In order to combat international human trafficking, international coordination on behalf of the General Directorate of Security is carried out by the Combating Migrant Smuggling and Human Trafficking and the Department of Border Gates, and this Directorate "has become the contact point for all kinds of information-data flow. Human trafficking interviews were conducted with 2,725 suspected victims in 2019, of which 215 were identified as victims. While 195 of the identified victims are women, 31 of them are child victims. In 2020, 65 out of 79 victims identified were women, while 12 were child victims. The number of victims benefiting from victim support services was 188 in 2019 and 64 in 2020. While 35 victims were hosted in shelters in 2019, 42 victims were hosted in 2020. In 2020, 42 of the 64 victims who benefited from victim support services requested to benefit from the victim support program, while 22 of them requested their return to their country or a third country by benefiting from the voluntary and safe return program.</p> |
| <p>Measures taken or envisaged for systematic and coordinated action</p> | |
| <p>64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and</p> | <p>The main measure within the Turkish legal system is the Article 18 of the Constitution which bans every type of forced labour. Aimed at realizing the principle of effective and sustained suppression of all forms of</p> |

assessment of these measures. Please provide any relevant URL(s) [1.2]

forced or compulsory labour is determined by the relevant provisions of the Constitution, Labour Law (No.4857), Law on Foreigners and International Protection (No.6458), Penal Code (No.5237) and the related secondary legislation. The relevant legislative provisions aim to ensure the principle of effective and sustained suppression of all forms of forced or compulsory labour. In order to achieve this objective many measures are envisaged such as prevention, victim protection, access to remedies, inspection, definition of the crime, determination of penalties, detection and punishment of offenders, detection and protection of victims, determining the responsible public authorities and, determining the duties and powers of public authorities and so on. First Paragraph of Article 80 of the Turkish Penal Code (as amended on 6.12.2006 by the Act No.5560) reads that "Persons who smuggle into or out of the country, provide, kidnap, shelter or transfer from one place to another a person(s) by threat, force, coercion or violence or misconduct of power or by executing acts of enticement or taking advantage of control power on helpless persons in order to force them to work or serve for others or force them to prostitution or to subject them to the slavery conditions or to force them to give their body organs, are sentenced to imprisonment from eight years to twelve years and punished with punitive fine up to ten thousand days". Rights and obligations regarding working conditions and work environment of employers and workers are regulated by the Labour Act. In cases outside the scope of the Labour Act, provisions of the Code of Obligations apply. Although there is no provision in the labour legislation which allows forced or compulsory labour, the basis of the Law is based on the principle of freedom of contract in the formation and termination of the contract. Implementation of the

labour legislation is inspected by the labour inspectors of the Directorate for Guidance and Inspection of the Ministry of Labour and Social Security. The key authority for the effective and sustained suppression of all forms of forced or compulsory labour is the General Directorate of Labour under the Ministry of Labour and Social Security. The said General Directorate is responsible for legislative works and policies. However, as indicated above, the responsible authority for the inspection is the Directorate for Guidance and Inspection under the Ministry of Labour and Social Security. Furthermore, the General Directorate of Migration Management under the Ministry of Interior is responsible for combatting human trafficking and providing protection to the victims of forced or compulsory labour within the human trafficking process. The Law on Foreigners and International Protection (No.6458) and the Regulation Concerning Combatting Human Trafficking and Protection of Victims are two key instruments in this respect. On 05.09.2019, upon the approval of the Ministry of Interior, the Department of Combating Migrant Smuggling and Human Trafficking and the Department of Border Gates were merged and restructured under the name of the Department of Combating Migrant Smuggling and Border Gates, and it was organized in 81 Provincial Units. In order to combat more effectively against the human trafficking crime, "Combating Human Trafficking" training was provided for the personnel of the General Directorate of Security working in the provincial units in 2 periods between 31.05.2019 and 31.12.2019 for 40 personnel and in 4 periods between 01.01.2020 and 28.07.2020 for 170 personnel, in total 210 personnel.

Measures taken or envisaged to prevent forms of forced labour

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| <p>74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]</p> | <p>Yes</p> |
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| <p>75. If so, please indicate the type of measures, [2.2]</p> | <p>a) Information, education and awareness raising targeting especially people in vulnerable situation and employers, b) Strengthening and broadening of the coverage of legislation, particularly labour law</p> |
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Measures taken or envisaged to protect victims of forced labour

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| <p>76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]</p> | <p>Yes</p> |
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| <p>77. If so, please indicate the type of measures [3.2]</p> | <p>a) Training of relevant actors for identification of forced labour practices, b) Legal protection of victims, c) Material assistance for victims, d) Medical and psychological assistance for victims, e) Measures for the rehabilitation and social and professional reintegration of victims, g) Appropriate accommodation</p> |
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Measures taken or envisaged to facilitate access to remedies

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| <p>78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]</p> | <p>Yes</p> |
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| <p>79. If so, please indicate the type of measures, [4.2]</p> | <p>a) Information and counselling for victims regarding their rights, b) Free legal assistance, f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law</p> |
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| | enforcement, prosecution services and judges |
| <p>80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]</p> | Yes |
| <p>Cooperation with other Member States, international / regional organizations or NGOs</p> | |
| <p>81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]</p> | Yes |
| <p>82. Please briefly describe the modalities of this cooperation. [5.2]</p> | <p>Government cooperates with other states, international and regional organizations, or nongovernmental organizations to combat human trafficking, including trafficking in persons with the purposes of forced or compulsory labour. As a result of cooperation with regional or international institutions such as Council of Europe, ILO, IOM, several fundamental international agreements have been ratified by Turkey. "United Nations Convention against Transnational Organized Crime" and its supplementing "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol)" were approved by Turkish Parliament with the Laws No. 4800 and 4804 of 30.01.2003. Necessary legal arrangements were made within the scope of the mentioned protocol with the aim of efficient execution of the fight against human trafficking in Turkey. Other international instruments to which Turkey is</p> |

a party are as follows: -Turkey became a party to the International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children on 15 April 1937. -Turkey signed League of Nations Slavery Convention of 25 September 1926 on 14 January 1955. -International Labour Organization (ILO) Conventions No. 105 on Abolition of Forced Labour and No.29 on Forced Labour were ratified by Turkey on 29 March 1961 and 30 October 1998 respectively. -Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery came into force on 17 July 1964 in Turkey. - Turkey became a party to Convention of 18 December 1979 on the Elimination of all Forms of Discrimination against Women on 20 December 1985. -Turkey is a party to the UN Convention of the Rights of the Child since 4 April 1995. -Turkey adopted Optional protocol of 8 September 2000 to the Convention on the sale of children, child prostitution and child pornography, with the Decision of Council of Ministers No. 2002/4241 of 28 May 2002. -Turkey has also signed many Security Cooperation Agreements envisaging cooperation on fight against terrorism and organized crimes. During the preparation and adoption stages of the above-mentioned laws the relevant stakeholders have been consulted. When preparing draft laws to be submitted to the Parliament, the Ministries invite the relevant stakeholders to provide their views. Non-governmental organizations, including employers' and workers' organizations can also participate actively in the legislative work of the relevant parliamentary committees during the law making process.

Promotional activities

90. Please provide URL(s) to any new information on efforts made to

<https://www.cs.gb.gov.tr/media/85059/cocu-k-isciligi-ile-mucadele-ulusal-programi->

respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]

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Special initiatives or Progress

85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]

In the aforementioned Regulation, together with the provisions regarding the protection of the victim and providing support services to him/her, Coordination Commission for Combating Human Trafficking was established in order to conduct studies on the prevention of the crime of human trafficking and formulate policies and strategies to combat this crime, prepare an action plan, and ensure coordination between public institutions and organizations, international organizations and non-governmental organizations. Accordingly, the said Commission Meeting was held in 2017, 2018 and 2019, under the chairmanship of the Deputy Minister of Interior, with the participation of all relevant public institutions and organizations, relevant international organizations and non-governmental organizations, and decisions were taken. In line with the decision taken by the Coordination Commission for Combating Human Trafficking in 2018, "2018 / 1.2 Determination of a human trafficking liaison officer (one full member and a substitute) in 15 provinces (Adana, Ankara, Antalya, Artvin, Bursa, Çanakkale, Gaziantep, Hatay, Iğdır, İstanbul, İzmir, Kilis, Muğla, Şanlıurfa, Trabzon) by the relevant institutions, providing training to the designated officials and submitting the annual activity report to the Coordination Commission for Combating Human Trafficking meeting in 2019", provincial human trafficking liaison officers were designated and they were trained on combating human trafficking and

trainers. In addition, in 2018, a total of 674 people were trained on combating human trafficking. In line with the following decision taken by the Coordination Commission for Combating Human Trafficking in 2019, 1.118 employees from relevant public institutions and organizations and non-governmental organizations were provided with training on combating human trafficking and workshops were held: “2019 / 1.1- Organizing training, awareness activities and workshops in cooperation with NGOs and international organizations every year in order to increase the knowledge and experience of the personnel of relevant institutions and organizations in the field of human trafficking’Furthermore, following decision was taken by the Commission: “2019 / 1.3- Create special lawyer groups to follow the cases of victims in Bar associations”. The reason behind this decision was to secure the legal rights of the victims with the support of lawyers who are the defence authorities. The 15 provinces determined by the 2018 Coordination Commission decision were increased to 36 in 2019, with the aim of conducting the fight against human trafficking more effectively throughout the country, in line with the following decision: “2019/1.4 15 provinces whose liaison officers are determined In line with the Coordination Commission for Combating Human Trafficking decision 2018/1.2, to be increased to 36, with addition of the provinces (Afyon, Ağrı, Aydın, Balıkesir, Çankırı, Denizli, Edirne, Erzurum, Kahramanmaraş, Kayseri, Kırıkkale, Kırklareli, Kocaeli, Konya, Malatya, Mersin, Osmaniye, Tekirdağ, Yalova, Yozgat, Van) the list; Notifying the General Directorate within 15 days if the determined liaison officers change.”

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| <p>86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]</p> | <p>a) Lack of awareness, b) Lack of information and data, d) Social and economic circumstances, i) Challenges linked to migration policies</p> |
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| <p>86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]</p> | <p>a) Lack of awareness,b) Lack of information and data,d) Social and economic circumstances,i) Challenges linked to migration policies</p> |
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TECHNICAL COOPERATION NEEDS

Request

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| <p>87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]</p> | <p>No</p> |
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