

**TURKEY (2016-2017)**
**THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR**  
*Protocol of 2014 (P029) to the Forced Labour Convention*

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	YES.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: the Turkish Confederation of Employer Associations (TİSK), the Confederation of Turkish Trade Unions (TÜRK-İŞ), the Confederation of Real Trade Unions of Turkey (HAK-İŞ), the Confederation of Progressive Trade Unions of Turkey (DİSK), the Confederation of Public Servants' Unions (MEMUR-SEN), the Confederation of Turkish Public Employees' Union (TÜRKİYE KAMU-SEN), and the Confederation of Public Employees' Unions (KESK) have been consulted and requested in writing to provide their comments through communicating a copy of the Government's report.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	No.	
	<b>Workers' organizations</b>	No.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>Ratification</b>	<b>Ratification status</b>	Turkey has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		<b>Ratification intention</b>	<b>2017 AR:</b> The Government indicated that the ratification of the protocol is likely.
	<b>Existence of a policy and / or plan of action for the suppression of forced or compulsory labour</b>	<b>2017 AR:</b> The Government reported that there is national policy and plan of action for effective and sustained suppression of all forms of forced labour and for combatting trafficking in persons for purposes of forced labour. The "Action Plan for Combating Migrant Smuggling", dated 04/05/2016, which has three main strategic priorities of "Strengthening Legal Capacity", "Strengthening Administrative and Institutional Capacity" and "Actions for Implementation", has entered into force for the development of comprehensive policies to establish effective migration management in Turkey.	
	<b>Measures taken or envisaged for systematic and coordinated action</b>	<b>2017 AR:</b> According to the Government: The main measure within the Turkish legal system is the article 18 of the Constitution which bans every type of forced labour. 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 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	

		<p>twelve years and punished with punitive fine up to ten thousand days".</p> <p>Article 117 of the said Code stipulates that any person who violates freedom of work and labour by using violence or threat or performing an act contrary to the law, is sentenced to imprisonment from six months to two years or imposition of punitive fine upon complaint of the victim. Any person who employs a person(s), by exploiting his/her helpless, solitary and dependent situation, without payment or with a low wage incompatible with the service rendered or forces such persons to work and live under inhumanly conditions, is sentenced to imprisonment from six months to three years or imposed punitive fine not less than hundred days. The same punishment is imposed also to a person who provides or transfers a person from one place to another to have him live and work under the above mentioned conditions. Any person who force, by using threat or violence, the workers or employers to increase or decrease the wages or to accept agreements with conditions different than those agreed previously, or causes suspension, termination or re-start of the works, is sentenced to imprisonment from six months to three years.</p> <p>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. There is no provision in the labour legislation which allows forced or compulsory labour. Implementation of the labour legislation is inspected by the labour inspectors of the Board of Labour Inspectorate of the Ministry of Labour and Social Security.</p> <p>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 Labour Inspection Board 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.</p> <p>A National Task Force was established under the Ministry of Foreign Affairs in October 2002 to coordinate the activities of the public authorities and institutions in combatting human trafficking. The Task Force was a platform bringing together all the relevant Ministries and public institutions, law enforcement forces, NGO's and resident representatives of international organizations in Turkey. As a result of its work a National Action Plan in Combatting Human Trafficking was prepared and put into effect with the approval of the Prime Ministry. In February 2013 the Task Force was transferred to the Directorate General of Migration Management. Law on Foreigners and International Protection (No.6458 of 4.4.2013) established the said Directorate General and laid down new rules in the field of combatting the human trafficking and protection of the victims of such trafficking. "Department for the Protection of the Victims of Human Trafficking" was also established by the Law No. 6458. Needless to add that combatting human trafficking includes trafficking in persons for the purposes of forced or compulsory labour. A copy of the unofficial translation of the said law is provided herewith. Furthermore, "Regulation Concerning Combatting Human Trafficking and Protection of Victims" was put into effect by its publication in the Official Gazette on 17.03.2016. The Regulation sets forth the procedures and principles for the prevention of the crime of human trafficking and combatting human</p>
--	--	---

		trafficking and protection of the victims without regard to their nationality and issuing residence permit to the foreign victims and providing support services to the victims. A Committee on the Coordination of Combatting Human Trafficking and affiliated provincial committees are key tools that the Regulation has introduced.
	<b>Measures taken or envisaged to prevent forms of forced labour</b>	<b>2017 AR:</b> According to the Government: Some awareness raising activities targeting vulnerable groups have been carried out in cooperation with social partners and NGO's. In the context of the Human Trafficking and Organized Crime Fighting Project/Phase 2, training was provided to the personnel of various institutions and organizations in the field of human trafficking.
	<b>Measures taken or envisaged to protect victims of forced labour</b>	<b>2017 AR:</b> The Government reported that the following measures have been taken or envisaged: a) education and awareness activities; b) providing shelter homes or safe houses; c) providing secure and peaceful environment; d) provision of health services; e) providing psychosocial help; f) access to social services and assistance; g) access to legal assistance and advisory services concerning victims' legal rights; h) guidance service on the access to education; providing vocational training and access to labour market; i) guidance service on receiving financial assistance under the Act No.3294 of 29.05.1986 on the Promotion of Social Aid and Solidarity; j) access to advisory services that may be provided by the NGOs or international organizations; k) providing interpretation service; l) informing, upon the victim's consent, the embassy or consulate of the country of which she/he is a national; m) enabling the victim to meet with the representatives of the embassy or consulate of the country of which she/he is a national; and n) assisting the victim to obtain documents concerning the information on identity.
	<b>Measures taken or envisaged to facilitate access to remedies</b>	<b>2017 AR:</b> The Government stated that the following measures are taken or envisaged: a) provision of information and counselling for victims regarding their rights; b) free legal assistance; and f) capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges. Furthermore, the Government implements a Voluntary and Safe Return Programme when a victim does not wish to benefit from the Victims Support Programmes or requests it during or after such support programmes. Under this program, the coordination activities of the Directorate General of Migration Management ensure that the victim is returned to her/his country or to a safe third country.
	<b>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</b>	
	<b>Cooperation with other Member States, international / regional organizations or NGOs</b>	<b>2017 AR:</b> The Government reported that it cooperates with other states, international and regional organizations, or non-governmental organizations to combat human trafficking, including trafficking in persons for 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 a party are as follows:

		<ul style="list-style-type: none"> <li>- 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.</li> <li>- Turkey signed League of Nations Slavery Convention of 25 September 1926 on 14 January 1955.</li> <li>- 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.</li> <li>- 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.</li> <li>- Turkey became a party to Convention of 18 December 1979 on the Elimination of all Forms of Discrimination against Women on 20 December 1985.</li> <li>- Turkey is a party to the UN Convention of the Rights of the Child since 4 April 1995.</li> <li>- 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.</li> <li>- Turkey has also signed many Security Cooperation Agreements envisaging cooperation on fight against terrorism and organized crimes. All of these agreements have provisions related to illegal migration and human trafficking. Within this framework;</li> </ul> <p>A memorandum between Belarus and Turkey was signed on 28 July 2004, denoting understanding between their ministries of interior with respect to "Combating Human Trafficking And Illegal Migration".</p> <p>A protocol between the Ministries of Foreign Affairs of Georgia and the Republic of Turkey was signed on 10 March 2005 on the implementation of Article 9 to the "Agreement between the Republic of Azerbaijan, Georgia and the Republic of Turkey on cooperation in the fight against terrorism, organized crime and other serious crimes".</p> <p>A supplementary protocol between the Ministries of Interior of Ukraine and the Republic of Turkey was signed on 7 July 2005 on the implementation of Article 1 of the "Agreement between the Governments of Ukraine and the Republic of Turkey on Cooperation in the Fight against Crime".</p> <p>A protocol between the Ministries of Interior of Moldova and the Republic of Turkey was signed on 8 February 2005 and put into implementation on "Cooperation in Fight against Human Trafficking within the Framework of Agreement on Cooperation in Fight against Drug Smuggling, International Terrorism and Other Organized Crimes".</p> <p>"Bilateral Cooperation Protocol" was signed with Kyrgyzstan on 5 September 2006.</p> <p>In combatting human trafficking the relevant public authorities are implementing projects, such as "the Project for the Protection of the Victims of Human Trafficking". This project has started on 17.09.2014 with the financial support of European Union. Project's implementing agency is International Organization for Migration (IOM) and main beneficiary is the Directorate General of Migration Management, while other beneficiaries include all the relevant public authorities and law enforcement forces as well as several NGO's. The said project's target is to reduce the transborder crimes, prevent human trafficking, and provide human rights based protection to the victims of human trafficking.</p> <p>Within the framework of cooperation between Turkey and International Organization for Migration (IOM), 157 Emergency Help Line was opened to international access as of April 2007 under the project titled "Helping Victims of Human Trafficking in Turkey", as intended for potential victims of human</p>
--	--	---

		<p>trafficking, where the operators provide services in Russian, Romanian, English and Turkish. Following opening of 157 Emergency Help Line to access from abroad in May 2007 (+90.312.157.11.22), posters were prepared in order to announce this widely both within the country and in countries of origin. The duty of establishing and operating or outsourcing the operation of the help line is now included in the duties and responsibilities of the Directorate General of Migration Management. As of 20.08.2015 this help line is named as Aliens Communication Centre (YİMER, acronym of its Turkish name) and has been providing service on 7/24 basis in 6 languages (Turkish, English, Arabic, Russian, German and Persian).</p> <p>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.</p> <p>Most important developments during the last few years are the entry into force of the Law No. 6458 of 4.4.2013 on Foreigners and International Protection and the establishment of General Directorate of Migration Management under the Ministry of Interior, and the entry into force of the Regulation on Combatting Human Trafficking and Protection of Victims on 17.03.2016.</p>	
	<b>Promotional activities</b>		
	<b>Special initiatives/Progress</b>	<p><b>2017 AR:</b> According to the Government: The Preventing, Identifying and Combating Trafficking of Refugees in Turkey (PICTOR Turkey) Project, funded by the United Kingdom, is carried out jointly with the International Centre for Migration Policy Development (ICMPD). The aim of the project is to combat human trafficking, exploitation of Syrian refugees and other displaced persons in Turkey. The project consists of two components: Component 1: Increasing victim detection and proactive scanning among vulnerable communities. Component 2: Improving the services offered to trafficking victims among vulnerable groups.</p>	
<b>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	
		<b>Workers' organizations</b>	
	<b>According to the Government</b>	<p><b>2017 AR:</b> The Government specified that the main challenges as: a) lack of awareness (especially for child labour); b) lack of information and data (on workers who have been subjected to forced labor in the context of human trafficking); and i) issues linked to migration policies (especially policies for undocumented migrants).</p>	
<b>TECHNICAL COOPERATION NEEDS</b>	<b>Request</b>	<p><b>2017 AR:</b> The Government indicated that it does not need ILO technical assistance.</p> <p><b>2016 AR:</b> The Government identified the following priorities: awareness-raising and mobilization activities; promotion of fair migration policies; vocational training, job creation and income generation programmes for at-risk populations; basic social security guarantees; and exchange of experiences between countries of regions, international cooperation.</p>	
	<b>Offer</b>	<b>NIL.</b>	