



Question 1

- A. Are there provisions in place within your country's national legal framework which criminalise contemporary forms of slavery (e.g. forced labour, bonded labour, domestic servitude, serfdom, etc.)?
- B. Please specify these provisions, including specific references to the source of law.

Law no 5237 on Turkish Criminal Code

The Article 80 of "International Offenses" under Special Provisions of the Turkish Criminal Code numbered 5237 imposes sanction on the crime of human trafficking. In line with Palermo Protocol, the Turkish Criminal Code sets out the crime of human trafficking as "Persons who provide, kidnap or shelter or transfer a person (s) from one place to another unlawfully and by force, threat 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 to send them away where he is treated almost like a slave, are sentenced to imprisonment from eight years to twelve years and punished with punitive fine up to ten thousand days."

The Law no 6458 on Foreigners and International Protection

Fundamental regulation on measures of combatting human trafficking is made by the Law no 6458 on Foreigners and International Protection which entered into force following its publication in the Official Gazette of 28615 on 11/04/2013.

By this Law, the victims of human trafficking are enabled to stay in Turkey for a certain period of time during their treatment, recovery and reflection period. For the first time, the provisions for reflection period and residence permit granted for the victims of human trafficking are ensured by the Law on Foreigners and International Protection. In addition to those, the provision which set forth that removal decision shall not be issued for the victims of human trafficking is guaranteed in the Law in line with international standards. Moreover, the subparagraph "g) Victims of human trafficking crime." was inserted to the first paragraph of article 88 of Act of Fees No. 492 of 2.7.1964 and victims of human trafficking were exempted from residence permit fee.

Pursuant to the amendment on the Law on Foreigners and International Protection with Decree-Law no 694 of 15 August 2017 DGMM, if deemed necessary, intervenes in any case opened against the victim of human trafficking.

Regulation on Combatting Human Trafficking and the Protection of Victims

In order to carry out the principles on human trafficking in the Law on Foreigners and International Protection, Regulation on Combatting Human Trafficking and the Protection of Victims entered into force following its publication in the Official Gazette of 29656 on 17 March 2016.

Prepared in line with international agreements and protocols, this Regulation, without any discrimination between Turkish nationals and foreign victims, has regulated the prevention of human trafficking crime and, within the scope of combatting this offence, the reflection period to be granted to the victims of human trafficking, conditions of residence permit, national commission, procedures and principles on victim identification, rights and services provided to the victims, principles on safe and voluntary return, training and awareness-raising activities, healthcare services provided to the victims.

International agreements on human trafficking to which Turkey is party:

- *European Convention on Human Rights*
- *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*
- *Council of Europe Convention on Action against Trafficking in Human Beings*

Question 3

A. Please specify whether reporting mechanisms or institutions are available for human rights violations suffered by domestic workers, including migrant domestic workers, including to migrants if applicable; if no reporting mechanisms or institutions are in place, please specify what kind of support is available to enable victims to file complaints in case of alleged abuse and to pursue effective and adequate remedies for their rights violations.

There is a national referral mechanism that will be implemented in behaviours that can be assessed in the context of human trafficking crime against domestic workers. Notice, complaints and notifications constitute the first step of the National Steering Mechanism.

B. Please specify these provisions, including specific references to the source of law.

The articles 16, 17 and 18 of the Regulation on Combatting Human Trafficking and the Protection of Victims regulate the actions and procedures on victim identification. According to the article 16 that regulates the notice, complaint and notification;

All individuals declaring to be a victim or those who are aware of the crime of human trafficking shall notify the situation verbally, in writing or electronically to the Emergency and Helpline, the Chief Public Prosecutor's Office or law enforcement. The notices and complaints forwarded to the Directorate General, Directorates, Emergency and Helpline shall be immediately notified to the Chief Public Prosecutor's Office or law enforcement. Notices and complaints to the Governorate or District Governorate shall be notified to relevant Chief Public Prosecutor's Office. Notices to non-governmental organizations about the crime of human trafficking shall be notified to the Directorate, law enforcement or the Chief Public Prosecutor's Office.

Verbal complaints and notices shall be officially reported in writing and the official report shall be immediately forwarded to the Chief Public Prosecutor's Office. Institutions and organizations with high possibility of encountering the victims of human trafficking such as the Ministry of Family and Social Policies, the Ministry of Labor and Social Security and the Ministry of Health shall immediately notify the Emergency and Helpline as well as the Directorate, law enforcement or the Chief Public Prosecutor's Office about the individuals suspected to be a victim.

Questions 5

- A. Please describe how often the labour inspectorate conducts inspections in private households to investigate abuses in domestic work and if any investigations of such a nature have taken place.
- B. Please specify if there are specific trainings of labour inspectorates to identify practices which may amount to slavery-like conditions or to contemporary forms slavery in domestic work.

Trainings on the crime of human trafficking were given to labour inspectors and supervisors of Social Security Institution who are responsible for labour inspection in Turkey. Within the scope of the Project on Protection of Victims, 35 labour inspectors and 35 supervisors of Social Security Institution were trained on human trafficking. Moreover, the staff who are responsible for labour inspection participated in the activities and trainings carried out under the projects implemented with international organisations.

Questions 7

What measures are in place for victims of contemporary forms of slavery to pursue Access to justice and remedy for violations of their human rights taking place in domestic work, in particular as pursued by migrant domestic workers?

Article 17 and 29 of the Regulation on Combatting Human Trafficking and the Protection of Victims published in the Official Gazette on 17 March 2016 sets forth a provision for victims to access legal services.



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BİLGİ NOTU

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During the interviews by the law enforcement, an attorney shall be assigned by the Bar Association to possible victims, who are under the scope of Article 234 of the Turkish Criminal Procedure Law (CMK) No. 5271 dated 4/12/2004.

By the amendment on the Law on Foreigners and International Protection with Decree-Law no 694 of 15 August 2017 DGMM, if deemed necessary, intervenes in any case opened against the victim of human trafficking.