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I. Abstract

Menschenhandel ist eines der besorgniserregendsten Themen, das derzeit die Türkische Außen- und Sicherheitspolitik beschäftigt. Ob als organisierte Kriminalität oder menschenrechtliches Desaster zu betrachten, es gilt den Handel mit Menschen mit allen zur Verfügung stehenden Mitteln, global zu bekämpfen. Diesem Ziel hat sich auch die Türkei mit der Unterzeichnung des Palermo Protokolls verpflichtet. Durch seine geographische Lage zwischen Afrika, Asien und Europa zählt das Land seit jeher als Schnittpunkt irregulärer Migration. Da sich die Türkei wegen seiner stabilen wirtschaftlichen und sicherheitspolitischen Lage als weitgehend sicher erwiesen hat, drängen vermehrt Flüchtlingsströme aus den umliegenden Ländern, die durch stetige, gewaltsame Konflikte genährt werden. Hinzu kommt die nicht nur geographische, sondern auch politische Nähe zur Europäischen Union, welche die Türkei als Immigrations- und Transmigrationsland sehr attraktiv macht. Zum Einzugsgebiet zählen vor allem die Länder Iran, Irak, Afghanistan, aber auch vermehrt Migrationsströme aus den Ländern Afrikas und Asiens.

Seit Beginn der Türkisch-Europäischen Gespräche im Dezember 1999 in Helsinki ist Irreguläre Migration, aber vor allem auch Menschenhandel, zum Thema Nummer 1 der Mitgliedsverhandlungen einer möglichen, zukünftigen EU-Partnerschaft avanciert. Um einen entsprechenden Beitrag zur Verbrechensbekämpfung leisten zu können, müssen zuallererst die Türkische Verfassung, im Hinblick auf Judikative, Legislative als auch Exekutive geändert und EU-konform adjustiert werden. Demzufolge wird nicht nur die Verfassung um Gesetze erweitert, sondern auch Polizei und Gendarmerie speziell geschult sowie vermehrt internationale Organisationen zur Zusammenarbeit gebeten um ein situationsgerechtes Umfeld aufzubauen. Im Zuge dieses begonnenen Umbruchs wurde eine Hot-Line für Opfer von Menschenhandel und Zwangsprostitution eingerichtet, mehrere geschützte Unterkünfte gebaut und eine reibungslosere Koordination zwischen den einzelnen internationalen und lokalen Organisationen etabliert.

Trotz der vielen Veränderungen werden den Themen Menschenhandel und irreguläre Migration große Priorität in den Türkei-EU Verhandlungen eingeräumt, denn der Handlungsbedarf ist groß:

- Informationen über Ursachen und Hintergrund des Tatbestandes Menschenhandel fehlen oder sind insuffizient,
- Hilfe für Opfer von Menschenhandel in Form von Behandlung, Unterkünften und Betreuungseinrichtungen decken nicht den gegebenen Bedarf,
- Rückkehr- und Reintegrationsmaßnahmen sind unzureichend vorhanden,
- Fehlen eines legislativen Umfeldes welches die wichtigsten Aspekte des Menschenhandels, im Bezug auf Strafverfolgung und Opfer- bzw. Zeugenschutz beinhaltet.

Der Themenbereich Menschenhandel und seine sicherheitspolitische wie humanitäre Umsetzung werden in dieser Arbeit ausführlich dargestellt. Dieses Gebiet wird auch im Hinblick auf einen möglichen EU Beitritt der Türkei für viel Diskussionsstoff sorgen und wurde vorab von meinen Interviewpartnern im Rahmen meiner Diplomarbeit besprochen.

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II. Introduction

My research interest in human trafficking leads mostly back to my work with a Turkish NGO called Human Resources Development Foundation (HRDF). This organization gave me the opportunity to work first hand with victims of trafficking and smuggling. All of these victims were women who worked in the sex- and entertainment industry. Thus, the majority had been forced into prostitution. My work with these women showed me that although they had to face an incredibly horrible situation, most of them were extraordinarily strong and brave in dealing with their past. These victims of a crime also called ‘modern slavery’ do not need the pity and false charity of scholars, humanitarian workers or researchers like me. What they do need is a well functioning legal system that is able and willing to track down organized crime and to combat human trafficking. Along with a well organized shelter system and cooperating organizations and governments, which build a safe backup for victims and vulnerable persons without pre-accusing them over illegal immigration. Such a functioning system has to be established in every country, but not only a good legal framework is the key to a decreasing crime rate. The reduction of poverty must as well be strongly addressed when it comes to tools and mechanisms concerning combating organized crime. All these points will be discussed within my thesis from a scientific, but nonetheless very human point of view.

Another factor that led me to this research was the circumstance that I always felt the urge to change something concerning the way researchers and scholars see and interfere in the field of comparative politics. To me it seems that they are focusing just on numbers and percentages, not seeing the people behind these data. Of course, I am not a social worker, but in this special case a researcher, who must stick to facts and provable numbers. Nonetheless, I should not leave aside the fact that I am still researching on human beings and not on replaceable objects. We - the researchers - speak about people and not only about institutions and concepts. The way international relations treat the fact that there are people - young children and vulnerable persons - trafficked as if they were some sales articles, countable in numbers and scientifically treatable as a normative or descriptive reflectance of reality, is what I want to avoid in this research. Thus, what experts and scholars seem to forget is,

that the world and research as well does not work the strict empirical way. I, as a political scientist, can never capture the whole 'reality' and my descriptive view on human trafficking in Turkey is just as subjective as my way of looking at the world. I, as a researcher, am intervening in the scene of the research field on human trafficking with my appearance and this thesis is the result of a well thought, but still restricted view on Turkish local NGO's, IGO's, and the government on combating a crime that is spreading worldwide in a horrendous speed, becoming one of the largest and most profitable economic sectors in our century.

Not to forget, one of the determining factors, which motivated me to work on this matter was that I got curious of how much support, care, and strength Turkey really puts into its work on combating human trafficking. Working at HRDF made me attentive towards the work of other NGO's, IGO's and the work of the Turkish government. How did other institutions contribute to a reduction of human trafficking and which actions did they take in order to reach their aim? Moreover, I wanted to reveal the advantages and disadvantages of the legal and the executive system within the state of Turkey. On the other hand, this research should give people, working day by day in the area of combating human trafficking the opportunity to speak up and talk about their daily work experience. They should have the right and the duty to improve and if necessary to change the system within they work. Hence, with this thesis I want to x-ray the political system on behalf of combating human trafficking in Turkey.

A. THEORY

1. Institutionalism

A political theory like the institutionalism fills on itself a full thesis. Nonetheless, this chapter should give a brief overview on governmental and non-governmental institutions to evaluate their effectiveness on coping with a problem like irregular migration and organized crime. In other words: “to understand decision making under such conditions of uncertainty we must understand the relationships of the mental models that individuals construct to make sense out of the world around them, the ideologies that evolve from such constructions, and the institutions that develop in a society to order interpersonal relationships” (Denzau/North, 1994: 230).

As institutionalism is such a huge topic, the theory derives out of two different sciences. The distinction has to be made between the interpretation of a sociologist and the view of a political scientist. “[...] Sociologists emphasize how socially accepted norms and standardized practices shape behavior, whereas rational choices institutionalizes in political science and economics emphasize how rules and structures, based on individual references, limit or authorize certain actions [...]” (Heikkila/Isset, 2004: 449). In this chapter I lay the focus on the distinction between governmental institutionalized structure and between the non-governmental institutions. Although, there are certain differences between the authors quoted, the primary aspect of this thesis should be on how institutionalism effects strategy planning, decision-making, and project implementation on artificial aggregations.

The history of institutionalism begins with Selznick’s empirical analyses of organization at around 1948/49. Just a few years later - in 1956 - Pason engages himself in the theoretical functionalism of institutions and how they manage it to integrate organizations in other organizations through their apparently universalistic rules, contracts, and authorities. “In the 1970s a new approach to institutional analysis emerged with Meyer and Rowan (1977) emphasized the role of modernization in rationalizing taken-for-granted rules, leading to isomorphism in the formal structures of organizations. Organizations had to conform to the requirements of external environments for legitimacy, meaning that parts of organizations

had to be loosely coupled from their technical core” (Thornton/Ocasio, 1999: 100). Paul DiMaggio and Walter Powell broadened the focus on isomorphism from a society level to an organizational area. Although, isomorphism is a major concept in organizational theory, the focus shifts towards exploring the effects of different institutional logics on individuals as well as on organizations involving markets, industries, and populations that are composed as an organizational framework. Forming an institution out of a situational framework combines belief and practice, and is moreover able to act on and address problems in diffuse situations. This institutions deriving out of specific situations can include governments, partners of a funding association, trade associations, special interest groups, and in general public e.g. the civil society.

1. 1. Evaluation on Governmental Effectiveness

Regarding Weaver and Rockman, governmental effectiveness can be measured according to several standards. Ten of those tools that every government needs to accomplish are listed below: “to set and maintain priorities among the many conflicting demands made upon them so that they are not overwhelmed and bankrupted; to target resources where they are most effective; to innovate when old policies have failed; to coordinate conflicting objectives into a coherent whole; to be able to impose losses on powerful groups: to represent diffuse, unorganized interests in addition to concentrated, well-organized ones; to ensure effective implementation of government policies once they have been decided upon: to ensure policy stability so that policies have time to work; to make and maintain international commitments in the realms of trade and national defense to ensure their long-term well-being; and, above all, to manage political cleavages to ensure that the society does not degenerate into civil war” (Weaver/Rockman, 1993:28).

When a decision is made it should be at best result out of a joint assessment of either cooperating individuals or organizations. The optimal output would derive out of a choice, which is best suited to address the current situation of the conflict. “The choice set that actors derive from the assessment stage focuses on the set of options perceived to be viable after being filtered through both normative and rule-based systems of lenses. All decision options that are contrary to prevailing norms or that are not compatible with the external environ-

ment [...] have been excluded from consideration at this point” (Heikkila/Isett, 2004: 456). The institutional choice - out of few decision makers or a democratic solution - leads to a collective adjustment phase among all other actors in the area of conflict. The strategies should be designed in a way to ensure that other actors in the collective group (community, confederacy or national layer) benefit, adjust and incorporate into the institutional choice. “Concurrently, actors proceed through a slower adaptation process, based on their normative conformance, that can lead to collective reinforcement of the choice as an appropriate response to the problem situation. Normative change is necessarily slower than the strategy change because norms are more subconscious than overt strategies” (Heikkila/Isett, 2004: 457).

1. 2. Evaluation on Organizational Effectiveness

Why are institutions useful for a society and what do we - the bourgeoisie/civil society - think would change if we institutionalized rules and regulations into a higher range of just another artificial construct. Do we, the constructors of governance, self-inflicted laws, and restrictions long for homogeneous effectiveness and order? DiMaggio claims that behind this need of ‘structuring’ stands a demand for institutions: “an increase in the extent of interaction among organizations in the field; the emergence of sharply defined interorganizational structures of domination and patterns of coalition; an increase in the information load with which organizations in a field must contend; and the development of a mutual awareness among participants in a set of organizations that they are involved in a common enterprise” (DiMaggio, 1982). Hence, most people believes that organizations may address their requests better than a single advocate. Thus, actors organized within an institutional structure realize goals more effectively and act more innovative in a shorter period of time than an individual could ever be able to realize.

On the other hand, one should not forget to ask for the legitimacy of institutions. Why do people need an organized structure? DiMaggio and Powell answer this question with the term ‘professionalization’ “as the collective struggle of members of an occupation to define the conditions and methods of their work, to control ‘the production of producers’ [...], and to

establish a cognitive base and legitimating for their occupational autonomy” (DiMaggio/Powell, 1983: 167). Hence, in a country must be a demand for an aggregation of people who establish an organization; this aggregation has to be defined and legitimated through a certain preceding struggle and therefore situation based regulations and structures have to be established. The overall aim would be the imperative to control whatever needs to be contained. Another explanation of ‘professionalization’ would be, that institutions appear as some type of shared intersubjectivity. Different individuals share their view and are therefore able to better communicate and coordinate their results. Denzau and North go further into detail when they argue that this form of cooperation - sharing outcomes and learning can be named ‘cultural learning’ “and what it provides in a pre-modern society is exactly the categories and concepts which enable members of that society to organize their experiences and be able to communicate with others about them. Cultural learning in pre-modern societies not only provided a means of internal communication but also provided shared explanations for phenomena outside of the immediate experience of the members of the society [...]” (Denzau/North, 1994: 239). Institutions are therefore not only a construct to legitimize cooperative problem-based work, but to a major extent result of a long learning process on how to efficiently deal with conflicts that effect more than just a small group of persons concerned.

So, what legitimates the demand for more than one organization on the same matter, if one institution could cover the whole conflictive area? Referring to DiMaggio and Powell, homogeneous organizations are often rewarded for being similar in their field, because it will increase their effectiveness and efficiency. This similarity can make it easier for each organization to cooperate and interact with each other and enhances the possibility to be acknowledged as legitimate and reputable.

Once a decision is made and stable outcome occurs, it is not necessarily static. Stability of a situation can only be achieved for a certain period of time between its obtainment and the time when another necessity occurs. Thus, in most cases of collective choice are two factors most likely be involved: force and/or pressure to reach acceptance and legitimacy among a community or group.

To conclude this chapter of Institutionalism, a short overview on the development of organizational theory will be given. “It presents a trajectory that began by focusing on the dynamics that led to conformity in behavior among organizations and evolved towards understanding the dynamics that allow for heterogeneity, variation, and change. [...] In speculating about the prospect for organization theory in the twenty-first century, Davis and Marquis (2005) suggest that research in this area has moved away from being paradigm driven to being problem driven” (Wooten/Hoffman, 2008:143). This field level research engages in the investigation of new problems and challenges in the institutional theory and among disparate actors.

Using the institutionalism as an integrative theory in this thesis, the data chapter will illustrate the outcome of an integrative or non-integrative, of a cooperative or non-cooperative process in the area of organizations. Before the research material of this thesis will be examined, an executive summary will give an overview on the past, present, and future situation of the Turkish state concerning illegal migration and human trafficking.

2. Executive Summary

Turkey’s position between Africa, Asia, and Europe made the country a main hub for illegal migration. Ongoing with political insurgency in neighboring countries, Turkey became a first choice destination for transmigration and immigration. The country’s geographical position next to the catchment area of the European Union made Turkey even more attractive for people in need of a better perspective, security and other sociopolitical reasons.

For those people coming from the Middle East, Iran, Iraq, and Africa and some part of South-Asia, because in recent years even the Pakistanis are coming. We could argue that they are coming to the mechanism of smuggling rather than trafficking. So they are not naturally trafficked. Maybe a very small portion could be trafficked, but the whole issue is the smuggling from the borders from the Iranian side basically to Turkish side. But when we come to this transmigration flows we can make it with the smuggling business, but when we come to the other type of migration coming from North Russia, Ukraine, and Eastern Europe, there is an element of trafficking there. Particularly in the sector of sex and entertainment there is an element of trafficking there, but not very much. Of course you can see a kind of relative degree of trafficking there. We cannot say 100% that there is no trafficking there. Not as much as we think of it, like in the Balkans or in some South-Asian countries, and particularly Chinese are involved there. (Içduygu, Transcript: 3)

As Ahmet İçduygu states already, in the past it seemed trafficking in person was very common. Mainly people from the Middle East, Iran, Iraq, and Africa and some part of South-Asia, thus, people from Pakistan were trafficked or smuggled to Turkey. Although, smuggling was the predominant way of coming to Turkey, he cannot per se exclude the element of trafficking. When it comes to transmigration the element of smuggling is clearly dominant, but when we look at other types of illegal migration coming from North Russia, Ukraine and Eastern Europe, the Balkans or even South-Asia, trafficking is surely one of the main causes. Nonetheless, the circumstance of trafficking played a subsidiary role in the early years of Turkey's irregular migration research. "The major driving force for migrants to come to Turkey and to engage in informal trading activities or informal work was the painful economic- and social transformation process in the respective countries of origin. The second-most important motive was tourism" (Erder/Kaska, 2003: 38). So, to sum it up, work, trade, and tourism were the main pull factors concerning immigrating into Turkey. On the other hand the push factors in the neighboring countries, as discussed above, were lack of security, economical, political and social reasons, and a high unemployment rate.

When we look at the last 5 years, we see some improvement and we can see this decline in the irregular migration is significant. Only in the last 3 years there is again an increase, a little increase. (İçduygu, Transcript: 8)

As the factor of illegal migration and the ongoing problem of organized crime shall not be underestimated for Turkey, there is still small but considerable hope to combat human trafficking. Although, Mr. İçduygu points out that in recent years the cases of irregular migration softly decreased, the number of victims of human trafficking constantly increased. "The number of victims of trafficking increased with eleven percent [in 2007] in comparison to the year 2005. The total number of victims who were assisted by IOM and NGOs increased by 56% [in 2007] in comparison with the year 2005" (SECI-Report, 2007: 15). Hence, the number of victims increased, but at the same time the cases of people, whom had been helped and given support upraised as well. Due to Turkey's geographical location in between East and West, has also a higher level of prosperity in relation to its neighbor countries. "Those trafficked to Turkey are mostly citizens of former Eastern Block countries that have low average national incomes per capita" (IOM-Statistics Report, 2007: 1). The majority of the persons being trafficked to Turkey are women and girls, although, when determining the strategies

for counter trafficking, Turkey incorporates the case too that of men, as well as women and children are victims of trafficking.

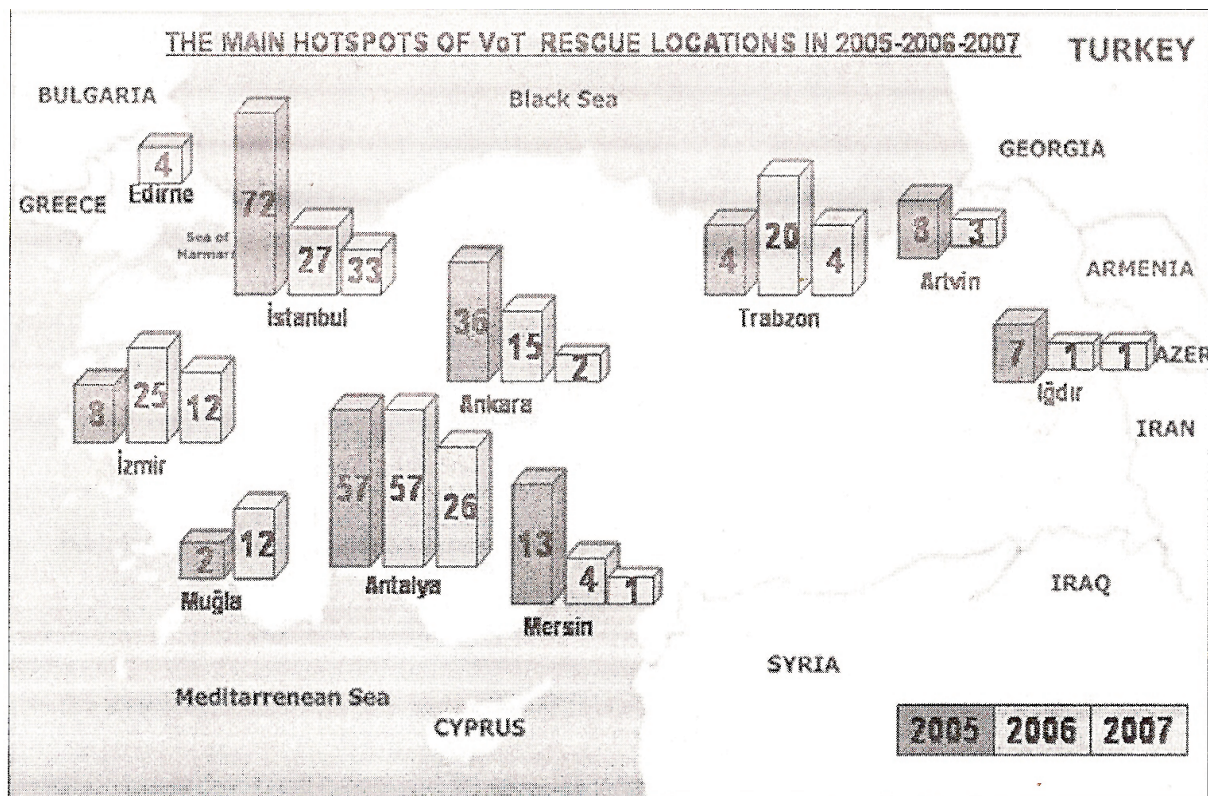


Figure 1: IOM, Ankara 2007.

Since Turkey is trying to become a member of the European Union after the Helsinki Summit in December 1999, irregular migration is one of the hottest, most delicate topics in the EU-Turkish relations. In order to contribute to a secure and safe Europe and to continue EU-entry negotiations, Turkey established a newly adapted administrative and legal framework on counter trafficking. New legislations, laws, and penal codes have been introduced and implemented. Thus, reception-, readmission centers, and shelters for victims of trafficking, for refugees as well as asylum seekers have been established. “However, Turkey also feels that it is very much caught in a quandary: on the one hand, the authorities are under pressure from the European Union to strengthen their capacity to combat and control irregular migration, for which the government would have to assign vast additional resources that it does not have and, on the other, they are expected to liberalize their existing asylum policies and practice, which equally implies additional administrative responsibilities and financial outlay, all of which exceeds the country’s available resources” (Içduygu, 2003: 9).

Although, Turkey made a major progress in the last years concerning the adjustment of the Penal Code in August 2002, which made smuggling and trafficking in human beings a criminal offence, certain deficits are to be noticed, claims the representative of the European commission in 2005.

- “Lack of sufficient information on patterns of trafficking and causes of vulnerability
- Inadequate awareness of the general public on trafficking
- Lack of adequate victim assistance and support including accommodation facilities and shelters for victims of trafficking
- Lack of return and reintegration assistance
- Lack of legislative framework which covers all aspects of trafficking in human beings, including adequate prosecution of perpetrators and human being protection of victims, including witness protection” (EU-Report, 2005: 38 f).

Ongoing with the list above, these points are initial position and propulsive power of this thesis. Have these points of critic changed over the years and did the Turkish state develop its strategies concerning counter-trafficking? Thus, which measures have been developed and implemented in combating trafficking and how effective where they? All these questions are leading to the main research question below:

3. Main research question

What is Turkey’s agenda in order to cope with the problem of Human Trafficking?

As already highlighted in the introduction, the main research question is, ‘What does the Turkish state do in order to cope with an organized crime as human trafficking?’ Below are the five hypotheses that will be verified or falsified at the end of this research in the concluding chapter.

4. Hypotheses

- Combating human trafficking is more successful if the NGOs, IGOs and the Turkish government are fully cooperating and supporting each other.
- Due to a better awareness within the civil society, more victims of trafficking could be detected and helped.
- Reducing poverty in the countries of origin would drastically reduce the amount of people being trafficked.
- A membership in the European Union would make it easier for Turkey to strengthen its borders and be more successful in fighting against organized crime.
- If the Turkish legal system sharpens its measures and laws towards higher sentences concerning human trafficking and illegal prostitution, fewer delinquents would actually risk getting caught.

Having the initial position of Turkey in mind and the main research question, the next step will lead us over to the definition on human trafficking and the data of this research.

5. Definitions

Trafficking in human beings

Many definitions of trafficking in human beings exist and all of them are immensely helpful in constructing an equal, comprehensible legal setting in order to create a basis for laws, regulations, methods, and tools to combat this organized crime on a national as well as an international level. Though, nearly all definitions encounter the same problem in determining inherent characteristics: the problem to distinguish between trafficking and smuggling. The line between these two counterparts of illegal migration and/or organized crime (depending on how you wish to define it) is very thin and easily to transgress - in theory and in practice. The stage of entering the illegal level during residence or transition of a migrant can shift into and out of irregularity, depending on circumstance and chance of each and every person. Concerning the IOM Report in 2000, “smuggling is considered as a migration, and

trafficking of persons as a human rights issue. This approach is significant, in that it shows the distinction between the first, which has implications for the protection of the State, and the second, which implies the protection of the individual” (IOM Report, 2000: 22).

The definition of human trafficking used in this thesis is derived from the Palermo Protocol, which Turkey signed in 2003.

An agreed definition on human trafficking now exists under Article 3 of the Palermo Protocol on trafficking in persons, which has come into force on 25th December 2003. This internationally agreed definition focuses on exploitation of human beings - be it for sexual exploitation, other forms of forced labour, slavery, servitude, or for the removal of human organs. Trafficking takes place by criminal means through the threat or use of force, coercion, abduction, fraud, deception, abuse of positions of power or abuse of positions of vulnerability. It relates to all stages of the trafficking process: recruitment, transportation, transfer, harboring or receipt of persons.

Trafficking is not just a transnational crime across international borders - the definition applies to internal domestic trafficking of human beings. (DPKO Policy Paper)

B. METHOD

1. Participants

Ten interviewees (5 male, 5 female) participated in the research. The average age of the participants is 34 years, ranging between 25 and 60 years.

Interviewees:

P0: HANIM Nermin, Boğaziçi University Istanbul

P2: İÇDUYGU Ahmet, Koc University Istanbul

P3: TOKCAN Tuç Işıl, Lawyer in Istanbul (worked at UNHCR Ankara)

P4: YASAK Ismet, UNHCR Istanbul

P5: OSKAY Ceyda, UNHCR Ankara

P6: PEKER Bülent, UNHCR Ankara (former activist of an NGO)

P00: VURGUN Ibrahim, ASAM Ankara

P7: ARSLAN Selin, IOM Ankara

P8: ATMAN Senar, HRDF Ankara

P9: SAĞLAM Anastasia, IOM Ankara

Through voluntary participation it happened to be an equal number of participants. The interviewees are all working in the area of legal or illegal migration in Turkey and through their daily work confronted with the circumstance of human trafficking.

The criteria for recruitment was:

- a) The working sector illegal migration
- b) Experience in this sector for more than one year
- c) Broad area within the working field; that means that the participants should come from many different aspects within the field of migration like for incidents lawyers, professors, members of NGOs and IGOs and people from public sector.

The participants should cover nearly every working sector in the area of legal and illegal migration. The result should obtain data from participants working in government organizations as well as data from non-governmental organizations to receive the best access of every area within the migration sector.

The information about the questions of the interview were given to the interviewees personally and explained before the interview. Every participant had the opportunity to take as much time to answer the question as needed. The participants had the possibility to skip a question if they felt uncomfortable with it, but no one used this option. A letter of consent was handed out to all participants in order to make sure that the mentioned content is restricted to the use of the diploma thesis only.

The duration of the interviews was average 37: 20 minutes. The shortest interview lasted 23:15 minutes, the longest 1:15:34 minutes.

Eight of the interviews were English, one German and one Turkish. The Turkish interview was translated and transcribed in German language because of the better understanding and the English interviews stayed unchanged because of the decision to write the thesis in English. All eight participants spoke English fluently and had no problems in expressing their thoughts through foreign language. Only in the case of the Turkish interview I decided to switch into the participants mother tongue to make sure that the quality of the interview would not be affected by insufficient language skills. The only German interview was done because of the interviewee's German mother tongue.

Two interviewees were excluded from the research. Mrs. Nermin Hanim and Mr. Ibrahim Vurgun. Mrs. Nermin Hanim because she didn't respond to the asked questions and was more referring to the sector of the Turkish emigration to Europe in the 1980's than to the sector of trafficking. The second person to be excluded is Ibrahim Vurgun. This interview couldn't participate in the thesis because of the page limit. For continuing research on that matter the interview of Mr. Vurgun could be used as well.

2. Questions

Every participant received the same four questions to be answered. These questions were kept open so they could provoke uncensored, open-minded and frank answers.

Beginning with the description of my questionnaire I want to present my arguments and thoughts behind these questions, to explain why I asked these questions as well as their particular order.

1. Describe your working sector. Do you take part in projects, conferences, meetings, etc.?

The first question should have the function of an introduction to the reader. Who is the person being interviewed, which organization does he or she represent, which working experience does the interviewee have and what are his or her daily experiences within the illegal migration sector. With this question I also wanted to get to know the range of the participant's area of responsibility. Does the interviewee take part in conferences and meetings that affect the conception, discussion and future development of projects and does he/she take a major part in the development of her institution or does the participant more or less executive duties and has not much influence on his working sector. Also included in this question is the interest in further education on the illegal migration sector. Does the interviewee participate only in company internal meetings, or also in conferences and meetings of other organizations?

2. How did this work/project develop in recent years?

The second question is connected to the development of the participant's working area. Has any development occurred in the years since the beginning of his/her job? This question is very important to me because it states the development of the illegal migration sector and its dimension towards reformation e.g. modernization. One of the aims in this research is to pursue the development from the beginning of handling illegal migration and especially human trafficking in Turkey till its future achievement in that sector. Although scientific documentation on human trafficking and illegal migration started around 2003, much had

been done before in order to cope with this conflictive area. This question reflects best the contradicting work of NGOs and IGOs versus governmental organizations.

The third question refers to the more frankly speaking, suggesting part of the research.

3. What would you like to change in your working sector? Which development would you wish to achieve in your job?

There the research offers space to the participants to reflect over their daily work. The interviewees should speak openly about what they think is going wrong in their working area. This question offers room for suggestions, opinions, complaints, discomfort but also approval. It is the personal statement of every interviewee about their job; even if they want to change some working conditions or laws and restrictions etc. Hoping that the result ends up in a detailed view on where the gaps between the cooperation of the different organizations exist and trying to find the lack of the system with help from the people working in the system. In my research I attached great importance on the opinion and statements of my interviewees.

The fourth question is more a supplement to the research. The topic whether Turkey is becoming a member of the European Union or not was discussed frequently at the beginning of this research. Therefore I decided to link the question of development in the illegal migration sector with the laws, restrictions and regulations the European Union set up as a criteria for Turkey joining the EU.

4. What needs to be done in that sector in order to become a member of the European Union?

I supposed that some restrictions and laws were just implemented because of pressure from the European Union. Also emphasizing that Turkey received some advantages through this forced development.

The output of these questions is visualized in a raster, which I specially designed for my thesis. This raster should once more highlight the results of my interviews and simplify the conduction of my research to background literature and theory.

3. Raster

For the better classification of the interviews, a raster was designed, which tries to cover all research areas. These research areas are once more split up into the three categories: past, present and future. These date related classifications highlight the measures that were done in a certain period of time. The category 'past' verifies the time period since the beginning of the research on human trafficking till the year 2006. 'Present' refers to the time between 2006 - 2008. The category 'future' stands for all upcoming projects that are planed or that are already having their start while writing the thesis.

a) The first category of this classification covers the area of projects, conferences, and meetings, which were organized or visited by the participants. This first category should give an impression of the measures done by the three main actors IGOs, NGOs and the government in Turkey.

b) Secondly the laws and restrictions should be screened. The context of these implementations is very related to certain happenings within Turkish history. So these categories, try once more to simplify the recognition of certain time related measures for the reader.

c) The third category mentioned are the improvements within combating human trafficking in Turkey are once more listed clearly within all three time related classifications to confront the reader with the following category: the outstanding improvements.

d) The outstanding improvements, of the data chapter, should lay a focus on measures, which the IGOs, NGOs and the Turkish state couldn't or didn't realize in order to effectively fight human trafficking.

e) The last category is related to changes concerning a possible membership in the European Union. As well as in the first category the three big actors are mentioned: IGOs, NGOs and the Turkish government with its legislation.

C. DATA

1. Projects, Conferences, Meetings

1. 1. Intergovernmental Organizations

In this chapter, all major intergovernmental organizations are mentioned that highly engage in the area of illegal migration and cooperate in order to deal with the challenge of combating human trafficking in Turkey: IOM, UNHCR and the European Union. In this first chapter only two of them will be explained further; The International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). To underline the importance of the European Union (EU) on Turkey's fight against organized crime, this organization will be highlighted in an extra chapter.

1. 1. 1. International Organization for Migration

The International Organization for Migration was established in 1951 and operates together with governmental, intergovernmental, and non-governmental organizations. Of the 125 member states Turkey can be counted as one of them. Regarding IOM's objectives there can be mentioned: "humane management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in needs, including refugees and internally displaced people" (IOM Homepage). Turkey became a member of the International Organization for Migration in the year 2004. Since then, they were actively working together on the issue of illegal migration and intensified on combating trafficking in human beings. Before the accession, Turkey kept the position of a political observer and tried to arrange the migration process of refugees and asylum seekers under close coordination of UNHCR. Since 2004 the Turkish government works together under the encouraging assistance of IOM, focusing on the 3 P's: Prevention, Prosecution, and Protection.

So when Turkey became a member in 2004, we started mostly actively on trafficking area. We started getting projects before that. Before 2004 we were unable to, because Turkey was just an observer and we were just working very closely with the UNHCR and arranging the movements of refugees to third countries, the ones [refugees] who are accepted by the UNHCR. After 2004 we started very actively working in the counter-trafficking area of the government of Turkey. We work very closely and

under coordination of them. What we do is actually approved, confirmed by the Turkish government. So daily, what we do is, when we get a project for incidence our old projects mainly focused on three P's: Prevention, Prosecution, and Protection. (Arslan, Transcript: 46)

Ongoing with the explanation of the area of responsibility at the International Organization for Migration, the paragraphs below offer a broader concept on prevention, prosecution, and protection.

Regarding Prosecution

IOM's activities according prosecution of human trafficking are the referred trainings for prosecutors, law enforcement, the gendarmerie, police officers, and judges. "More than 2000 prosecutors, gendarmerie and police officers, and judges have been trained in workshops, seminars, orientations, and conferences. Trainings included issues concerning the legislation on human trafficking, identification of victims, investigation and interview methods, evidence-collecting techniques, legal concepts and treatment for the victims. The main objectives of these activities are the successful identification of victims and to increase the prosecution of the traffickers". (Kahraman, EU-Report: 100) This identification is a main progress when it comes to cooperation within the several organizations meaning NGOs, IGOs, and the Turkish government.

Elina Siderova from IOM Turkey explains her working sector as very complex and challenging. "After the initial identification, we give the girls [victims of trafficking and/or forced prostitution] information about their rights and accommodate them in the shelter run by the Turkish NGO-Human Resource Development Foundation. In this shelter they are provided with medical & psychological assistance and all their current needs are met. Upon arrival in their home countries IOM meets them at the airport and supports them during the re-integration process" (Siderova, EU-Report: 96). A separate chapter will cover this development of joint venture concerning governmental and non-governmental organizations in Turkey mentioned above.

As the counter-trafficking report states, IOM-Ankara works for a coordinated government response on migration management. This area of responsibility includes irregular migration, labor migration and legal migration activities. Secondly, IOM is involved in capacity building

of governmental and non-governmental agencies to combat human trafficking. This includes improving effectiveness of law enforcement, expanding protection for victims of trafficking, and raising awareness towards the civil society and first and foremost establishing preventive mechanisms in both, sending and receiving countries. Thirdly, IOM Turkey links and establishes international communication and logistics between governments. “One key activity: Support for the Black Sea Economic Cooperation organization. Finally, IOM conducts research and provides technical experts to facilitate the policy objectives of the Turkish Government, its ministries and agencies. In all areas, IOM adheres to its core principle, that migration must be managed for the benefit of all” (IOM Counter Trafficking).

Selin Arslan from IOM Ankara, within her work as a spokesperson, refers to the same area of responsibility. The International Organization for Migration is giving technical assistance to governments on border management issues and is working on behalf of its member states. Thus, IOM is highly supporting Turkey’s efforts in its aim to increase prosecution of traffickers and their penalties.

IOM gives technical assistance to governments on border management issues. IOM is not a UN agency. We work for the governments, for the member states. So it is just like an intergovernmental agency working for the governments or the countries. (Arslan, Transcript: 46)

Regarding Prevention

Regarding the 3 P’s, IOM’s working area on prevention consists of public awareness campaigns, assistance programs etc. The aim is to raise awareness among Turkish citizens and people abroad who are at risk of coming in the position of being trafficked. The prevention project also includes countries of the former USSR like Russia, Ukraine, and Moldova and Commonwealth of Independent States (CIS) countries. Mrs. Arslan emphasizes that due to a very few amount of Turkish citizens, which become victims of human trafficking, the projects are mostly constructed for people from sending countries.

Possible victims of trafficking are then apprehended and identified by law enforcement agents and not by IOM. The Intergovernmental Organization for Migration only joins interviews if the Turkish law enforcement requests their help. The final decision, if a person is a victim of trafficking or not, is made by the law enforcement itself. If these apprehended people are identified positively, they are taken to a shelter where they find medical and psychological help and legal support.

Then regarding prevention, we do public awareness campaigns, both in Turkey and also outside of Turkey. Because Turkey is a destination country for trafficking. And victims are mostly from third countries, not Turkish people, not Turks, becoming victims of trafficking. Mainly there are not so many cases on that. There are very few Turks. You will see it from the statistics. Most of them are coming from former USSR and Russia. So our projects on the prevention part also include some countries like Ukraine and Moldova. We also do some public awareness activities and the things that are available, assistance programs available in Turkey. What we do is, trying to raise awareness among Turkish people and also abroad, regarding protection to give a safe place to victims, who are rescued in Turkey. Because when they are rescued, they are rescued by the law enforcement people. And the identification process is done by the law enforcement people. So we're not the agency to say: "Such a person OK, she's a victim or he is a victim." We cannot say that. But what we do is, we sometimes go to the interviews, as law enforcement people requested for incidence many women might be rescued and this situation, this case might be a little bit difficult. They request our assistance and we go and do the interview with them. Then the final decision is given by the law enforcement. As soon as a person is identified as a victim, then they go to the shelter. (Arslan, Transcript: 53)

Thus, IOM is eager to cooperate with other governments and organizations on developing and implementing different preventive strategies to combat organized crime cross-national. In view of a European Union membership, Turkey puts much effort on working closely together with European countries on border management and counter-trafficking action-plans.

We work with Swedish SIDA (Swedish International Development Cooperation Agency), the Dutch government and Norwegian government, and now will be implementing in the EC funded project, coming for two years. This is an upcoming project actually. (Arslan, Transcript: 47)

Regarding Protection

After IOM's activities of running projects on awareness raising within the public, training Turkish officials, supporting national NGOs, and capacity building IOM also writes reports on behalf of the Turkish government. Regarding 'protection' the International Organization for Migration is mainly responsible for the safe return of victims of trafficking to their home countries. Selin Arslan explains the process of assisting those victims: first IOM makes an interview with them together with the Turkish law enforcement. If the person is identified as a victim of trafficking IOM is doing a second interview with the victims. Ongoing, the organization explains their program to the victims and whether they are willing to return to their home countries or not, certain conducted steps will follow. When a person wishes to go back to the country of origin, IOM gets in contact with her/his embassies, arranging a passport or identification card and fixing the date of return. The next step is that the IOM office in the country of origin will be informed about the repatriation. The staff of IOM Turkey will escort the victims to the airplane and colleagues of the home countries will pick them up

again from the airport. After the arrival, the persons are free to go back to their families and friends or they can stay in IOM shelters for further assistance and psychological treatment.

We are working with the government on writing those reports, giving technical assistance, arranging trainings for them, going and participating on their trainings and giving information on what Turkey and IOM is doing. IOM is mainly responsible for the safe return of those victims to their home countries. If they are really willingly to return of course, because when a person is identified as a victim of trafficking, we go to make another interview with them. If it weren't called for assistance on identification process, we go and we explain our program to them. And we ask them whether they are willingly to go to their home country back. If they say 'yes', they are signing our program paper and as soon as possible we are arranging. Of course, if the case is allowing for us to arrange their movement we are getting in contact with their embassies, because most of them don't have a passport or an identification card. In a thing, so we get in contact with the embassies, we arrange our movement days. And we inform our offices in their home country and we go with them till to the airplane. And at the destination country our colleagues, IOM Ukraine, lets say, they meet with them at the airport if she would like to go to the shelter or get assistance from the program there. She can go to the shelter and get psychological assistance and stay there as long as she wants. (Arslan, Transcript: 49)

To obviate misunderstandings, it must be emphasized here that the shelters of trafficking victims are sponsored by the International Organization of Migration. Although, these houses are under the administration of the Human Resource Development Foundation (HRDF) the donation repatriates to the Canadian government. "In Turkey the shelter for human trafficking victims is being managed by the Human Resource Development Foundation [...]. IOM has helped in organizing trainings for the staff of the shelter by foreign experts". (Kahraman, EU-Report: 100) Thus, IOM provides safe repatriation to the country of origin and escorts the victims from the airplane to prepared shelters, providing them psychological- and health care and legal assistance if needed.

Mrs. Sağlam's work at IOM obtains as well all 3P's. Regarding 'prosecution' she is preparing presentations for conferences concerning human trafficking and organizing the logistics. Next to delivering these presentations to Turkish authorities she is also participating in meetings and conferences on that topic. If the conference is organized by IOM she is preparing the agenda, the presentations and the logistical framework. Regarding 'protection' and 'prevention' Anastasia Sağlam can be named as one of few people that have personal contact to the victims of trafficking in the shelters. Hence, her job consists not only of theoretical work, but also of psychological care and legal support.

Sometimes, not very often, I participate in conferences and meetings, depending on the subject of the conferences and meetings. If it is really directed to the victims of trafficking then yes. Sometimes if it is a conference for Turkish authorities, I'm preparing presentations, I'm delivering them presentations on identification of victims of trafficking, on approaches to victims of trafficking, on child traf-

ficking, and sometimes I can attend as a participant without delivering any conference presentations. Very often for example, we are doing some logistic for conferences. If the conferences are organized by IOM, then we are preparing agendas, we are preparing logistics. (Sağlam, Transcript: 58)

Speaking of cooperation with other organizations, IOM Turkey is providing safety assistance to resettled persons in need of international protection. This work is supported by the United Nations High Commissioner for Refugees as well as by the International Catholic Migration Commission (ICMC) and numerous donors, for example the United States, Canadian Immigration Services, and the Australian Government. The organization is also assisting in establishing a “efficient and humane return mechanism and supports NGOs, international organizations and the Government of Turkey for voluntary return of stranded and irregular migrants and rejected asylum seekers” (IOM Homepage). Moreover, in addition to Turkey’s wish of becoming a member of the European Union, the International Organization for Migration works on realizing and implementing the future goals of the Turkish National Action Plan on Asylum and Migration (NAP) and the EU-Acquis.

1. 1. 2. United Nations High Commissioner for Refugees

The United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly. “The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country” (UNCR Homepage). Moreover, UNHCR in Turkey is working within several different sectors, ranging from refugees and asylum seekers to smuggling and trafficking in human beings. In Turkey, UNHCR has a particular field of responsibility that is highly connected to trafficking. „Victims of trafficking are persons subjected to harm including threats to their lives or freedom and other serious violations of human rights. Persecution may take the form of abduction, rape, sexual enslavement, forced prostitution, physical beatings, enforced marriage, lack of medical treatment, etc. According to Paragraph 51 of the Handbook on Procedures and Criteria for Determining Refugee Status, inferred from Article 33 of the 1951 Convention, persecution is defined as a threat to life or freedom on account of race, religion, national-

ity, political opinion or membership of a particular social group. Depending on the particular circumstances of an individual case involving an element of trafficking, a fear of persecution may arise as a result of being trafficked, which is compounded by a fear of what may happen upon return. [...] UNHCR Turkey has incorporated 'Human Trafficking' in its co-operation framework activities since the end of 2003". (Öztürk, EU-Report: 71) With incorporating trafficking in human beings, UNHCR raised awareness and clearly pointed out that there are victims of trafficking that need to be incorporated in the area of responsibility of UNHCR refugee status determination. One of the major sectors that UNHCR Turkey is involved in, meaning counter-trafficking, covers the activities of trainings, giving technical and legal assistance, refugee status determination, sheltering, and of course organizing conferences and meetings with IOM, NGOs, and governments. The major sectors that UNHCR Turkey is involved in, linked to combating trafficking will be explained in the paragraphs below.

Regarding Trainings

UNHCR is training Turkish officials on EU-law, asylum- and migration law, and on Turkish law. These trainings are given to judges, police officers, officials of the Ministry of Interior (MOI), the Ministry of Foreign Affairs (MFA), NGOs, and also to society members. Mrs. Tokcan-Tuç, a human rights lawyer and former staff of UNHCR Ankara describes the trainings as very smooth, but not at all cost efficient, because these trainings are ongoing since 2000 and remain the same referring the content. Some people did receive more than one training session on the same topic. Not only her organization (UNHCR) conducted the trainings, also others like ICMC and the German Immigration Service exercised several training sessions on one and the same content. The trainings proceed well whereas the problems occur during the implementation.

The trainings were going very smooth and there were no problems, because trainings are nice. There are very similar trainings, and no, I believe they are not very necessary, because this has been going on since 2000. And now it's time to act in my opinion. I mean, they have got lots of training; the Turkish officials. Seven years is a long time and it wasn't only UNHCR training, but some other organizations. Like ICMC also made a lot of trainings for them. So these people got even 4, 5 training sessions. Maybe now it's time to act, I mean, they should give back what they received. So they received all the theoretical information. And it was not only UNHCR and ICMC, the German immigration services also gave a lot of trainings in Turkey. So they received trainings in every language in every context. (Tokcan-Tuç, Transcript: 12)

Regarding Assistance

UNHCR's program objectives in Turkey are especially in 2007 concentrated towards strengthening asylum, finding solutions for refugees, fostering self-reliance, and providing assistance to a limited number of destitute asylum-seekers and recognized refugees as written in the UNHCR Report. Ismet Yasak's works at the UNHCR in Istanbul and his area of responsibility is as widespread as mentioned above, from observing and reporting incidences, which appeared to happen in custody or detention, up to referring irregular migrants from detention centers to guest houses or shelters. One of his main functions is to stay in contact with the higher authorities within the Turkish government and to create a connection between higher authorities and the branch office to send recommendations in order to prevent deportation of possible clients. Thus, he gives counseling on the asylum procedure to clients from UNHCR.

So, we always keep our eyes on them and we keep records, and all this reporting. All this goes back to Ankara to our main office for the evaluation and for further actions if it's necessary, because sometimes it requires the office's involvement with higher authorities to stop a deportation or reform. So in that case, we suggest the branch office to talk to the higher authorities within the government to send instructions to the local police to suspend deportation or reform. And apart from that, another priority for us are also minors. So when they call us, we ask some questions and then try to find out why they left, you know, what kind of problems they have. And then, what was their aim and whether they can go back to their countries, and you know all this. And then we assess their case accordingly, then we give them counseling, first counseling on the asylum procedure in this country and then its consequences. So we leave it up to them. But as they are minors, according to international law and the national law, while they come to our detention and we make sure that they are being put in a child institution in this country, meaning under the protection of the state. And after that happens we again will monitor their status, their situation there, and also follow up and report all this again on regular basis to our office. (Yasak, Transcript: 20)

The second contact person at UNHCR Ankara, Bülent Peker is doing interviews with applicants. He is one of the persons of the staff who decides over the status of an applicant. Mr. Peker is dealing with people who were either smuggled or trafficked. Through, many years of experience he knows that these vulnerable people try to hide delicate or humiliating information concerning their way of being transported from the organization. Bülent Peker states that this fact is not so important, because not the way of the immigration counts but the reason behind it. The main problem of assistance at UNHCR is its capacity problem, regarding staff as well as regarding shelters and accommodation facilities. It takes a lot of time to follow up on a case and to find a suitable solution for everybody. Due to many requests and few facilitators the number of people waiting for their notification increases constantly.

So I'm doing Refugee Status Determination in UNHCR and my work mainly consists of doing interviews with applicants and deciding on their cases. Researching before and after the interview, researching controversial information affecting the applicants, including their possible situation in transit countries. So they came to Turkey to transit to Europe mainly, and there are also trafficked women and children among them, but we only guess this, because they would rarely give indications. They would generally try to hide that information about smuggling and also about trafficking. For our purposes it is not important whether they used illegal ways, illegal course to travel to Turkey or not, and some of our applicants would also; because it takes a long time due to our capacity problems, it takes long time to decide and find global solutions. (Peker, Transcript: 36)

Regarding Cooperation

Especially in Turkey UNHCR is not only working on behalf of refugees and asylum seekers, but is also a member of the counter-trafficking force. The IGO is strongly connected to IOM Turkey, ICMC Turkey, and the local NGO Human Resource Development Foundation. "Since April 2004, a 'Sub-Group on Trafficking' was established under the Gender and Children Team (GCT). The sub-group is composed of staff members from different UN organizations and NGO partners active in the field" (Öztürk, EU-Report: 71). Ceyda Oskaya is one of the personified links between the UNHCR and IOM. She sometimes attends the task force meetings on trafficking where the government, NGOs, and IGOs counterpart. To her field of activities counts also the organization of gender- and children team meetings (GCT) as mentioned above, making repatriation plans and going on missions.

I sometimes attend the task force meetings on trafficking. And these are the ones that I mentioned earlier, where the government's counterparts, the twinning advisers. There are NGOs, as far as intergovernmental organizations as IOM etc. The human trafficking has already had the end of their project. And in addition to that, I attend other types of conferences related to refugees and I organize the gender and children team meetings, which are meetings where the government and NGOs counterpart. As far as IOM; and one component of those meetings is human trafficking, but we have got that at the gender and children meeting sometimes. (Oskaya, Transcript: 29) Sometimes it [my job] is on gender issues. Sometimes I send trafficking victims back to their countries or I go on a mission. It's a variety of different things. (Oskaya, Transcript: 29)

Ceyda Oskaya emphasizes once more the importance of the link between the refugee and asylum issue and the issue of trafficking. She states that many women, but also men and children left their countries for different reasons. They may have already suffered from all kinds of incidents and ask smugglers to take them over the borders and after that got betrayed by them, or these people have already been trafficked. Depending on the particular circumstances of an individual case involved in the act of trafficking, a fear of persecution may arise as a result of being trafficked, which is connected to the fear on what may happen upon return. This statement highlights perfectly the problem of definition between

smuggling and trafficking. In the case of smuggling there may be, or may be not, a factor of trafficking included. The distinction depends on the agreement of client and facilitator and on its violation. Therefore, to reach further investigations, the case of the vulnerable person will be handed over from UNHCR to IOM. At UNHCR the interview with the client should give explanation if the way of migration was an act of smuggling or trafficking. If the case is referred to The International Organization for Migration the organization will as well interview the client and check if he or she is really a victim of trafficking or not. If the person is a victim of trafficking, the case is under IOM's authority, whereas if the person is migrated under different circumstances the case will stay at UNHCR.

When a trafficked person is willing to go back to the county of origin, IOM arranges the transfer and the protection and counseling through certain programs in the home country. If the person decides to apply for asylum and does not want to go back to his/her home country the case will be given back to UNHCR and they will start the asylum procedure.

Then we referred the case to IOM. And IOM will decide if the person is really trafficked or not. And if the persons can return to their countries and not face any problems of return, then different arrangements will be made for the persons to return. But there are different services with different countries. Some countries, it's very difficult to arrange the return to, but with other countries, there is a certain program to return. And if the person can return, then the person would be a refugee. And then the case would come to our office and IOM, if they can't return a person to their country, will then give us the referral for the case. (Oskaya, Transcript: 31)

1. 1. 3. International Catholic Migration Commission

The International Catholic Migration Commission was founded at the end of the Second World War as a cause of the great displacement of people particularly in Europe. During its early years, ICMC's work focused on the administration of migrant travel loan funds. Trafficking is one of nine responsibility fields of ICMC, thus, the organization is and has been involved in counter-trafficking actions since 1999. Together with the Turkish government, ICMC had been involved in police trainings in cooperation with the British government. "The project addressed the problems of human rights advocacy and the protection of forcibly displaced people at the prevention level, rather than trying to advocate for refugees and protect their rights after the legal or governmental systems had failed them" (ICMC Programs and Operations, Turkey). This police training project was implemented in 2004 under cooperation of the Turkish Ministry of Interior (MOI) and had two phases. The first phase, also called 'the

beginners level' was adjusted to the officers from the Department of Foreign Ministry e.g. to the border and asylum section, who had first contact with the client. "The workshops dealt with issues including status determination, refugee and human rights law, international standards in approaching refugee and asylum-related issues, an introduction to practices in other countries, learning how to deal with traumatized refugees, and interview techniques" (ICMC Programs and Operations, Turkey). In 2005, the second project phase was established where a team of ICMC and the MOI visited officers in satellite cities to observe and provide follow-ups and evaluations for an additional training. Thus, meetings were organized with the municipalities, NGO's and IGO's, and local mayors to establish a National Action Plan to gain networking and information sharing.

The International Catholic Migrant Commission works together with local churches of the government and has about estimated 860 staff members who work in over 20 countries of the world. In the area of counter-trafficking, ICMC works mainly in South East Europe, the Middle East and South East Asia. Its agenda includes prevention, protection, assistance on voluntary return, reintegration, and coordination of different organizations. Regarding human trafficking ICMC's work is divided between three major areas: "building capacities in the state and non-state players; providing witness protection and other services to survivors of trafficking; and advocacy." (ICMC: A compilation of human trafficking situations illustrating ICMCs work in combating trafficking.). In addition to the first point, ICMC is providing support to national and local governments in drafting and implementing laws and regulations regarding counter-trafficking. The second field is establishing and linking counter-trafficking taskforces at local level to improve the quality of victim service and supporting law enforcement. Thirdly, ICMC tries to strengthen the capacity of NGO's and governmental organizations to enable a fast and flexible response to combat human trafficking. After having introduced the International Organizations, the Non-Governmental Organizations will be explained below.

1. 2. Non-Governmental Organizations

While the area of Intergovernmental Organizations seems to work at full capacity, the sector of Non-Governmental Organizations would be in need of more support in the counter-

trafficking sector. Especially for victims of forced prostitution and sexually exploited foreign women, the demand for shelters and safe houses is immense. Thus, the main problem of the NGO sector occurs to be in the area of trafficking and forced prostitution, where the capacity on staff members and recourses is deficient. Moreover, the cooperation between the single NGOs and the Government is neither very well established nor willingly to be built up. “Only one or two NGOs (related to women’s problems) contacted government departments and HRDF”. (Kayhan, EU-Report: 12) Outstanding regarding this quote is, that Non-Governmental Organizations seem to fear control and paternalism, imposed on them by the Turkish government. The presence of skepticism was as well detectable in the interviews of this thesis. Remarkable was, that the IGO members interviewed, where not that repellent against the Turkish governmental organization as members of NGOs. In 2005 the Turkish NGOs were still not very cooperative or willingly to establish networks regarding experience exchange. “This may be explained by the dominant state tradition in Turkey, but also the existence of communal networks. In a society in which the public sphere is mostly dominated by the state, and where there is a strong and well-established conservative tradition, NGOs cannot find a suitable climate in which to establish themselves and to be active”. (Kayhan, EU-Report: 13) These reasons explain clearly why the number of the NGOs, in general, but primarily in the sector of human trafficking seems so low. Only two NGOs are full time working on the prevention of trafficking in human beings, the Human Resource Development Foundation (HRDF) and Women’s Solidarity Foundation (WSF).

1. 2. 1. Human Resource Development Foundation

HRDF is one of the main non-profit, Non-Governmental Organizations in Turkey, providing reproductive health, information, training and counseling to people in need. “The Human Resource Development Foundation (HRDF) was established by a group of volunteer academics, businessmen and bureaucrats. Our principal aim was to inform, train and give essential services to women and social workers about population growth and reproductive health. After our studies on these issues, we started working wide-ranging on reproductive health and also on women and human rights” (Tokuş, EU-Report: 105). HRDF is participating in many national and international meetings to present its anti-trafficking agenda and to discuss

permanent solutions to the ongoing problems in this area. As a consequence of this growth and development within the structure of HRDF, this organization has been receiving several inquiries from NGOs in the countries of origin on missing women who could be potential victims of human trafficking. These requests and information's are being forwarded to the General Directorate of Security and HRDF makes the follow up to provide feedback.

As Senar Ataman, head of HRDF highlights, the NGO's area of responsibility consists of community-based reproductive health services, promoting children's rights, improving the socioeconomic status of women, orientation programs for refugees, and many more objectives. Special attention is paid to providing help to minors in close cooperation with UNHCR. This assistance contains of providing protection and counseling. Therefore, the organization needs to ask for support of the Turkish community and the government. As HRDF is a non-profit organization it has to finance itself through donations and fund raising. Although the organization would need the funding and support of the government, HRDF has reservations against accepting financial aid from Turkey. The reason could be that the NGO is in fear of loosing its independence and non-governmental status.

Also we have psychologists in that project, for adults and for children. If it's necessary I try to arrange an appointment for them with the psychologists. We have relationships with other NGOs who work in that field, and we have cooperations with the UNHCR. We try to be sure about their situation and I make an action plan, and I follow up this action plan. And if the client is a minor, we try to protect him or her, and we try to get resources in the community or the government. If the government is providing some money or something else or food, we try to help them [the minors] that they can get these things. (Ataman, Transcript: 56)

HRDF has signed cooperation protocols with the MOI and the General Command of Gendarmerie on combating human trafficking. The organization is also providing assistance to the MFA and other related Turkish institutions. "At the moment we are unique member of the National Task Force for the Combating of Human Trafficking. [...] We have also realized 9 training meetings in 6 provinces for security forces, judges and public prosecutors. 63 judges and prosecutors and 151 law enforcement members attended these training meetings" (Tokuş, EU-Report: 105).

In the sector of projects, conferences and meetings the Human Resource Development Foundation participated in several occasion on combating trafficking in person:

- International meetings (i.e. OSCE-Uzbekistan; KEPAD-Greece);
- Trainings (i.e. ICMPD Police-NGO training, Combating Human Trafficking Training by British Council-United Kingdom);
- Study tour (Moldova, Ukraine, Austria, Netherlands). HRDF has signed two protocols with the government to collaborate in combating human trafficking and one protocol with the Istanbul

Metropolitan Municipality for the funding of a flat for the shelter for victims:

- The protocol between the Ministry of Interior General Directorate of Security and HRDF, signed in September 4, 2003;
- The protocol between the General Commandership of Gendarmerie and HRDF, signed in June 14, 2004

(Tuba Dünder, HRDF Report: 2006)

1. 2. 2. Women's Solidarity Foundation

This non-governmental organization is one of the smaller, but nevertheless important ones in Turkey. "Women's Solidarity Foundation (WSF) is a women's organization established shortly after the August 17, 1999 earthquake in the Gulf of Marmara by a broad women's platform gathered in Istanbul to be in solidarity with the women debilitated and left without socio-economic support after the earthquake. Throughout its operation in the earthquake region the WSF has developed and executed mid and long ranged projects and still continues their implementation. The Istanbul based Foundation has 40 members including its founders, 15 active volunteers and project staff" (Women's Solidarity Foundation). The non-governmental organization WSF is participating in several campaigns, conferences and meetings on behalf of women issues. Since 2000 the organization is taking part and trying to establish a platform against violence within the Turkish Penal Code.

"The Women's Solidarity Fund (WSF), which also takes part in the National Task Force on Combating Human Trafficking, opened a women's shelter for victims of human trafficking in Ankara on 1. September 2005 within the scope of 9-month project with technical support from the International Organization for Migration (IOM), and financial support from the

Swedish International Development Cooperation Agency (SIDA), the US Government, and the Municipality of Greater Ankara” (IOM-Report; 2006: 79).

1. 3. Turkish Government

Crossing over from the non-governmental organizations to the governmental side of the policy field, it needs to be stated, that Turkey had to face mass movements of migration ranging from the division of Former Yugoslavia and the Balkan Region to the refugee movements of the states involved in the Gulf crisis, to name just a few of them. The Turkish government was neither prepared nor fully aware of how to deal with this number of refugees and asylum seekers. “According to police records, between 1995 and 2002, the number of deportations of irregular migrants, which includes illegal entries, illegal departures and unauthorized stays such as overstaying visa or residence permit entitlements, reached 355,375” (Erder/ Kaska, 2003: 33). One step in the direction of efficiency increasing was to establish a new department in the Ministry of Interior, responsible for irregular migration - the Illegal Migration Office in the Bureau for Foreigners, Borders, and Asylum. Later in 2001, the Ministry of Foreign Affairs implemented the first counter-trafficking unit in Turkey. Thus, the area of responsibility for irregular migration, transit migration, and the counter-trafficking unit are combined under these two ministries - MOI and MFA. The Turkish government divides illegal migration cases and human trafficking cases. The top body is MFA (the Ministry of Foreign Affairs). The migration cases are under their coordination. The partner of IOM is MFA, but depending on the cases also MOI (Ministry of Interior) or MOJ (Ministry of Justice) are their contacts.

Turkish government is very bureaucratic like as many others. If you want to do something you have to write to the Ministry of Foreign Affairs. Ministry of Foreign Affairs is the coordinate, but everything is under their control. So our partner is MFA at that moment, but we are directly in contact with MOI (Ministry of Interior) or MOJ, justice whatever is in need of help, but MFA is the top body. (Arslan, Transcript. 53)

The slightly increasing pressure of the international audience forces Turkey to constantly develop its border management strategies and encourages the county’s government to cooperate and to coordinate its operations with units of other states and the ministries of the European Union. The government is surely aware that the organized crime of traffick-

ing in human beings needs to be inhibited and condemned, but still its first priority stays on the control of irregular border crossings. Some of the cases regarding human trafficking and smuggling involve irregular border crossing and fall in the area of responsibility of law enforcement, but “it can be said that irregular migration flows within the region and, consequently, trafficking in women, have been treated as a secondary issue, as the movement of women occurs mainly on a temporary basis and seldom involves illegal border crossings” (Erder/Kaska, 2003: 33).

Especially in Turkey there are distinctions to be made, from which angle you look at the issue of human trafficking. May it be from the side of the MFA or from the angle of the MOI. Although, these ministries do deal with the same topic, they have different perceptions of this form of human rights abuse or organized crime. In the following paragraphs are all ministries named that are involved in the counter-trafficking and smuggling field. In each chapter the focus should be laid on how these ministries perceive human trafficking and how serious they take this circumstance. Especially in this chapter, but as well in total, I want to call attention to the fact that the references and people interviewed will comment according to their best judgment on methods, actions or perspectives concerning the Turkish government. Not all arguments and statements should be taken for granted regarding the government or its organizations. To underline it with one of my interview partners, Mr. Bülent Peker:

The police was actually the part of the problem in that time in a way. They were not involved in as they are now from the protection point of view. [...] There was no protection in that time [approx. 2001] in a way; no international organization was involved in it. So they told me that it would harm the organization or myself if I was involved. (Bülent, Transcript: 39)

1. 3. 1. Ministry of Justice

The Ministry of Justice can be mentioned as the ministry that shows the most interest in adjusting Turkish laws and implementing European Union regulations according to combat the organized crime of human trafficking and forced prostitution. It operates mainly on behalf of the EU Acquis under which smuggling and trafficking is regulated. The operations of the Ministry of Justice are done in cooperation with agencies in the country of origin, with Interpol, HRDF and together with the assistance of regional NGOs and IOM.

The area in which the Ministry of Justice is responsible is listed below:

- The Ministry is a member [of] the National Task Force on Combating Human Trafficking established in 2002, and participates in the studies carried out within that framework.
- The Ministry participates in the Project for Organizational Capacity Building for Combating Trafficking in Human Beings, which is proposed to be carried out under the Twinning Mechanism within the scope of Turkey-EU cooperation.
- The Ministry has participated, with two investigation judges, in the 'European Conference on Preventing and Combating Trafficking in Human Beings' held in Brussels, Belgium on [...] September 2002.
- The Ministry ensured participation of 50 judges and public prosecutors in the 'Human Trafficking Seminar' held in Ankara on 9 February 2005 by the International Organization for Migration (IOM) with the participation of the resident Legal Advisor of the US Embassy Skopje as a lecturer.
- The Ministry ensured participation of twenty judges and public prosecutors in the seminar on 'Combating Human Trafficking' co-organized with the Human Resource Development Foundation in Istanbul on 18 January 2005". (IOM-Report, 2006: 69)

1. 3. 2. Ministry of Foreign Affairs

The official statement of the Ministry of Foreign Affairs to the topic of trafficking in human beings states, that they differentiate between a) trafficking in women in connection with forced prostitution and b) human trafficking/smuggling activities. The major concern focuses towards the trafficking/smuggling field and has priority status in Turkey. Regarding the MFA, cooperation and interaction with other foreign ministries and international and regional organizations is of high importance. Officials interviewed by Erder and Kaska argued that they do not consider trafficking in woman as a frequent case in Turkey and that therefore should rather not be claimed a legal issue only. Moreover, it would be a humanitarian and social issue that could be solved through already existing laws and regulations. "Some officials also felt that the women entering Turkey in large numbers to work in the sex industry do so voluntarily, and point to Turkey's liberal visa policy as a factor of actually avoiding trafficking in women" (Erder/Kaska, 2003: 33). Although, some officials within the MFA are not so

concerned about the organized crime of human trafficking, a lot of developments towards increasing counter-trafficking strategies occurred within the ministry.

As the official of the MFA argues, the Ministry of Foreign Affairs established under their coordination with the General Command of Gendarmerie the National Task Force on Combating Human Trafficking in Turkey. The purpose was to establish a nation wide action plan on combating trafficking in persons. In a joint program, MFA launched the hotline 157 together with the International Organization for Migration in 2006. The Ministry of Foreign Affairs also cooperates with the national NGO HRDF concerning training officials and legal assistance. Moreover, the MFA is the National Coordinator for anti-trafficking activities. Under the leadership of the Ministry of Foreign Affairs, the 'Anti-Trafficking National Task Force' was established in October 2002, which conducts important meetings on Turkey's future counter-trafficking activities. In these meetings an action plan is prepared and has to be approved by the Prime Ministry according to which the ministries and institutions are assigned to their duties. "One of the most important objectives of the action plan was establishing a shelter for trafficking victims where they can get legal, psychological and medical support. The shelter was inaugurated on the 29th of June 2004 with the presence of the Prime Minister of Turkey and the US Former Minister of Foreign Affairs, Collin Powell, and via a protocol signed, it is being managed by the international NGO 'Human Resource Development Foundation' which had been working on this issue effectively, and by the Istanbul Municipality" (Hacıfendioğlu, EU-Report: 84).

Moreover, Mr. Hacıfendioğlu highlights that the Turkish state has attended the preparation of the Council of European Convention on Action Against Trafficking in Human Beings. "We are also supporting and actively taking part in the international activities of The Organization for Security and Co-operation in Europe (OSCE), NATO, EU, Black Sea Economic Cooperation (BSEC) and Stability Pact (SP) about human trafficking " (Hacıfendioğlu, EU-Report: 85).

1. 3. 3. Ministry of Interior

The Ministry of Interior is more aware of the problem concerning human trafficking and sexual exploitation. The reason behind could be the daily contact with this criminal issue. The

ministry distinguishes as well between trafficking/smuggling as an organized crime and other types of illegal migration in connection with illegal work or unauthorized residence. Similar to the MFA, MOI had witnessed just a few slavery-like situations in connection with forced prostitution and stated that these cases have not been frequent. Thus, till 2003, the Ministry of Interior hadn't come across a case where children were involved in forced prostitution. Forced prostitution in connection with human trafficking has been and is illustrated in Turkey as an infrequent, but delicate problem, which needs to be treated at an international level with international cooperation and assistance. "Thus, it is felt that the amendments to the Citizenship Law, the changes in the regulations for foreign workers and the amendments to the Turkish Penal Code regarding the trafficking and smuggling in human beings, were three major tools with which to combat these problems effectively" (Erder/Kaska, 2003: 34). As mentioned above, the MOI knows of the importance on cooperation between the countries of origin and the receiving countries. An example for this cooperation, are the two bilateral agreements with the Ukraine and Moldova. The Ministry of Interior shows the appropriate concern about the topic and sees the urgent need to cooperate within the region.

The area of responsibility of the MOI is identifying victims, provide protection and medical/psychological support, encourage the victims of organized crime to cooperate and assist as an interviewee, make use of their testimony for further prosecution and if wanted, assist in the secure repatriation back home. In order to prosecute human trafficking as a criminal act the law 80 had to be changed. This highly important development will be explained further in the second chapter. Due to the cooperation with ministries from other countries, the Turkish MOI works together with Interpol and Europol on exchanging information and transnational prosecution.

1. 3. 4. Ministry of Tourism

A result which was rather unexpected is the significant role or the Ministry of Tourism in its responsibility to regulate and hand out certificates to tourists and entertainment establishments such as Hotels, Bars, Nightclubs and so on. In the area of responsibility of the MOT fall all work permits of foreign entertainers with the aim to stimulate the Turkish tourism and further increasing its economy. Observable is that the MOT is "limiting the competence

of the Ministry of Interior by restricting the scope of the police to enter and control hotels and other tourist establishments under the control of the Ministry of Tourism. Moreover, the right to issue work permits to foreign “entertainers” removes them from the control by the Ministry of the Interior, even though it must approve such permits” (Erder/Kaska, 2003: 35). The majority of these entertainers are coming from Eastern European countries. Thus, the MOT appears to be very flexible in contrary to other Ministries when it comes to work permits. The reason seems to be a huge demand that needs to be fulfilled. Regarding the police officials, this loose situation is creating an environment, where forced prostitution and other organized crime can exist silently. On the other hand, the Ministry of Tourism claims that the police operations interfere with the tourist activities in Turkey.

Before introducing the next chapter of laws and regulations regarding trafficking in human beings, one important bureaucratic aspect needs to be mentioned. The Turkish state is divided in two parts: the Marmara sea region and the Mediterranean sea region. All victims that are caught in the Marmara sea region belong on administrative basis to the Izmir municipality and the people apprehended in the Mediterranean sea region will be referred to Ankara. When a vulnerable person is taken into custody NGOs come and escort them to the shelter, not an international organization. Istanbul has a different system than Ankara. In Istanbul the foreign department identifies the person as a victim or in addition IOM.

They [Municipality of Ankara] divided Turkey in two parts, for example, in Izmir victims are belonging to Izmir agency area. In the Marmara sea area they go to Istanbul and from the Mediterranean sea area they go to Ankara. And after the police spoke to NGOs and says that there are victims of trafficking to go to the shelter. And then NGOs come and pick up these people, not IOM. In Istanbul IOM makes the identification in additional, identification in Istanbul the foreign department and after this again the NGOs pick up and take them from custody. (Sağlam, Transcript: 59)

Having stated this, the next chapter leads us to Turkey’s laws and regulations, which have been established and implemented on behalf of combating human trafficking and fighting against organized crime on legal basis.

2. Regulations and Laws

2. 1. Laws

The laws concerning smuggling and trafficking in Turkey have been established and implemented not too long ago. As mentioned before, the problem of irregular migration in connection with organized crime had been underestimated by the authorities. Therefore, no legal arrangements directly related to human smuggling and trafficking existed before the year 2002. Before the adjustment of the Turkish penal code, forced prostitution, sexual exploitation, and forced labor in relation with trafficking in human beings were prosecuted under related laws, which had a reduced indemnity period. “Most of the existing laws and regulations in place to combat irregular migration and control illegal prostitution are also applied to combat trafficking in women in Turkey, such as Article 8 of the Passport Law, Articles 313, 435 and 436 of the Turkish Penal Code and Article 201/b of the Penal Code which came into force after August 2002, as well as Articles 1, 2, 6 and 7 of the Law on Combating Criminal Organizations” (Erder/Kaska, 2003: 25).

The laws that would probably be of most relevance are over 50 years old and only some of them were upgraded in 2003, but were inefficiently adjusted to the current migration and asylum situation. An important change happened just three years ago in June 2005, where the Turkish penal code was expanded, thus, still the Turkish legal system concerning human trafficking, smuggling, refugees, and asylum seekers needs to be adapted and rearranged, not to mention, that the previous law index has over 70 different legal texts concerning foreigners.

The following chapters will refer to every important law concerning human trafficking in Turkey. As trafficking is strongly linked to smuggling and illegal migration it is sometimes hard to draw a strict line between these topics. Through a constant change and adjustment over the years, each part will be explained as a history of development regarding counter-trafficking.

2. 1. 2. Article 201/b

In August 2002, the Turkish National Assembly passed the first specified law on human trafficking and smuggling, which was added to the Penal Code. “Turkey is one of the countries that have signed the Palermo Protocol. In line with this protocol human trafficking has been defined as a crime in the 201/b article of the old Turkish Penal Code for the first time”. (Önen, EU-Report: 48) The Article 201/b of the Turkish Criminal Code implicates the definition of human trafficking as well as other exploitations as an act of criminal offence. “For the first time, Article 201/b of the Penal Code introduced the definition of trafficking in human beings and criminalized the act of trafficking. The law prescribed heavy penalties for the traffickers: imprisonment between five and ten years and, in addition, a heavy fine of not less than one billion Turkish Lira. If trafficking in human beings is committed by organized criminal groups, the above-mentioned imprisonment and heavy fine penalties would be increased doubly. (Altuntaş, 2007). The implementation of the Article 201/b was a positive step towards a higher prosecution rate and increased sentences, not only for smugglers but also for traffickers. The detailed content of Article 201/b is stated below.

“- Those who provide, kidnap, take or transfer from one place to another and house individuals with the intention of making them work or serve by force, subject them to slavery or similar treatment, threaten, pressure, use force or coercion to persuade them to give up their bodily organs, use undue influence, secure their consent by deception or by exploiting the desperation of such individuals shall be sentenced to five to ten years of heavy imprisonment and a heavy fine of not less than one billion liras.

- If the actions that constitute a crime are attempted with the intentions described in the first paragraph, the victim is assumed not to have given his/her consent.

- If children below the age of eighteen are procured, kidnapped, taken or transferred from one place to another or housed with the intentions specified in paragraph one, even when no intermediary actions relating to the crime are committed, the penalties foreseen in paragraph one shall still be applied to the perpetrator.

- If the crimes listed in the paragraphs above are committed as an organization, the penalties foreseen for the perpetrators shall be doubled” (Constitution of the republic of Turkey).

2. 1. 1. Article 80

2005 was an important year of change for the Turkish legal system. In June 2005, a new criminal code was implemented, adjusted to European Acquis with the agenda to harmonize Turkey’s legislation towards a EU accession. The Article 80 of the Turkish Penal Code was added to Article 201/b in order to align the Turkish legal system towards counter-trafficking. This Article 80 is treated separately from the Article 91 on ‘Tissue or Organ Trafficking’ or Article 227 in which prostitution is clearly defined. The alterations of this Article include a baseline sentence of eight to twelve years for traffickers or ‘traders’ as they listed in the definition as well as security and victim protection measures. Thus, a task force on trafficking was established and IOM as an observer participates together with other intergovernmental organizations in that meetings. In 2002 and in 2005 significant changes were introduced in the Turkish law system. In 2005 for example, Turkey conducted the definition on trafficking from the Palermo Protocol and transferred it into the Article 80, as mentioned above. The fatal mistake occurred as prosecution was not included in this article. Many judges referred in a case of trafficking not to the law 80 (the trafficking article) but to Article 435 concerning incitement to prostitution. “Under Article 435, incitement to prostitution carries a prison sentence of six months to three years, or a fine, depending on the age of the person incited and the degree of acquaintance between the perpetrator of the act and the victim” (Erder/Kaska, 2003: 26). To correct the mistake regarding Article 80, the article changed in November 2006, thus, prosecution on forced prostitution and a general, valid definition on prostitution is also added to this article.

They say like a ‘task force on trafficking’. They meet and sit together two times in a year and discuss on trafficking issues. During those meetings, and IOM participates as an observer, only the intergovernmental agencies participate on this national task force meetings on trafficking. For incidence, these legal arrangements were one of the prior things needed to be changed as decided. And in 2002 there was an article changed nearly giving answer to that trafficking cases, but not like, not so much. So in 2005 article 80 put into the Turkish criminal court directly, reflects the same definition from the Palermo protocol, but the only missing part was: The definition was not including the false [meaning: illegal] prostitution. So it was such a mistake, because the prostitution was also addressed in another article. When a judge sees a case of a foreign woman taken to travel around Turkey and forced to prostitution, then the judge was not going to this article 80, the trafficking article, but to the article related to prostitution. So it was a disaster thing that needs to be changed. I mean for incidence, if someone is charged from article 80, he or she will be taken into prison for eight to 12 years, but for

prostitution it is not that long. So it needed to be changed and in November 2006 the Turkish government made this change, and prosecution is also added to the article 80. (Arslan, Transcript: 49)

Due to the changes in the Turkish legislation, the government also contributes to an international awareness and focuses on human trafficking as an organized crime.

The first whole legally, now we know what is, that the legal definition of smuggling and trafficking enters into Turkish law. Plus the punishments increased. Since then we see that not only the security forces, not only at legal ground the state is taking these things serious. Other laws are also changing. (Içduygu, Transcript: 6)

“As the Penal Code was fully amended, Article 80 of the new Penal Code (numbered 5237), which entered into force as of 1 June 2005, sets out the definition of trafficking in human beings. Whereas the previous Penal Code (numbered 765) regulated trafficking in persons as a crime against liberty, the new Penal Code regulates it as an international crime” (Altuntaş, 2007). The detailed content of the Article 80 is stated below.

1. Those who recruit, abduct, transport or transfer or harbour persons for the purpose of subjecting to forced labour or service, prostitution, enslavement or for removal of body organs, by getting their consent by means of threat, oppression, coercion or using violence, of abusing influence, of deceit or of abusing their control over or the vulnerabilities of these persons shall be sentenced to imprisonment up to eight to twelve years and a fine corresponding to 10,000 days.
2. The consent of the victim shall be irrelevant in cases where the acts that constitute a crime are attempted with the intentions described in paragraph 1.
3. In cases where minors below the age of eighteen are procured, abducted, transported or transferred or harboured with the intentions specified in paragraph one, the penalties foreseen in paragraph 1 shall still be applied to the perpetrator, even when no intermediary actions relating to the crime are committed.
4. Legal entities shall also be subject to security measures for such crimes. (Criminal Code Article 80. 2006)

It is important to mention that Turkey's directions towards a person, which is working as a prostitute, implicates a compulsory registration. Therefore, this person needs to be a Turkish

citizen. When a foreign person is involved in prostitution, detained by the gendarmerie or the police, he or she will be checked upon disease, but especially upon sexually transmitted disease and, as the act is prohibited by Turkish law, the person will be escorted to a detention center, interviewed, and in most cases repatriated as sentenced under the General Public Law, Article 106.

2. 1. 3. Article 90

An Article that is not to be underestimated in the Constitution of Turkey is Article 90. This law is responsible for the implementation of internationally recognized conventions in the Turkish legal system. “The 90th article of the Turkish Constitution declares that international conventions are accepted as a law if they are implemented appropriately. In May 2005 a new paragraph has been added to this article. Through this article it is provisioned that if national legislation contradicts with international conventions that have been ratified by Turkey, the international conventions will be accepted as law. So since the Palermo Convention has become operative it has been an inseparable part of our national legislation” (Elban, EU-Report: 80). I want to emphasize the importance of this article that when an international convention is ratified by the Turkish state, it becomes a part of the national legal system and will be directly transposed. The Article 90 is one of the major developments in Turkey’s legal system and is significantly engaged in the increasing success of combating human trafficking.

2. 1. 4. Citizenship Law

Since the constant development within the legal system from the early 2000’s onwards, Turkey shows its willingness to cooperate with the international community. By conducting these changes the Turkish state makes a strong statement that it takes the issue of human trafficking as an organized crime really seriously. Therefore, also other laws were changing, for example the citizenship law, which is strongly related to visa regulations. In the past it was the case that after conducting a marriage, the foreign part of the couple directly received the citizenship. Thus, with the adjustment of the legislation, a couple needs to be at least three years married to apply for the citizenship. Since smugglers and traffickers used

this gap in the legal system as a tool to legalize their ‘trade’ and tried to receive a valid Turkish citizenship for the trafficked persons, this rearranged system is now harder to evade.

I should mention that there was this change in the citizenship law, because non of the in fact particularly those girls coming from the north countries, Russia, Ukraine etc., they were making a type of arranged marriages with Turkish men. Why do they do that? This was the law before: If a foreign woman gets married to a Turkish man, almost directly certain procedure she can get the citizenship. So once she gets the citizenship of Turkey, then since Turkey also except tourist citizenship you can travel there. Now they put a kind of, like many European countries, you put a kind of time period. You have to stay three years married in the marriage and only after your marriage survives after three years you can get the Turkish citizenship again. This type, the traffickers and smugglers use it as a kind of tool. Plus another thing changed occurred in the area of work permits of foreigners. This changed in 2003. (Içduygu, Transcript: 6)

As mentioned above, in the year 2003 adjustments to the citizenship law have been made, to prevent its acquisition towards arranged marriages. “In accordance with this amendment, a probation period of 3 years is required for acquiring Turkish citizenship through marriage. Those who have a job incompatible with the marriage and do not share the same house with the spouse will not be able to acquire Turkish citizenship” (Delegation of Turkey, 2007). “Now after the amendments, a foreigner, married to a Turkish citizen who wants to receive a passport, needs to be married for at least 3 years (Article 1, Law no. 4866) and has to demonstrably lived five years before the he or she is able to achieve a working permit in Turkey (Law on Work Permits of Aliens, Art. 5)” (IOM-Report, 2006: 25).

2. 1. 5. Passport Law

The Turkish passport law, dated on July 15th 1950, is strongly linked to the citizenship law as both are adjusted to prevent the crime of human trafficking. Hence, those people who are accusable of being involved in trafficking, forced prostitution, forced labour or smuggling are prohibited to enter the Turkish territory once and for all. “With Article 8 (6) of the Law, prostitutes, those whose occupations involve earning money by soliciting women to prostitution, and those who are involved in white slave trafficking and all kinds of smugglers are banned from entry into Turkey, which is a norm that will serve to prevent acts of human trafficking” (IOM-Report, 2006: 25).

In accordance to the support of victims of trafficking, smuggling and sexual exploitation, legal arrangement of ‘Free treatment of Victims of Trafficking’ are determined as following: “patients with foreign nationality who have been identified as a victim of trafficking and who

do not have the means to meet the expenses for health services are given the opportunity to get free health services from state, health institutions, and organizations”. (IOM-Report, 2006: 25) In the period of medical and psychological support and legal assistance, provided by different organizations, the vulnerable persons are able to stay in Turkey for a term of six month. “Within the scope of international regulations it is possible to give 6 months of residence permit to the victims for medical purposes and in the cases they want to testify and to extend these permits for another 6 month if needed due to the prosecution process or for medical purposes” (ÖğdÜ, EU-Report: 90). Also Selin Arslan from IOM Turkey highlights this positive development in the adjustment of the Turkish Bar Association.

They [vulnerable persons] have a right to ask for a humanitarian visa for six months and they can stay and they can work during this time. Although the six months are not very strict. It can be extended depending on the cases. And also legal advice is also free for them. Turkish Bar Association is organizing this. (Arslan, Transcript: 48)

2. 1. 6. Law on Working Permits

The ‘Law on Working Permits for Foreigners’ provides legal protection to foreign persons against exploitation on the Turkish labor market. Through this law, the Ministry of Labor (MOL) and the Social Security are assigned to all forms connected to working permits in Turkey. “With the “Law on Working Permits for Foreigners”, the Ministry of Labor and Social Security is authorized to issue all forms of working permits. Employment in domestic services is also made possible with this Law. It aims at providing legal protection for foreigners against exploitation in labor markets and extending legal and administrative safeguards to private services” (Delegation of Turkey, 2007).

2. 2. Conventions

2. 2. 1. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.

In 2002 the protocol was adopted ‘to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’, which is the supplementing protocol to the Convention against Transnational Organized Crime, ratified in Palermo and entered into force on 25 De-

cember 2003. “Turkey is one of the countries that have signed the Palermo Protocol. In line with this protocol human trafficking has been defined as a crime in the 201/b article of the old Turkish Penal Code for the first time” (Önen, EU-Report: 48). Turkey signed this protocol, which was ratified by the Turkish Grand National Assembly and incorporated in the domestic law under Article 90 of the Turkish constitution, which implicates that “the ratification of treaties concluded with foreign states and international organizations on behalf of the Republic of Turkey, shall be subject to adoption by the Turkish Grand National Assembly by a law approving the ratification” (Constitution of the Republic of Turkey). This protocol, in Turkey also known under the term ‘Trafficking Protocol’ is ratified by the Turkish Grand National Assembly and was incorporated into the domestic law of the Turkish constitution. The purpose of the Protocol ‘to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’ is outlined in Article 2 as “to prevent and combat trafficking in persons, paying particular attention to women and children; to protect and assist the victims of such trafficking, with full respect for their human rights; and to promote cooperation among States Parties in order to meet these objectives” (IOM-Report, 2006: 20).

This assistance on victims of trafficking and the cooperation among state parties should be implemented as following:

Regarding assistance

The victims of trafficking possess a special visa that permits to stay in Turkey for a period of six months. This period can be extended for another six months until the visa expires. During the residence in Turkey, the person receives medical and psychological care and legal assistance when an asylum procedure is aspired. This ‘Application of Humanitarian Visa and Short-term Residence’ is imbedded in the Article 6 of the Trafficking Protocol as stated below.

- a) Appropriate housing
- b) Counseling and information, in particular as regards their legal rights, in a language that victims of trafficking in persons understand,
- c) Medical, psychological and material assistance,
- d) Employment, educational and training opportunities (IOM-Report, 2006: 26)

Regarding cooperation among state parties

In the majority of cases, the victims of trafficking return back to their home countries once they are rescued and identified. The Article 8 of the Trafficking Protocol states that “the State Party of which a victim is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party, shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay” (IOM-Report, 2006: 20). For the safety of that vulnerable person and to adhere to the pending legal proceeding mechanisms, the person should be accompanied by institutions of the sending countries as well as by state parties of the home country. “All such returns shall preferably be voluntary” (IOM-Report, 2006: 20). Thus, in addition to Article 10 of the protocol, the law enforcement of each state party should cooperate with each other by exchanging information and assisting each other in terms of domestic law.

2. 2. 2. European Convention for the Protection of Human Rights and Fundamental Freedoms

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) is explicitly focusing towards international law. The fundamental goals of the ECHR try to achieve a common understanding of human rights and their protection and surveillance worldwide. According to the ECHR no contradicting party can derogate from the principles of the right to life, prohibition of slavery, and the maintenance of the law in crime and punishment. Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms is referring to the ‘Prohibition of Slavery and Forced Labor’, which is a complementing protocol to the Palermo Protocol. According to the Article: “(1) no one shall be held in slavery or servitude, and (2) no one shall be required to perform forced or compulsory labor. Acts which the Article identifies as human rights violations are ‘slavery,’ ‘servitude,’ and ‘forced or compulsory labour’ (IOM-Report, 2006: 21).

2. 2. 3. Turkish Criminal Procedural Code

In addition to the ratified and implemented laws and protocols the Turkish Criminal Procedural Code offers protective measures for trafficking in human beings. “The new Turkish

Code of Criminal Procedure entered into force as of 1 June, 2005, and has introduced the interception of telecommunications for the crimes listed in its Article 135, paragraph 6, including trafficking in human beings. Application of the interception of telecommunications to this crime would unquestionably facilitate the identification of the perpetrators.

During the investigation, if there is a strong suspicion that a crime has been committed and there are no other means of collecting evidence, upon the decision of the judge or where a delay is detrimental, upon the decision of the public prosecutor, the communications of the suspect or the accused may be detected, monitored or recorded by means of telecommunications. In such a case, the public prosecutor shall immediately submit this decision to the judge for approval and the judge shall decide on this matter within twenty-four hours. Upon expiry of this period or if the judge denies approval, such measure shall be lifted by the public prosecutor immediately” (Altuntaş, 2007).

2. 3. Intergovernmental Cooperations

As a matter of improved cooperation with other state parties, Turkey’s list of participation in bilateral cooperation agreements and activities in the international field are getting longer and longer. To actively participate in the fight against trafficking in human beings, Turkey has signed cooperation agreements with Belarus in 2004, with Georgia and Ukraine in 2005, and with Moldova in 2006. This cross border cooperation as well as the above-referred bilateral agreements, which are imbedded in internationally accepted protocol and gain strategically an enormous role. Within these following years, Turkey also aspires cooperations with the Russian Federation, Azerbaijan, Bulgaria, Uzbekistan, Romania, and Kyrgyzstan. “Negotiations are still continuing with Azerbaijan and the Russian Federation, however no response has yet been received from the other countries. In addition to these bilateral agreements, Turkey also supports the international activities carried out under NATO, OSCE, the Council of Europe, BSEC, the Budapest and Bali processes, SECI and the Bern Initiative, and works actively in these areas. In cooperation with IOM, Turkey has also initiated a project for establishing a regional information hub for collecting information on victims of trafficking in the Black Sea Region” (Aslan, 2006: 79).

3. Improvements

3.1. Victims Support and Sheltering

In this chapter, the focus should be laid on Turkey's achievements regarding shelters and reception centers as well as in its development towards victims support. Hence, the procedure will be explained on how the victims are being treated after they are being rescued by law enforcement or accomplished to save themselves from their imprisonment.

After the victim of trafficking is transferred to the police or gendarmerie station, he or she will be identified and a first interview will be made in cooperation with either IOM or UNHCR experts. After this status determination - to find out if the vulnerable person is a victim of trafficking or not - the person is either under the assistance of the International Organization for Migration or a client of the United Nations High Commissioner of Refugees. When the person is identified as a victim of trafficking, the victim will be accompanied to a private shelter, restricted only to victims of trafficking, where he or she can stay until the period of six month expires. During this time, the person gets medical and psychological help and if ordered legal assistance. Anastasia Sağlam's job is to support these people by offering psychological help and assistance. Her working area concerning the victims consists of re-integration assistance, medical assistance, vocational training, sheltering and advocating in close cooperation with the office of IOM in the country of origin.

For example, when the person is interviewed almost all of them or maybe all of them are traumatized persons, suffering from post trauma syndrome. So these people very often, they are depressed and actually they don't know what they would like to do in their further life. So our job is to somehow support these people and support them to feel that life is not finished. And actually, they have possibility and they have a chance to create a new life in their home countries if they would like to return. But most of them want to return to their home countries. So then, for example, re-integration assistance in countries of origin consists of medical assistance, vocational trainings, sheltering, advocacy to victims of trafficking. So we are explaining to these people how they can be helped and how the organization and their governments can support them in their further life. And we are preparing with them at least for their future life in their home countries, of course, with close coordination of IOM in country of origin. (Sağlam, Transcript: 59)

During the interviews the person will be asked, if he or she is willingly to return to his or her home country voluntarily. Of course, under close coordination and protection of the International Organization of Migration and the help of voluntary lawyers. A future project shell

encourage more lawyers from different scientific backgrounds to cooperate and coordinate under a directly assigned Bar Association especially for the topic of trafficking in human beings.

Today, for instance, when a victim would like to have legal assistance we are getting in contact with the Bar Association and with the willingly lawyers, which are giving assistance. But with the new project we are planning to have a group of lawyers. Expertise on trafficking would be assigned to those trafficking cases, for instance. We are trying to make it much more structural on the prosecution point as well. (Arslan, Transcript: 54)

If the person wants to return, a repatriation processes will be initiated and a staff member of IOM will safely accompany the vulnerable person to the airport. From the airport of the home country another staff member of IOM will pick him or her up and escorts the person to a shelter or straight home. Hence, Ismet Yasak is referring to IOM when he compares UNHCR's strategies on repatriation assistance. As a staff member of UNHCR Istanbul he is dealing with repatriation as well as with elicitation of vulnerable people out of custody. His area of responsibility involves also the cooperation with other organizations and sustaining connectivity between his organization, the Turkish government, and law enforcement.

Like IOM is dealing with the human trafficking and also with the departure of, like arranging the departures for the refugees, who have been accepted by the resettlement countries: like arranging their papers and accommodations, and then making sure that they are safe. You know, guided from this country to their last destination in the resettlement country. And the arrangement of the payment and all this once they have visas of asylum-seekers, visas of refugees that are recognized under the 1951 mandate. And they receive the visa from the embassies directly. And then the embassies, then they are starting working. When the government says that they are ready to take them, the resettlement countries, then they are starting to look for available tickets in airplanes for their departure from this country to their settlement countries. So that's, they are also dealing with some other departments that are not related to the refugees. (Yasak, Transcript: 23)

Official reports of the MOI state that safe voluntary repatriation of trafficking victims is provided in cooperation with the local organization HRDF and IOM. "So far, a total of 473 (2004:61, 2005:220, 2006:192) victims have safely & voluntarily returned to their home-countries by this cooperation-ship" (TNP, 2007: 3).

If the victim of trafficking does not want to return to the country of origin, the asylum procedure will be initiated under support and coordination of UNHCR Turkey.

The period in the shelters is not only important regarding supervision to the victims, but also in addition to further interviews requested by the law enforcement. "Occasionally, the victims at the shelter are called back to the police station if there is new evidence for that particular file. Also, the victims who have refused to witness or testify initially, sometimes

change their minds during the reflection period and decide to share the information they got” (Tuba Dünder, 2006).

During the stay, as mentioned above, the trafficking victims are getting psychological help and medical treatment if needed and accepted. Human trafficking and health care are closely linked when it comes to after treatment of victims of trafficking. Therefore, it has to be a top priority on the agenda of every country. According to Tunga Tüzer from the United Nations Population Fund “Trafficking must be recognized as a health issue and not just as an issue of international law” (Tüzer, EU-Report: 66). Ceyda Oskaya mentions as well the shelter initiative as a major improvement of the government related reception centers. Now women or other vulnerable persons have access to these shelters if they are in need of protection.

Now there has been some government related reception centers they can go. I have read some reports: In one approach the idea is that the woman or any vulnerable person can have access to shelters through these reception centers. But of course, knowing the practice in Europe, they have different kinds of reception centers for different types of refugees and asylum-seekers, for each one. (Oskaya, Transcript: 28)

In the past it was the case that for instance health services for sick migrants were not permitted. The NGOs could get in serious trouble, when they applied to government hospitals for some support or help. The positive development shows that these NGOs are now able to provide money support or housing for migrants with bad health condition.

What happens is that if they apprehended some people before, they can house them there for a certain period of time. In fact this is a kind of good development. I can give this example. Plus I should mention that for incidence how to provide some services, some social services. Previously, which was the case, if they are sick providing health services to them was very difficult and not possible. Now to the NGOs in fact they can get in danger when they applied to some government hospitals. They can get now some services and these NGOs provide if they are really in vulnerable conditions, they can give little money and providing housing etc. (Içduygu, Transcript: 5)

Selin Arslan from IOM Ankara highlights that after 2004 Turkey made a real progress on the issue of combating human trafficking. All help related assistance is free for victims of trafficking. The government covers and supports now many projects, which will be mentioned in the following chapters, although, the majority of the projects are funded externally, for example from the USA. A good example is also the Swedish SIDA project.

The government, except this in 2004 and said that all victims are free, will get free health assistance. And also legal issues: Because all those for incidence, management of the Ankara shelter or the management of the ‘157’ is covered by the projects. Okay, the Turkish government is also putting some

part, but mainly it came by the, for instance, the US funded project. Or a shelter is funded by the SIDA project for incidence. (Arslan, Transcript: 52)

With international help and support, Turkey seems to constantly improve its strategies and assistance towards combating trafficking. Although, the state does not contribute very much of its own budget to counter-trafficking, the measures and strategies to help those victims are adjusting towards European standards. Donors of the shelter projects are as mentioned above the US-Government. “The running costs (other than the rent) of the shelter is covered by both Philip Morris/Turkey and Philip Morris/International; the administrative costs are covered by HRDF. Beyoğlu District Municipality supports the shelter by providing dried food items” (Tuba Dünder, 2006). Since 2005, two trafficking shelters are operational, one in Ankara and one in Istanbul. IOM opened as its main project a second shelter for trafficking victims in Ankara. The International Organization for Migration selected a local non-governmental organization to manage the shelter. Thus, a member of the Ministry of Foreign Affairs revealed that there is a new agenda on planning more shelters for the regions of Ankara, Izmir, Antalya, and Adana/Mersin.

In each shelter are working, apart from lawyers, doctors, and psychologists, three so called housing counselors who speak at minimum Turkish and Russian. The responsibilities of these counselors are listed below.

- Transfer of victims from Istanbul Foreigners Department to the shelter;
- Transfer of victims from the shelter to the airport and accompanying them to the airplane for departure;
- Accompanying and assisting the victims to health services;
- Daily management of shelter, including shopping and assisting the victims in daily activities;
- Translation for interviews during psychological and legal counseling;
- Assisting IOM staff for the issues related with the safe return of the victim (during IOM screening, consulate visits, etc) (Tuba Dünder, 2006)

Another improvement to mention is the development in the interaction with minors. There are some new established guidelines and directives for the Turkish law enforcement that have to be respected and followed. Before the international pressure on Turkey started, it was not usual to place a minor in a shelter that was appropriate for children. The Turkish authorities are now taking better care of minors and they are quicker in their decisions when the client is a child. They do not put them in detention anymore together with adults, but place them directly into child institutions.

We accompany them [minors], we take care, we explain them the situation and explain them, there are also some general guidelines and directives within the local authorities that we are aware. Then we refer to them directly and then they take the child. And then they take the child later to the hospital to see if the child has got any contagious disease. And they are suspicious of the age of the child and they also make the bone tests. And then afterwards, they either directly place the child or the minor in a child institution or through foreign police. But at the end, they are quickly in child institutions. (Yasak, Transcript: 24)

In cooperation with other NGOs and IGOs the Turkish state is improving its capacities on sheltering for vulnerable groups, providing them accommodations, food, and social assistance. Although, as Bülent Peker argues, there seems to be as well a negative aftertaste to some of these developments.

UNHCR is in cooperation with many organizations, to help them built the capacity in doing things like sheltering, refugee women who are victims of domestic violence, providing them accommodation and food and social assistance. But this is not seen as a human rights protection, it is just seen as providing individual solutions for individual problems. It's an advantage, but it's not like a total protection perspective, a full protection perspective. (Peker, Transcript: 44)

3. 2. Project 157

The so-called project 157 is a hotline reachable within Turkey and from all over the world under the number '157' respectively from foreign countries with the Turkish code '0900'. The consultants working there are able to speak Russian, Romanian, Ukrainian, Turkish, and English. With three fulltime working and two voluntarily working operators, the hotline is 24/7 available. "Perpetrators have been trained both for the coordination of emergency rescue operations and for support in situations with less risk. When a call is answered, after certain threat and risk assessments, the police is called if required" (Kahraman, EU-Report: 1o1).

But Turkey made a good progress towards the trafficking issue, like '157', which is a good example for us to see. This is a free helpline. Now we are in charge of this helpline, operational since May 2005 let's say, working 24 hours, seven days a week. Free helpline, including mobiles as well from all over Turkey, also can be reached from abroad. Not directly dialing 157, but dialing Turkish code: 0900,

this is Turkey. This is Ankara: 1571122. If you dial this number from abroad you can also reach 157 as well. So these consultants are working there. They can speak Russian, Romanian, Ukrainian, Turkish, and English. Because mostly victims are coming from ex-former Russia. Let's say, so mainly common language is Russian. (Arslan, Transcript: 51)

The helpline 157 starts getting calls mostly from clients of illegal prostitutions or other people who are at risk of being victims of trafficking. Before marching the helpline the organization was expecting calls from victims, but it turned out that these vulnerable persons often don't have any possibility to call this number. Thus, if the connection is stable, the information is given directly to the Turkish law enforcement, which initiates the rescue operations and afterwards the identification process.

This helpline starts getting calls. Actually before marching this helpline we were expecting the victims to call the helpline. But after a year later we saw that mainly the clients, let's say, the ones who are in contact with the victims, are calling and requesting help, because the victims do not have a chance to get a mobile or to see those numbers. So Turkish people giving the calls, actually 75% are coming from the Turks and saying that there is a woman needing help, forced to prostitution. So we get this information, we directly divert this to law enforcement people, and rescue operation is done by the law enforcement people, and identification again done by the law enforcement people. (Arslan, Transcript: 51)

This helpline has improved combating in human trafficking immensely and opens a new window of opportunity for victims of trafficking to communicate their apprehension to the outside world. The statistics reveal that through project 157 the prosecution rate increased significantly.

- In 2004, 138 of those arrested; 43 to be judged without imprisonment;
- In 2005, 125 of those arrested, 134 to be judged without imprisonment.
- In 2006, 422 traffickers have been apprehended, 156 went into prison at initial phase (TNPĐ, 2007: 4).

Anastasia Sađlam from IOM Ankara states as well, that the hotline was a full success and she does believe that through the project 157 many victims are saved.

[...] I like my job and I really appreciated to be part of this job and to really help people, because mainly I believe, I do believe we help many people to save the lives. And for example '157' helpline is really a fantastic job, thus, we are motivated by seeing these people. (Sađlam, Transcript: 61)

3. 3. Awareness Raising

The topic of awareness raising in the Turkish civil society is a delicate one, because trafficking in women, moreover, sexual slavery is being ignored. Most public eyes are closed regard-

ing prostitution or related businesses. Thus, the media is still hesitating to call everyone's attention towards the crime of human trafficking and forced prostitution. Early media spots exhibit that prostitution and related businesses like table dance etc. were strongly connected to the picture of women coming from former Soviet Union countries. "The result of our small scanning on how did media approach this issue is that we saw the issue was regarded from the point of view of women body's tempting presentation in the early 1990's. In other words, media attention was mostly directed at the 'Natashas' in the Black Sea region of Turkey. Even the term 'Natasha' was used in news items to refer to all women from ex-Soviet countries and their involvement in prostitution. Because of this, unfortunately, all foreign women were disturbed and harmed at the same time, in our country" (Kayhan, EU-Report: 13). This problem did not change over the years in Turkey, but it is especially present in the tourist regions of Antalya/Alanya, Bodrum or the Black Sea region. The term 'Natasha' is still used as a synonym and generalization of all sex-workers and inherits a strong derogative aftertaste. While the image of the 'Russian prostitute' urgently needs to be changed towards a more open-minded and laid-back one, the crime of trafficking in women and forced prostitution must be taken seriously, not only by the Turkish authorities, but as well by the civil society.

With advertisements and short spots in TV channels, the Turkish public should effectively be alerted towards the urgency to help and support the law enforcement in combating this organized crime. "In cooperation with the International Organization for Migration (IOM), advertisements in Turkish TV channels as well as on channels in Moldova, Ukraine, Romania, and Belarus were aired. A public awareness campaign entitled "Have You Seen my Mother" was launched in February 2006. Within this context, a propaganda film was shown on TV channels and at cinemas nationwide. 2500 campaign posters were advertised on billboards and public buses" (Delegation of Turkey, 2007).

The reports on human trafficking and illegal prostitution are also a step forward to combat organized crime. Also the increased punishment for traffickers is a prevention mechanism. Mrs. Oskaya therefore hopes that these improvements prevent people from being engaged in trafficking.

And somehow the reports are risky of trafficking incidents and there are investigators. And if the person is doing trafficking, receives some kind of punishment. Then this would also be a preventive mechanism, because these people don't get engaged in trafficking hopefully any more. (Oskaya, Transcript: 30)

Bülent Peker admits, that there is an increasing awareness of Turkish journalists and an increasing willingness to report on human rights violations compared to the past. The backside of this awareness occurs in the struggle with the Turkish government, because of reporting delicate things like human rights abuses. Mr. Peker claims that the Turkish media would just report these serious incidences if they could count on less reaction within the government. If the government reacts negatively on the reports a process of bargaining would occur and the media wouldn't send the report again.

There is an increasing awareness of Turkish journalists and there is an increasing willingness to report on human rights violations, but the Turkish media is generally too much on fighting the government, because they have business; All Turkish media conglomerates, very big business stakes within the Turkish government security authorities. What I know from the journalists with whom I discussed this issue, that the Turkish media reports something, if they know that the government will not react, or they would report it and they will get some favorite as a bargaining process and they wouldn't post it again. (Peker, Transcript: 44)

3. 4. Trainings

As this topic was addressed in the first chapter, this paragraph will just show a short repetition of the trainings conducted by NGOs and IGOs in Turkey and by other state initiatives. These trainings are structured among different subjects, depending on the clients and on the organization, which provide the trainings. Turkish law, EU-law, and human rights are for example assigned to law enforcement, government officials and staff members of other organizations. Whereas interview techniques, correct victim treatment, and psychological supervision is provided to the above-mentioned group as well as to lawyers and the Turkish Bar Associations. The International Organization for Migration has conducted trainings on behalf of the below mentioned reasons.

What we do is for incidence: We are giving technical assistance to bar associations, to lawyers or to law enforcement people. We go there and we organize trainings for them. We explain them the trends how to do the interview, how to deal with the victims, how to ask questions. All these psychological parts and also the technical parts. What needs to be done, we show the best practices from the world, what is done and try to make Turkey to adopt those and do those. And we show them the needs and the gaps as well. So what we do is, if we go back to your question, we give technical assistance to the governmental agencies like for MOI mainly, to law enforcement people, to the gendarmerie and police people. How to risk operations, how to do interviews, how to get in touch with the victim, also protection. (Arslan, Transcript: 48)

The aim of these trainings is foremost to raise awareness within the different working-groups, to gain a more open-minded view towards the victims of this crime, and to develop under coordination of all involved institutions an efficient wording of law and techniques to combat human trafficking. The Human Resources Development Foundation has as well conducted a training program in 2004 with the funds received from the European Union and British Council. "A total of 151 law enforcement officers have participated at the three-day trainings organized by HRDF in 6 different provinces. A total of 63 prosecutors and judges have participated at 3 two-day trainings organized by HRDF in 2 different provinces. These trainings are expected to provide knowledge and skills to the judiciary and law enforcement staff on issues like the basic concepts of human trafficking; its motives, consequences and mechanisms; international protocols; national laws and regulations; basic rules of working with victims; cooperation and collaboration of all relevant parties in combating human trafficking; case studies; victim assistance programs; the role of NGOs' in combating human trafficking, etc." (Tuba Dünder, 2006). As these trainings are very important, many international organizations, local organizations as well as governmental organizations from other states are highly engaged in Turkey's development on the counter-trafficking sector. With just mentioning the main donors and major actors involved as IOM, UNHCR, HRDF, EU, SIDA and many more, Turkey can count on huge support within the 'Western' world.

3. 5. Counter-Trafficking Activities

This chapter will be especially diverse, because depending on the data sources the numbers of victims as well as of perpetrators will differ according to the organization consulted. Although, the research field of migration in Turkey is quite well established and scientifically operational since the early 80's, the first research on human trafficking and smuggling is not much older than 2003. Since Turkey became a member of IOM in the year 2004, the reports and researches on the whole irregular migration issue increased. Combined with the pressure of the European Union, the USA and other international and local organizations, Turkey has to prove its willingness to fight against the crime of human trafficking. Hence, not only IOM presents yearly statistics on Turkey's development on combating trafficking, but also Turkish governmental organizations, the US-report on global trafficking, UNHCR, human

rights reports, and many more international or national organizations. This chapter should highlight some of the major data sources on combating trafficking in Turkey. Moreover, some specific statistics regarding prosecution and rescuing activities are mentioned below.

Apprehended Perpetrators from 2004 - 2006

Apprehended Traffickers	2004	2005	2006	Total
In detention	138	125	155	418
Ongoing trial	43	134	124	301
Escaped	41	105	113	259
Prison term completed	5	11	5	21
Under custody			3	3
Apprehended at the borders		3	3	6
In detention for other reasons		1	13	14
Total	227	379	416	1022

Figure 2: Ministry of Interior - Human Rights Division, Ankara 2007.

At the Human Dimension Implementation Meeting in Warsaw in 2007, the Turkish Delegation presented some of the latest statistics regarding combating trafficking efforts in Turkey. “Since 2002, Turkey has been taking active steps and displaying an active approach in the struggle against human trafficking. 239 victims of trafficking in human beings in 2004, 256 in 2005, 246 in 2006 and as of 17 September 2007, 124 victims have been identified so far. In 2004 and 2005 a total of 495, 422 in 2006 and in 2007 (up to 17 September) 279 traffickers have been apprehended” (Delegation of Turkey, 2007). Since 2002, Turkey established a task force on combating human trafficking under the coordination of the MFA and currently 15 governmental and non-governmental organizations are operating within this framework. A so called action plan on combating human trafficking has been implemented in the year 2003 with the aim to strengthen the institutional capacities for counter-trafficking in Turkey. Moreover, in 2007 a new action plan has been established and approved. Turkey’s efforts increased once again in 2004 with the membership in the International Organization for

Migration. Especially in the summer season monitoring and prevention missions are being operational throughout the country by the Turkish law enforcement. Also a new report on combating human trafficking in Turkey has been introduced in 2006, prepared by the Ministry of Foreign Affairs. The data is provided by the National Task Force and translated and published in English.

Numbers of Trafficking Victims Rescued through helpline 157				
	2005	2006	2007	Total
Moldova	15	27	16	58
Romania	8			8
Ukraine	17	11	1	29
Turkey	3			3
Uganda	1			1
Russia	6	11	3	20
Belarus	1			1
Kyrgyzstan	1	1	2	4
Georgia		2	2	4
Azerbaijan		2		2
Uzbekistan		1		1
Kazakhstan		1		1
Total	52	56	24	132

Figure 3: IOM, Ankara, 2007

As Turkey is a tourist country it is not very complicated for people to enter the country with a tourist visa if they have a passport and some money. Hence, also immigrants, transmigrants or smugglers, and traffickers are able to take the legal way to cross Turkey's borders. The Turkish state cannot close the borders, as it cannot prohibit people from coming to Turkey. Selin Arslan from IOM Ankara claims that visa regulations need to be done, in cooperation

with neighboring countries and the sending countries in order to cope with the irregular migration problem on global basis.

As you know you can enter Turkey by having a tourist visa at the entrance. Sometimes they say that this is not a situation of legislation. This is a border, a visa regulation to be done, but from the Turkish perspective it's also: When the Turkish come and say that we are a tourism country, we cannot close the border or we cannot make the peoples' life a disaster when they would like to come to Turkey. But trafficking occurs as well. So Turkey gets action with the countries of origin, with Ukraine, Moldova, Belarus, Kyrgyzstan. There are some bilateral agreements on combating trafficking between the countries. So even a case occurs in Turkey, Ukraine for instance, governments also get in contact with each other. IOM consults them to organize them for instance. So this situation is global. So what I can say you is: Turkey is working at the moment, on behalf of IOM perspective, trying to take as progressive steps as possible. (Arslan, Transcript: 54)

This cross-national working attitude of Turkey leads us to the next chapter of joint ventures in Turkey. Who is joining, who is benefiting, and what is being done in the global counter-trafficking sector.

3. 6. Joint Venture

Joint Venture plays probably the most important role in combating human trafficking. The efficient cooperation and interaction between countries of origin, transit, and destination are the basis instruments in fighting against this organized crime. Therefore, Turkey has signed bilateral cooperation agreements with the countries of Belarus, Georgia, Kyrgyzstan, Moldova, and Ukraine. Furthermore, Turkey's attempts have increased to coordinate its activities with international organizations as OSCE, the Council of Europe, and NATO. "Turkey joined the IOM as a full member in 2004. Since the beginning of 2006, Turkey has assumed the Chairmanship of the Budapest Process, a major platform where the migration-related challenges have been dealt with. Turkey is also assuming the Chairmanship-in-Office of the BSEC until the end of October" (Delegation of Turkey, 2007). In 2005 was a NATO summit in Istanbul, Turkey. Before that summit meetings were held on how to establish some kind of reception center for irregular migrants and the victims of trafficking. In this meetings the foreign ministries participated together with civil society organizations and the US government. The aim was to raise awareness in the civil society. Ahmet İçduygu emphasizes that this summit was a significant improvement in the past.

Two years ago there was a NATO summit in Turkey. In fact in that NATO summit in Istanbul, one big issue was the NATO, which is a security organization involved how to fight against irregular migration, because of the security reasons. And before that meeting, there were preparation meetings and first

time Turkey discussed how to establish some type of reception or reception centers for irregular migrants and the US government was conscious about that, and the foreign ministries involving the civil society organizations. In fact, they tried to bring this issue to the public. So this was a very significant development since then. (Içduygu, Transcript: 2)

Throughout these joint ventures, the relationships between the countries and the international and national organizations established many very efficient and presentable workshops and projects as already mentioned. Trainings, shelters, the hotline 157, cross-border anti trafficking missions, and improved victim treatment were the results of this collaboration. On the governmental level Murat Öğdü from the Ministry of Interior states that through collaboration between the NGO Human Resources Development Foundation and the General Directorate of the Turkish police, 150 security officers have been trained in 2004 in Istanbul, Ankara, Bursa, Izmir, Erzurum and Antalya. “A second shelter in Ankara has become operational as of November 2005. Shelter in Ankara has also been managed by another NGO: Foundation for Women’s Solidarity. To date, 119 victims have been accommodated and assisted in Ankara” (Delegation of Turkey, 2007).

Moreover, on the Non-governmental level HRDF cooperated with the European Union, the British Council, and the Catholic Relief Service on projects regarding human trafficking and information exchange in association with UNHCR and ICMC. “The first joint workshop with the Department of Foreigners, Borders and Asylum of the General Directorate of Security, in cooperation with partner NGO’s; Human Resources Development Foundation and Women Solidarity Foundation, was conducted in Antalya on the 9th and 10th of July [2007]” (IOM Counter Trafficking, 2007). It seems that the Human Resource Development Foundation is next to the WSF the only non-governmental organization that tries to maintain the status of good coordination and interaction with international organizations. The Turkish government has also recognized this extremely important development. Cooperation between the government and the local NGOs is indispensable if Turkey wants to effectively fight against human trafficking. “Under the realization of the necessity of collaboration between the security forces and the NGOs, a protocol on several issues such as the protection and accommodation of the victims, safe repatriation, and trainings for the officers working on the issue, has been signed between the Human Resource Development Foundation and the General Directorate

of Turkish Police [...]” (Öğdü, EU-Report: 90). HRDF is in charge of the shelters for victims of trafficking and exchanges information with IOM and UNHCR.

A necessary development for Ceyda Oskaya of UNHCR Ankara is as well the cooperation between IOM and UNHCR. In a meeting these two intergovernmental organizations discussed the link between trafficking, asylum, and refugee status determination. The result is an adjusted system to shift cases between the organizations.

We discussed at the gender and children team meeting all the links between trafficking and asylum. And we developed a status of referring cases to IOM and IOM referring those cases to us. (Oskaya, Transcript: 33)

In total, Turkey can look back at 5 good years of increased development in the counter-trafficking sector. This seems to be a good fortune looking toward to Turkey’s future. Still many adjustments and rearrangements have to be made and programs to be started in order to cope with human trafficking and maybe become a member of the European Union. The following chapter, therefore is regarding Turkey’s ongoing efforts to improve its counter-trafficking strategy.

4. Outstanding Improvements

4.1. Laws and Regulations

The Turkish legal system has changed rapidly since the last five to six years and much has been accomplished with support of international and local institutions. Nevertheless, Turkey still cannot rest on his status quo and has to continue its hard work towards combating trafficking. Since the Turkish state is a member of the international community, it has to follow certain instructions, thus, the critic never sleeps and Turkey has to show its ongoing willingness to cooperate and improve itself towards the international high standards. Ahmet İçduygu who is working on the irregular migration issue since the 1980s claims that Turkey used to get huge critics from the European Union and the United States. The US publishes every year a report on human trafficking and in the last 4-5 years, Turkey was in the ranking constantly among the countries with the worst results on combating human trafficking - e.g. tier three. The States blamed Turkey to not really fight against trafficking.

So Turkey used to get huge critics from the European Union, because even from the United States. You know that the United States' department, every year they publish this trafficking report. And in the last 4-5 years when we looked at the case that Turkey is usually grouped in these worse group countries as arguing that Turkey does not really fight against trafficking. And plus none of this transit migration, many parts of these transit migration targets against Europe, so the European Union is very conscious about that. Particularly in the late 1990's, early 2000 Turkey used to get very serious critics from the EU and United States. What we know that initially, which was the case that the Turkish authorities were closing their eyes particularly on transmigration, because they were arguing that this is not Turkey's business. They are coming and going. But when the country was dealing with the whole debate of the European Union and get these critics, then the authorities hear also, they start taking serious decisions on it. (Içduygu, Transcript: 2)

The report on human trafficking in 2006 states Turkey among tier two (Trafficking in Person Report, 2006: 46), but still the total aim is not reached yet. In the second chapter of this thesis - the law chapter - are many amendments and rearrangements mentioned concerning the legal system. Turkey certainly has made a huge progress regarding its former constitution. Still the international community plus its local ambassadors are striving for more. The Turkish lawyer Işıl Tokcan Tuç claims as well that, although, many laws and protocols have been implemented and adjusted, some legal areas are not yet involved in the ongoing amendments. The foreigner law for example is not very much developed. Still there is neither a law for refugees as there is a law for immigration. The legal framework for its enforcement does simply not exist. Although, actions were being taken to establish a good developed and safe legal framework, the basis is still very weak.

This subject, the foreigner law in Turkey is really not very much developed for example. There is no law about refugees yet, there is no immigration law yet, so a legal framework is not there yet. Even off the record, when I spoke with a high level government official about this, they said that we are trying to develop it and we're trying to develop it in a very good and safe way so that we won't be beaten up by good lawyers like you, he said. They are really afraid when there is a legal framework they may have a lot of cases against them. (Tokcan Tuç, Transcript: 11)

The statement above leaves a bitter aftertaste on a chapter full of shiny new developments in the counter-trafficking sector. It seems that the areas, which needed to be rearranged ,where done under pressure of international monitoring. The Turkish authorities left the sector of second range, as refugee and asylum law aside, because they were not yet urgent enough and the budget was not available for these sectors.

Another problem arises throughout the actions taken by the Turkish law enforcement. Guarding the Turkish borders, even, with international and cross-border cooperation, is implies certainly an enormous pressure. It is a tough decision to decide on a persons status at the border, if he or she is allowed to enter the country or not, moreover, if the person is vulner-

able and seeks for help. At the border the duty of the guards is to make sure that nobody enters Turkey illegally. Nevertheless, also potential asylum seekers are coming through illegal ways and have the right to apply for asylum. The guards obligation is to distinguish, if these people are potential asylum seekers or not, within the framework of the asylum law and not just apprehend them right at the border. Fast and blindfold decisions are one of the main problems regarding the Turkish law enforcement. Through obligatory trainings the attempt is to sensitize the police and gendarmerie officers at the borders on their decision-making and proper interaction.

Because, I mean, at the border, the duty of the guards or the duty of the authorities at the borders make sure that nobody enters this country illegally. But we all know that potential asylum seekers are also coming through illegal ways. So how would you distinguish if you come across with 50 for example, illegals right at the border? You try to stop them. Yes. You may catch them. And then you consider all of them as illegal migrants or you find out during the statement taking procedure, whether they are potential asylum seekers or not, finding out from their statement their right for asylum. (Yasak, Transcript: 28)

This problem arises not only at the Turkish borders, but also in between the different organizations. The issue of competence and jurisdiction hovers above cooperations and interactions between the government, international and local organizations. If the clearly vulnerable person needs a shelter, he or she should have the right to be relocated to a secure accommodation as for example a shelter. After the shelter is provided the case can be referred to any institution responsible for the person. Ceyda Oskaya from UNHCR Ankara knows that the discussions whose competence the case would be, is more than overdue. Therefore, she claims that a clearer link between exploitative relationships, domestic abuse, trafficking, and asylum should be made.

And we discussed the abuse of the shelters for some of the women in the street, but it is not fruitful. This area is still developing, because we are still discussing with NGOs and other governments about referring other cases, who can be trafficked. And what would I achieve on this issue: A clear link between trafficking and asylum. And a clearer link between exploitative relationships and domestic abuse and trafficking and asylum. (Oskaya, Transcript: 33)

The last point on the agenda of outstanding improvements is the full implementation of the 1951 Geneva Convention and therefore shifting the geographical limitation of Turkey's borders. That means that Turkey is only excepting refugees coming from European countries. All other refugees who want to seek asylum in Turkey and are willing to stay in this country

won't be accepted as refugees. Ismet Yasak emphasizes that this part in the constitution is the main problem of the Turkish law concerning illegal migration.

It is again, as you know in this country, there is a 'geographical limitation'. Geographical limitation, meaning: In 1951, when this country signed the convention, they said with the reservation of not accepting the Non-Europeans, meaning I will be dealing with the European asylum seekers, refugees, but not with the Non-Europeans. So, but we all know, this is the problem and that the Non-European countries are the ones actually that are producing asylum seekers and illegal migrants. (Yasak, Transcript: 23)

Although, Turkey was one of the first countries, which signed the Geneva Convention, it is still not implemented into Turkey's constitution. Nearly all people asked in this research, want to lift the geographical limitation of their country. As the lawyer Tokcan Tuç states, Turkey should finally take the step to lift the geographical limitation that accesses people, who are accepted as refugees, to stay in Turkey as recognized citizens of the state.

And once it is accepted, this geographical limitation at the moment, so they are resettled to other countries as long as the geographical limitation continues. They should be resettled and when the government lifts the geographical limitation there should be some programs to integrate these people. This is all. I think the rights in the 1951 convention should be implemented. (Tokcan Tuç, Transcript:13)

4. 2. Victims Support and Sheltering

In the past, Turkish authorities closed their eyes among the organized crime of human trafficking. Hence, no shelters except of detention centers were available for these victims. They were treated as perpetrators, although their status was clearly vulnerable. One major cause of this accommodation problem was the absent budget for irregular migration cases. The issue of trafficking and smuggling in human beings was burked as long as the intentional community didn't react on it. In the late 1990's, early 2000's, when the police apprehended illegal migrants, they did not know where to house them and in a few cases the police provided them a private accommodation just for some days. This handling was not unusual, when irregular migrants were caught in a rural area like Anatolia. If these people were apprehended in the western parts of the country, they would be carried directly back to the border.

In fact may be a problem in Turkey, particularly in the whole case of how to deal with the irregular migration, trafficking, and smuggling was that there was no devoted budget item, because this was not seen as an issue. So when the police station apprehended people, what they do, they go through their personal arrangement, they provide some house or accommodation for them, at least for 2, 3 days. We are talking about some rural areas in different parts of Anatolia, plus we give them some

food to them and if they apprehended in the western parts of the country you have to carry them to the border. So you need some money for that. In the late 1990, early 2000 the budget there was very little money and that issue was, that there was no budget item on that. (Içduygu, Transcript: 5)

In the past there was only one shelter operational, harboring all trafficking victims. This shelter had only capacity for 10 people. The rest of the victims were kept in detention. As one can estimate, this situation was indefensible, not only for human rights organizations and local NGOs, but also for the Turkish government. Especially during the summer season the number of victims of trafficking in increasing. So a second shelter opened in 2004, sponsored by international donors, because Turkey still has no budget to finance the victims' support on its own.

Through those, all these parts for incidence, the shelter, because one shelter was not enough. It has a capacity for 10 people. It is like a joke, I mean for Turkey. You saw the statistics. Especially during the summer season, many people, you saw many increases during the summer season. So a second shelter opened. (Arslan, Transcript. 48)

Still, after all these efforts, the living conditions in the reception centers don't seem to be very adequate, Mrs. Tokcan Tuç argues. By coming illegally these people broke a law, but they do not deserve to live under bad and dishonorable conditions. Some basic living standards should be implemented, thus, more shelters need to be built.

I also read it in the newspapers. I didn't prove it. But I have seen that the conditions in the reception centers are not very good. And people really suffer. Okay, there is a break in law and they have come illegally, but they don't deserve such conditions. They should be able to live under some basic standards. That is combined with human dignity. I think this is one important matter. (Tokcan Tuç, Transcript: 15)

Now in 2008, there do exist different kinds of shelters, governmental shelters as well as NGO shelters, housing different kinds of vulnerable groups. The problem is that the shelters are restricted towards certain victims. A trafficking-shelter is exclusively for victims of trafficking and a shelter for abused women is clearly and only for Turkish victims suffering from domestic abuse. When a vulnerable woman who is in danger of being trafficked, is searching for help and accommodation, it very difficult, if not impossible to find a place in the trafficking shelter, because her status is not clearly determined as a victim. The shelter for trafficking is only to use for this purpose, thus, this regulation is based on a special agreement between IOM and the Turkish government.

In the Government shelters and NGO shelters, but for incidence there is a trafficking shelter. But they take only persons clearly identified as victims of trafficking. So for incidence if there was this old person, who says that they didn't have any place to go and they were afraid of being trafficked, it would be difficult to get them in that shelter. But there would be other alternatives maybe to think of to help this person. But the shelter for trafficking is for trafficking. And therefore only for trafficking based on an agreement. (Oskaya, Transcript: 32)

Another concerning issue are the reported incidences at Turkish reception centers where women declare to be observed and at risk of being trafficked by friends or family members. If these women are willingly to stay at protected reception centers, they might be secure concerning their dependents. Although, if all her dependents stay in the same reception center the woman won't be safe and remains still in the position of being displaced against her will. That's why these reception centers urgently need to be monitored too. As Mrs. Oskaya states, these women can as well suffer from exploitative situation within a reception center, if the group of people they are staying with use their vulnerable conditions and try to exploit them by selling them to a trafficker.

And I also reported incidences at women's home when they are in the reception centers. So women might not necessarily be vulnerable to trafficking, because they are in a center. But the center should also be monitored for protection, too. This is something that I think Turkey needs to do. Because, especially in terms of trafficking or exploiting situation, and additionally regarding to the link between trafficking and asylum some of the women, who come or men or children, that could be anyone, may fall into an exploiting relationship in the environment they are staying in. Because, they are particularly vulnerable, because, they might have different kinds of housing or accommodation arrangements. And if they are staying with a group of people then they could easily be exploited (Oskaya, Transcript: 29).

Ongoing, a single woman who has no possibility to sleep somewhere, can be offered an accommodation in return to other services. Because of lack of other alternatives the Turkish state should normally provide, the woman is forced to accept the deal and fall into an exploitative relationship where she might be exposed to forced labor or forced prostitution. Moreover, if the woman immigrated illegally, she might fear the national authorities and be reluctant to approach them regarding this situation. Ceyda Oskaya states that these people do not want to expose themselves as being illegal or they are afraid, because of other reasons they might not want to expose. As mentioned above, thinking of the link between illegal migration and trafficking, people, which are coming illegally and later have their rights violated may not approach the authority, because they broke the law. There is a possibility, that these people will approach other human rights organizations they might know, but at the end change their mind concerning the risk of being apprehended, because of this felony.

So a single woman who comes or a person that comes might have no shelter and then they might decide to stay with a group of people they don't know. And because they don't know the group of people, and because they have no alternative, they may then fall into a kind of situation. I mean, they may be trafficked or they may be also exploited, they may be offered shelter in return to other services. So then they are forced to agree to something, because they don't have any alternatives. And because, let's say maybe they came illegally, because they didn't have documents, etc. they may then be reluctant to approach the authority in that country. Because even though their rights have been violated by the people, they are staying with or by others. Because they may be in an illegal situation, other have done the status of coming illegally and may then not wish to press charges or approach anyone about this. Because they are also, because they don't want to expose themselves as being illegal or they are afraid of what will happen to them or other different kinds of reasons. So this is problematic, because thinking of the link between illegal immigration and trafficking, persons are coming illegally and later have their rights violated, may not approach the authority. They may approach the organizations they know, they may approach the NGOs etc. and in the end they may change their mind etc. So that they could easily fall into a situation, where they don't trust anyone. So I think, here you can have the link. (Oskaya, Transcript: 30)

Thus, the interviewers should pay more attention to the case whether or not a person could be a victim of trafficking or suffer from some kind of gender persecution or domestically abuse. Therefore these trainings are conducted, where the Turkish law enforcement learns how to treat a victim, how to ask the right questions without humiliating them and how to differentiate between a victim of trafficking and a victim of smuggling. Although, this divided case structure is very necessary regarding the correct treatment of vulnerable persons, everybody - equal of their situation entering the country - should have the right to seek asylum in Turkey.

And then there should be more attention paid to the situation of whether or not a person could've been trafficked or if they have been domestically abused or they suffered some kind of gender persecution in their country. So the office has training permit and the colleagues doing the interviews are informed of the circumstances. (Oskaya, Transcript: 32)

Another main issue on missing improvement, are the re-trafficking cases. Though, IOM is trying to provide the victims of trafficking a good reintegration in their home countries, the possibility always exists that persons get re-trafficked. IOM does not want to see those cases, but they occur, at least they are few in numbers. The reintegration process and psychological support is free for victims. Nobody is forced to take the time-out in the shelter. If these vulnerable persons do want, they can participate on the reintegration process and if they don't want to participate, they have to face the problematic of reintegration on their own.

Of course nobody can follow them to the end of their lives, but IOM is trying to give them all reintegration and give them all the possibilities and we explain everything, because we also face with re-trafficking cases. Although she returned back home, gets assistance from the IOM program, stayed in the shelter, stayed assisted by the reintegration program, but again she became trafficked as well in Turkey again. So we don't want to see those cases. But victims are in the psychology like: "Okay, we had this once, so we know how this could happen. So it won't happen to me again". They do like this,

but when they come it happened. Sometimes, not always, there are few cases. So we would like them to participate on the reintegration assistance, but it depends on what they want. If they want, they can. If they don't want to, so nobody can do it. (Arslan, Transcript: 50)

As we can see, many things still need to be done in Turkey, not only regarding the governmental structure, but also concerning interaction between the different organizations and cross-border activities. That's why the next chapter happens to be dealing with joint venture in Turkey.

4. 3. Joint Venture

4. 3. 1. Intranational

A relationship between institutions that are fighting for the same goal, is immensely important in order to gain effective development in the country. It is substantial for data exchange, cooperative counter-trafficking activities, and the client transfer. Especially for non-governmental organizations joint venture is the propulsive power to operate on high-level standards, as without support and under worse conditions, many NGOs wouldn't be able to keep up with their good work. Bülent Peker was working as one of few activists on human rights issues in Turkey. He was the spokesperson of a human rights association six years ago before he changed to UNHCR Ankara. Mr. Peker knows by heart that in the past, Turkey was not at all willingly to cooperate with NGOs, neither regarding human trafficking/smuggling nor on the asylum and migration issue. The government avoided cooperating with the non-governmental organizations, because they were on the one hand not forced to listen to the NGOs and on the other hand they saw these organizations as a threat against the own state moral, because these human rights organizations were blaming Turkish authorities to humiliate human rights.

Because I used to work as an activist in the past in this field and I could see that people did not get trained on our approval. Only one or two of them ended up doing this for a short period of time and they just kill, because you are taking a burden knowing something - psychologically burdened, because you know what's happening to see the punishment, to know that there are thousands, tons of thousands of people like that and you can't do anything for anyone of them [illegal migrants], because you don't have access to the international organization or the government. Even if they are related, they don't know how to deal with NGOs, they don't know, they avoid cooperating with NGOs, so you end up in a way simply knowing that there is a huge problem, they can't deal with it directly. You perfectly know that this is happening, and you can remember their faces (Peker, Transcript: 42).

As the human rights report clearly states, till 2006, the treatment of the Turkish authorities against NGOs did hardly turn to good account. “The government generally cooperated with international governmental organizations such as the CPT, the UNHCR, and the International Organization for Migration (IOM); however, some international human rights workers reported that the government purposefully harassed them or raised artificial bureaucratic obstacles to prevent their work” (Human Rights Report, 2006: 20). International organizations were treated with the appropriate respect, but their handling regarding the local organizations did not change for the better. NGOs were prohibited to visit possible clients in Turkish detention centers, only international organizations had a chance to see and sometimes talk to these vulnerable people. When organizations ask to get access to detention centers, the Turkish authorities feared that these human rights organizations were assisting detained people on the asylum procedure. The UNHCR procedure is as following: If the status determination of an irregular migrant is not finished e.g. the file is not closed, and suspicion is raised that this person could be a victim of trafficking, the case will be re-examined by UNHCR. According to the guidelines of the United Nations High Commissioner of Refugees, these people are authorized to get access to the asylum procedure. This explains somehow the reason, why the Turkish state usually rejects such people, because a positive notification would mean that these people have the right to a meanwhile residence in Turkey. The European Union advocated on behalf of a better treatment towards irregular migrants and recommended that these victims should get assistance from IOM or other international organizations. Although, Bülent Peker understands the role of IOM Turkey according victims of trafficking, he claims that the organization is restricted to give them the ticket back home. He confesses, that there might be a chance of false accusation, but UNHCR doesn’t know IOM’s agenda, because these international organizations do not cooperate as much as they should to get rid of false judgment.

It’s a huge paragraph; the government has very little experience in cooperating with NGOs and lawyers, so I think we are in Turkey, we have protection problems; protecting human rights, irregular migrants, and victims of trafficking and providing access to possible asylum seekers, because all the governments think that when people want access asylum procedures, only when they are detained, than they are refugees assisting, so this perception is a huge obstacle to protecting the right of asylum seekers to access the procedure. The problem in Refugee Status Determination, irregular migration is not finished, but when we suspect that asylum seekers or a rejected asylum seeker, too, might be a victim of trafficking, we have been examining their cases from their perspective, too. So, according to our lines, we recognize such asylum seekers as refugees, if they might fall into a horrible situation in their countries of origin, because of being victims of human trafficking [...]. So they usually reject

such people, but the EU recommends that they should be assisted by IOM or international organizations, they should afford to them, but I also know that this doesn't help. As far as I understand IOM's role in Turkey on the victims of trafficking is restricted to give the ticket back home to the government. Maybe they're doing better, but we don't know, because we are not cooperating. (Peker, Transcript: 40)

In his time as a human rights activist, Bülent Peker tried as well to visit vulnerable people who are under detention. Apart from one case where the police chief requested help from NGOs to solve a problem of accommodation, he didn't get to see their living conditions and was not able to report on that. This was six years ago in 2002, but still he claims that NGOs do not have appropriate access to the detention centers. The Turkish law enforcement may invite some lawyers if legal support is necessary, but not local NGOs.

I also tried to visit people who are under detention in police stations. Apart from one case where the police chief wanted NGO's to help them, to solve the problem of accommodation and the needs of irregular migrants I had access, but it was recommended for who I didn't have access to. Apart from it, as an NGO I had never access where they live. So was not able to report what was happening. Still NGOs do not have access to detention centers. P1: Which NGOs do not have access? P6: No NGO has any access to people on the police places like the irregular migrants. Based on their own description, they can invite some lawyers, but NGOs don't have access to custody. Only lawyers have access to them. (Peker, Transcript: 44)

This is also the reason why only interviewees working in international organizations report on access to detention centers. Also Turgut Tokuş from HRDF sees the cooperation of the Turkish state and the local NGOs as less developed and wants to see more effort on establishing such cooperations. "The services must be given by the NGOs but they should be supported by governments and international organizations" (Tokuş, EU-Report: 106). Moreover, only one non-governmental organization is allowed to support victims personally, the Human Resources Development Foundation. It seems that on the non-governmental level HRDF is alone fighting against human trafficking. This research states more than obvious that the NGOs that are working in the trafficking sector are not enough in numbers. Although, this fact is not astonishing, because the Turkish government refused over years to support organizations on a national, non-governmental basis. A level should be established where governmental institutions are forced to accept national organizations as a human rights watch Turkey. "To produce these social policies correctly, a co-operation and collaboration between relevant NGOs, academicians from different disciplines, media people, people who are sensitive and concerning departments of government should be set up" (Kayhan, EU-Report: 14).

In the area of international organizations Anastasia Sağlam from IOM Ankara has a fruitful idea how to improve the working quality of her organization. She would choose the people who work in humanitarian organizations more carefully. Something like a staff policy for members of human rights organizations should be implemented in order to avoid people working in these organizations just for good reputation and high salary. Mrs. Sağlam also sees a need of change in the cooperation between different IGOs and NGOs. These organizations should not always fight among themselves over money or funds, but help people in need which would actually be their job.

Maybe to choose people who will work in this area. Maybe it can be changed like this. Now I can't find the English expression, like a personal policy. Not a personal policy, a staff policy maybe could be changed in trafficking. I think that not only for my organization, but in general, people who are working in organizations that are supposed to help people should be changed. Like people, who are working in this area, in these organizations should really want to help people. Not only to create their career, but really to help. For example, it concerns NGOs, who every time fight among themselves. For example, somehow, this situation should be avoided, because I think that it's such a shame to fight because of money, because of funds when you're supposed to help people. To help people is on their plan, but on first plan is to get some funds and to get some money. This is like a third sector. This is especially in NGOs like, one is the governmental, private sector and NGOs. Somehow, how I don't know, but somehow it should be avoided. People should cooperate, only in those corporation they can succeed something, not by fighting. I think maybe cooperation (Sağlam, Transcript: 63).

For the Future the aim should be on how to prevent illegal entries, although, once people enter the country, they are human beings, not criminals. These vulnerable people - regardless of being victims of trafficking/smuggling, refugees or asylum seekers - should receive certain standardized services and have a proper stay in Turkey. As mentioned above and once more confirmed by Ahmet İçduygu claims, that the Turkish authorities do not like to discuss things like asylum and migration issues, which poses another problem concerning a good cooperation between the different agencies and organizations.

As much as possible the aim should be how to prevent the illegal entries on the one hand, but once they enter they are human beings and not criminals. We should think how we can provide some services to them to make their life comfortable as much as possible. They are from time to time victims of smugglers and traffickers. We should protect them etc. So the involvement of the civil society groups into this business, particularly providing social services etc. This part is very important. So there is a need of coordination for these actors. Unfortunately in Turkey, Turkish bureaucracy is not good enough. I should say, not organized enough to bring the different actors together that they act accordingly, but we should not forget that this is also particularly very sensitive. From time to time, which involves the Kurdish question from time to time, not directly involved in not pleasant issues like trafficking and smuggling or illegal prostitution etc. So people and the government offices don't like to discuss these things. So this is also another problem. So what I am saying is that there are different actors, we need coordination of the actors together to do certain projects and programs. (İçduygu, Transcript: 9)

4. 3. 2. International

On an international level, the only consequent and reasonable way of combating trafficking is the indispensable action of the Turkish government cooperating and coordinating with international institution under support of the local level e.g. NGOs and the civil society. “The prevention of human trafficking is mostly teamwork. Civil, public, private and international institutions must work in cooperation for preventing this crime to humanity and for supporting the victims. [...] I wish that in the future there will be more NGOs working on this issue” (Çokar, EU-Report: 111). The only way to decrease the push and pull factors and to help and assist economically underdeveloped countries in their effort to support people, who are homeless, unemployed or with less income is to decrease poverty in these countries. There exists no effective way, but to solve the problem by its roots - the poverty in the countries of origin, where the majority of the victims of trafficking are coming from, must be reduced.

The other [duty] in my opinion should be that Turkey and Europe and actually all the other states, developed states, they should really work on the reasons of illegal migration. Why these people are fleeing and they should look at the roots of the problem. And they should try to prevent these problems before people move out of their country. (Tokcan Tuç, Transcript: 15)

This is also the opinion of the Ministry of Foreign Affairs in Turkey. “The crime of human trafficking somehow starts in a country and finishes in another, so, it is impossible to be successful with a one sided struggle, but it is only possible to overcome the crime through collaboration between the countries by means of states, NGOs and institutions” (Hacıfendioğlu, EU-Report: 85). As the discussion of this push and pull factors is horrendously important, I want to refer at this point to Anastasia Saglams interview. She states impressively her opinion regarding the causes of human trafficking/smuggling as an international problem that has to concern us all and digs deeper into the economical gaps she witnesses as a member of the International Organization of Migration. Hence, in the main part of this thesis I want to move over to the budgetary issue, which is nevertheless, a very important factor regarding the international community’s reprehension towards the Turkish state.

4. 4. Budgetary Issues

The budgetary issue is Turkey’s second major development brake despite the lack of international cooperation. Turkey’s demand for budgetary support on the counter-trafficking

issue traces back to its lingering economic development. The country's expenses, spent on counter-trafficking measures and amendments towards the legal system are horrendous and outrange Turkey's budgetary conditions. This circumstance leads other governments as for example the US, GB or Sweden to act as donors and international organizations to support Turkey concerning its budget. The most shelters as well as the project 157 are not supported by the Turkish government, but by international organizations and international donors. Regarding the funding of projects, Selin Arslan wants the Turkish state to integrate the existing ones in its area of responsibility. As a result, the organization would not be depending on funds of other IGOs or other governments.

The government would like to have, I mean those things are not the things that should be related to funding by projects. Those need to be sustainable. So the government is trying to take '157' and shelter under their programs. So there won't be any need for looking for any other protect to cover those. For instance, this is discussed. And if you ask me what needs to be done: I would say that this, for instance '157' should be under from budgetary issue. We shouldn't be looking for funding for '157'. This is like another emergency call like police or fire. What they work on is a very need in Turkey, so that needs to be under the government. Or the shelters also need to be under the government as well, if you ask me. (Arslan, Transcript: 52, 53)

The same budget problem is also concerning Ismet Yasak, who works for UNHCR. For a decent hotel, some expenses, and food the UNHCR has just an amount of money that lasts estimated three month. Up to 2005, the organization had a certain amount that was ought to be spent for an entire year, but in reality, the evaluated money last only three months.

There should be like, a place to be offered in the past. We were like putting them in the hotel, covering their expenses, providing them with food. The budget we had for them was spent maybe in three months time. Because you have a certain amount of money that you can spend for the entire year. And then with the numbers that you have, you can give accommodation. You put them in a hotel, although you are not providing them with a five-star hotel. But you know, a decent hotel, but still. You spend all of your money in three-month time and then you got nothing for the rest of the year for the others. So at least you know, after discussion with all this you go back and forth to the government (Yasak, Transcript: 24).

In the past, UNHCR had a budget that lasted three month to cover all expenses. Now they have less money. UNHCR has budget cuts since almost three years. The money to be spent is provided for all kinds of vulnerable people, but the fact is that this budget is actually terminated towards certain groups or countries like for example Sudan or Somalia. Donors restrict the money under certain conditions. For groups like the Iraqis UNHCR has enough money, but it cannot be spent on other nationalities, which get no support.

P1: And do you think that you have more money than in recent years? Or, what do you do if you say that you have just money for three month and then it is over for the year. P4: It was in the past years.

Now, we have less money. Yes, we have budget cuts almost since the last three years. P1: So they cut your budget. P4: Yes, yes. P1: Why? P4: I mean it's a global issue. We don't have money, you know. We have money. But it's for someone else, its for Sudan, its for Somalia. It's for, you know, it depends. The donors, there are donors. They are giving the money sometimes with a condition: They say that this money can be spent for the Iraqis only, for example. We have money for the Iraqis, enough money. But that money cannot be spent for others, for other nationalities. So that's the case. That's why you know, we have budget cuts every year. (Yasak, Transcript: 25)

Also Turgut Tokuş from HRDF claims that “until today we only managed to find support for half of our expenses. I am really sorry to state this but we could not manage to find any support within the country. Only the rent of the house we are using as a shelter is being paid by the Municipality of Istanbul” (Tokuş, EU-Report: 106). The Turkish state has no more money left to cover all expenses to reach its aim, becoming a member of the European Union. Although, some financial plans would exist as the two examples state below.

To finance the shelters, the Turkish lawyer Hasan Kemal Elban demands from the government, the enforcement of existing right through the Palermo Protocol. “The Palermo Protocol foresees the usage of the part of the money confiscated from the traffickers during the prosecution, for the rehabilitation and compensation of the victims but in our domestic legislation no legislative framework concerning this issue has been prepared yet. I think that such arrangements could provide the economic infrastructure of the shelters for the victims” (Elban, EU-Report: 83). Thus, Ahmet İçduygu argues that as a fact, the transmigration flow still goes to Europe, North America or Australia; Turkish authorities should take illegal migration more seriously. In the area of border control these devises are implemented, but Turkey needs a large budget to really combat human trafficking and illegal migration. This budget could be delivered by the European Union.

One thing is that as far as the transit migration flows are concerned the target is Europe or North America or Australia. Even some of them first coming to Turkey to go to Australia to find traffickers etc. Turkish authorities should take the whole illegal migration as a serious business. In terms of board control there are these devises located. But Turkey needs for that a type of large budget, so that could be coming from the EU for instance. (İçduygu, Transcript: 9)

Regarding the above-mentioned concept, to receive more revenues that arise out of non-international funds, the idea to confiscate trafficking money seems to be most efficient. This would also make Turkey less dependent on other state partners, such as the European Union.

5. Changes related to the European Union

5. 1. Laws

This chapter presents all EU related changes Turkey implemented in its state structure in order to become a Member of the European Union. As well as the chapter of outstanding improvements, the changes related to the European Union are very much based on statements of the interviewed persons. Nevertheless, this circumstance is not less meaningful and presents an interesting outlook towards Turkey's negotiations with the European Union.

Depending on whom you ask, the Turkish state is changing its legal structure regarding the EU-Acquis or this circumstance is denied. Some officials argue that Turkey is not adjusting its laws and regulation on behalf of a possible European Union membership and some officials state that these rearrangements could as a result arise out of EU-Turkish negotiations. Fact is, that amendments are being made since Turkey has been officially recognized as a member at the Helsinki European Council on December 1999. (European Commission Enlargement) The EU-Accession Package is one of the major modernizations in the Turkish constitution. In August 2003, the legislation changed concerning the capital punishment on trafficking and smuggling as well as the freedom of mother tongue related to the Kurdish question. Ahmet İçduygu states that Turkey did try to harmonize its legislation towards a European Union accession. Before these amendments, smugglers and traffickers were sentenced for a short period of time, because there didn't exist any legitimated law of prosecution linked to trafficking and smuggling. Hence, with the modernization in the legal system, the perpetrators are getting up to 12 years of punishment on legal ground.

A good example I always give on the case of the EU- accession package: Turkey tried to harmonize its legislation legal structure and the legal exchange packages in Turkey, their announcements in these constitutions. In either 2002-2003, August, there is a huge very much debated exchange package of the constitution, where Turkey changed the capital punishment and some freedom to the mother tongue related to the Kurdish question. In the same package there was the issue of increasing the punishment to the trafficking and smuggling. So on legal ground actually smuggling and trafficking shows the case that smugglers and traffickers easily can, on apprehension they could be free. But now we can see that through even 12 years prison punishment they can get on legal ground. So this was a good development in the early 2000's. (İçduygu, Transcript: 2)

Turkey strengthens its border management regarding the EU-Acquis, . IOM Ankara is arranging workshops to train Turkish officials and members of other organizations on EU legislation and Turkish legislation as well as on border management. The European Union wants Turkey not only to define the area of human trafficking, but to regulate it on legal basis, which has been done successfully. Nonetheless, for Turkey it is still a long process of development. Yes, we can say regarding the EU-Acquis, Turkey is working on some border management issues where also our other department is arranging some workshops on. I mean, comparing the EU legislation and Turkey's legislation and trying to find, trying to see the gaps and how to change those, and trafficking is related to border management somehow, is also discussed under this. And some proposals are being put on the table, still being discussed. But those issues for incidence, the legal arrangements, which are also one of the things that the European Union would like to see that there is a definition directly related to human trafficking with all aspects. P1: In the Turkish law? P8: Yes. So this is done for instance. So this is a great change on it, but as I said you this European Union process is a long process for Turkey at the moment. (Arslan, Transcript: 52)

Turkey's efforts to combat trafficking with the help of the European Union made the state implementing several new regulations and laws as mentioned above. Another main legal instrument regarding counter-trafficking and border management on legal basis is the Council of European Convention of Action Against Trafficking in Human Beings "which has been adopted on the 3rd of May 2005 and was opened for signature on the 16th of May 2005 in Warsaw" (Önen, EU-Report: 48). Bülent Peker of UNHCR Ankara wants to draw attention also to the issue of asylum and refugee law. Some major developments are being made regarding strengthening Turkey's borders and victim protection, but the laws and regulations in the asylum sector are still left aside. Though, as Turkey is on the EU-accession course, their laws are more and more EU directed - to mention also the positive aspect.

In terms of refugee protection there are also activities from the side of the Turkish government to develop their legislation and regulations, but that legislation of asylum is more on its bargaining. So the legislation will not be submitted to approve after 2005 at least. The accession courses, there is more awareness at the side of Turkish government that they should have their laws EU directed. (Peker, Transcript: 41)

Although, the basic mood is directed towards a EU-accession, the lawyer Tokcan-Tuç wants Turkey to reflect critically on the EU-law. Turkey needs to compare different European laws with each other to see how other European states handle the illegal migration flow on legal ground. Concerning the European laws, she states that they are very liberal and not necessarily the best.

In order to learn, to compare law in this case, how other countries implement immigration, for example, and refugees and asylum law of other countries, of European countries, how they implement it. But I must say, their laws are not so good either. I mean, very liberal. Nowadays in Europe the

laws about migration, about asylum, about refugees really got very much stricter than before. So I'm also thinking that Europe nowadays is not a very good example for Turkey. In Turkey, in terms of legal development. (Tokcan Tuç, Transcript: 11)

Since the Turkish membership is being discussed in the European Union, the whole topic of migrations became very serious in its debate. Not only the immigration to Turkey but also the Turks migrating into the European Union is one of the major concerns of the European Union and its member states. As a result of negotiations, Turkey had to strengthen its border control with support of EU-funding.

As I said, Turkey, particularly after 2002, when the Turkish membership in the EU started to be discussed very hardly, the whole migration issue became very significant also in this debate, in relation to illegal migration, but also how many Turks do migrate to Europe type of discussion. Also they are trying to go to Europe as illegal migrants I should say. So this is also a kind of concern in Europe. So all these pictures in fact created a kind of environment, where the Turkish authorities start taking this more and more serious. And as a result what happened that, as I mentioned, Turkey became strict on border control [...]. (Içduygu, Transcript: 4)

This strict border control could also be one of the reasons, why Turkey can still hold on to its geographical limitation. As mentioned before, only asylum seekers from European countries are permitted to seek asylum and stay in Turkey. Regardless if non-European refugees want to settle down in Turkey or not, they are not allowed to stay, because of this geographical limitation, which are only restricted to European Countries. Therefore, due to being accepted as a member of the European Union, Turkey should lift the geographic limitation as requested by Ismet Yasak of UNHCR Istanbul. Together Turkey and the European Union should share the burden of illegal migrants using Turkey as a transit zone into the EU, instead of the EU waiting for Turkey to make the first step in lifting its geographical limitation. Hence, this would inevitably mean increased expenses for both.

In this world to lift the geographic limitation as soon as possible is a need. It shouldn't be, you know, I do it with a condition of being accepted within the EU, being accepted as a member of the EU. They are not really directly into each other. You can say that since I can request funds from developed countries as a burden share. But if you say: 'Take me. If you take me, I will lift that geographical limitation. If you don't take me, I don't lift that.' I don't agree, I don't know. (Yasak, Transcript: 26)

Maybe under the following conditions, Turkey is finally ready to lift its geographical limitation. "The priorities for the 2006 financial programme include supporting the implementation of the Copenhagen political criteria, including some closely-related subjects in the sector of Justice, Freedom and Security, supporting economic and social cohesion by targeting the poorest regions in Turkey, promoting the implementation of the *acquis* related to the

customs union, the internal market, agriculture, environment, and promoting political and social dialogue between the EU and Turkey. For the period 2007- 2010 the average annual allocation for Turkey is expected to increase from €497 Mio in 2007 to €653.7 Mio in 2010” (European Commission Enlargement).

5. 2. Reception Centers

Regarding the reception centers, it is well known that the first shelter of HRDF was only established, because of EU pressure. Later on, IOM established the hotline 157 for victims of trafficking and forced prostitution. This hot line can be reached from everywhere in Turkey and outside of Turkey, as we know now. Mr. İçduygu points out, that these reception centers are one of the main developments arising out of the EU-Turkey negotiations, as they provide at least some kind of comfort for a certain period of time.

Particularly that organization [HRDF] is very much involved in certain projects. Particularly to establish a kind of, they don't call it reception; it's a kind of guesthouse. That was just particularly initially, which was the case that from the pressure from the EU, the victim of traffickers particularly in the case of prostitutes they were very serious. From the media coverage we know that those women are very vulnerable. So initially started that kind of case just how to help them, for instance, International Organization for Migration, they established a hotline, which is 153 or 158 I think. Every victim of trafficking particularly in the area of prostitution they can call or someone just informs police or that center. So what happens that I'm coming to the whole issue of this reception or what they call the guesthouses. At least to provide some kind of comfort for a few days for this particularly victims of trafficked females in the prostitution center. (İçduygu, Transcript: 5)

Regarding the European Union, UNHCR is also advocating on behalf of the trafficking and asylum issue in chapter 23 of the EU Acquis. As Turkey agreed to build several reception centers, these shelter projects are restricted to different European Country (EC) regulations and EC directions. Thus, UNHCR's projects are more related to refugees and asylum seeking issues rather than the issue of trafficking. Although, the United Nations High Commissioner for Refugees is focused on refugees and asylum seekers, its agenda changes regarding the European Union, especially on the topic of combating trafficking.

UNHCR is generally advocating for countries to take more responsibility related to the trafficking and asylum issues, but also towards the EU Acquis includes a chapter of 23. And the asylum issue is under that chapter, I think chapter 23. And there are different EC regulations, EC directions related to the shelter for asylum seekers and refugees, etc. So this is very much our work, because we are an office advocating for projects related to refugees and asylum-seekers' assistance, so, and this majoring to the EU. We also look at the EU directly related to these issues as trafficking. So these are our projects. So this is our work here. But because of our mandates, and what's in the EU Acquis over that. (Oskaya, Transcript: 34)

5. 3. Project 157

As mentioned already in another chapter, the project 157 is sponsored by the European Union. An official of the Ministry of Foreign Affairs stresses, that the Turkish government works closely together with the International Organization for Migration. “The project includes the operation of the 157 Emergency Help Hot line and the distribution of information cards that have been prepared in four languages to inform the foreigners about human trafficking. The cards will be distributed firstly in the Istanbul, Atatürk Airport and the Antalya Airport and some other borders” (EU-Report, 2005: 85).

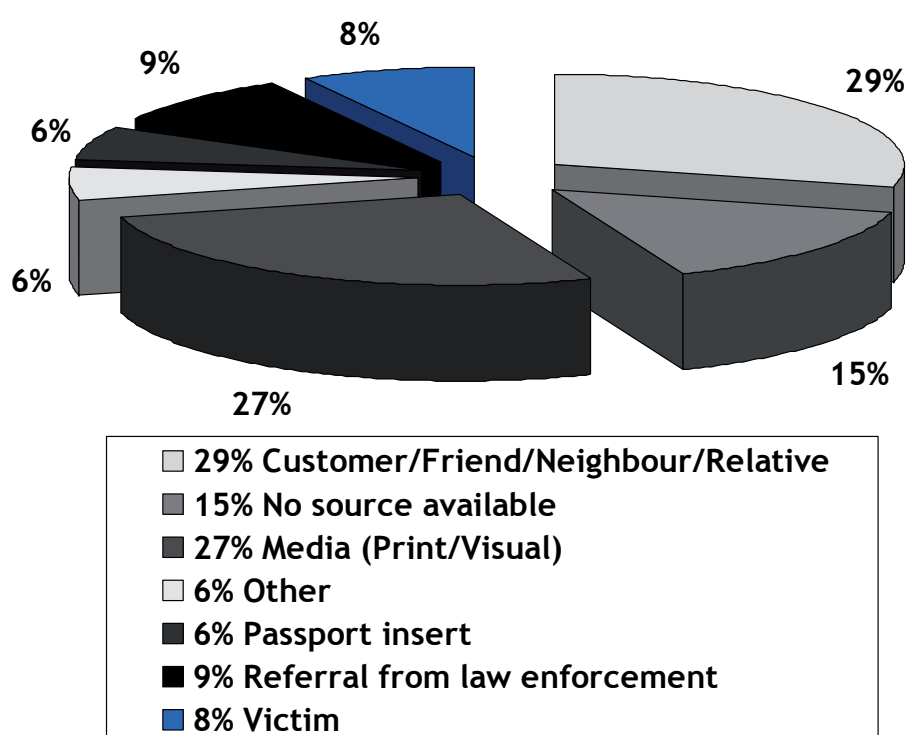


Figure 4: IOM Ankara, 2007.

Selin Arslan from IOM Turkey has a different opinion regarding EU’s influence towards Turkey. She argues that the changes conducted in Turkey concerning the illegal migration and human trafficking sector occurred not just because of the European Union. The hotline ,157‘ and the shelter program in Ankara were established before the negotiations with the EU. Then, IOM got in contact with the Turkish ministry regarding workshops on the EU legislation. The European Union had and has definitely a positive effect on the Turkish development for Mrs. Arslan, but the main changes were initiated by the Turkish government.

It’s not just only because of European Union, you cannot say. As I said that, before that, before the conversations with the EU, actually before these workshops, we launched the ‘157’ and we launched,

we opened the shelter in Ankara. Then we got in contact with the Ministry regarding the workshops of comparing EU legislation and Turkish legislation. The EU process is definitely effecting in a positive way in some way and some aspects. But the main issue is that the Turkish government would like to address this very seriously. (Arslan, Transcript: 55)



Figure 5: IOM Ankara, 2007

The Turkish government takes the accession period very seriously and is trying to follow the regulations of the European Union comparing the legislation. IOM is doing workshops with the Turkish officials and they are willingly to conduct the necessary changes.

But what I can say you is that the Turkish government takes this period very seriously and trying to see what EU does and what EU wants, comparing the legislation. And as we are doing the workshops with them, I'm seeing that they are very willingly to do the necessary changes on it. (Arslan, Transcript: 52)

5. 4. Border Management and Law Enforcement

In the area of border management the European Union has lots of funds to give, but only for European NGOs. This circumstance states an enormous problem for local organizations in Turkey, because they are not getting the urgently needed support of internationally reputable institution. Non-governmental Organizations that are not based within the European Union do not receive necessary funds and supports. This fact makes reforms very difficult for Turkish organizations, which are neither related to the government, nor related to international organizations. Thus, if there are funds for NGO projects, they are mostly restricted to the refugee- and asylum sector and not regarding trafficking in human beings.

You should also look at the border management. In the NGO sector I think the problems are also funds, because the EU has a lot of funds for EU countries related to asylum and migration, but these funds aren't available to Non-EU countries. Which makes some of the reforms difficult. The current protect strategies are not focused towards other areas and related to asylum and migration. NGOs may apply

for funds, but not receive them. But also there is a different issue of NGO, including asylum issues or migration issues in whatever project they already have. But I think that there was one project related to cross-border-management corporation with other bordering countries on migration. (Oskaya, Transcript: 35)

Bülent Peker emphasizes on the same argument that the European Union was and still is not very cooperative with local NGOs. The EU only cooperates with the governments of the states and international organizations. Non-governmental organizations that have access to the EU support must be directed to some human rights protection. Most human rights associations founded by the EU are working on torture. Also the former NGO of Bülent Peker submitted proposals to get funds in the area of human trafficking, smuggling, refugees and asylum seeking sector, but they were always rejected. According to Mr. Peker's point of view, the needed funds for NGOs are absent, because the European Union does not want this area to be seen as a human rights problem. Thus, the EU thinks that the main problem lies within the border protection of the European countries. That is also the main disadvantage concerning Turkey's membership.

The European Union for example has never wanted to cooperate with NGOs in protection of national groups of any of them, so, they don't want to cooperate with any NGOs currently, they want to cooperate only with the government and international organizations, and, for example, they never fund Turkish NGOs, because they don't want this area to be seen as a human rights problem, from a EU perspective it's a problem of protecting the borders of EU. So what they want is to keep these very large groups from the human rights protection perspective. (Peker, Transcript: 40)

Mr. Peker does not see that much of an improvement regarding a Turkish EU-membership towards a development in the trafficking and illegal migration area. The European Union pays more attention to law enforcement than to the support of Turkish NGOs and human rights issues. Although, he must admit that without the European support there would be no development within the human rights sector, thus, the capacity of law enforcement is increasing in Turkey. This fact could lead to an enhanced prosecution rate and increased victim support.

It [the membership] might help, but I can't see that EU itself has too much prospective on these issues. It is more a law enforcement issue from the point of EU legislation and practices and despite they are going to support Turkish NGOs, but on the other hand, of course the capacity of police when it comes to human rights is increasing. So they are more aware of the protection on the human rights aspects on these issues. So of course it will be much better than without it we couldn't have anything in Turkey. Like start obviously some human rights protection. Before the accession process we didn't have any hint that these things could be tackled for the protection. (Peker, Transcript: 46)

The population of Turkey is divided into a pro or contra course regarding a possible European Union membership. Also the interviewed persons in this research are not quite sure, if a membership would push Turkey towards better living standards, increased human rights standards, safer border management, decreased crime rate, and so on. Recapitulating Ahmet İçduygu's forecast regarding the future is splitting in two scenarios, keeping in mind the development of the Turkish state. Either Turkey is becoming a member of the European Union or it is being rejected. Regardless his hopes, it would be better for Turkey to become a European member state towards a burden sharing of Turkey's border control. Professor Ahmet İçduygu emphasizes that Turkey, in cooperation with the EU, should internalize the statement 'burden sharing, burden shifting' as an impulse towards a good teamwork. Whether or not, Turkey becomes a member of the European Union, the migration situation in Turkey will remain the same, because of Turkey's position next to Iran, Iraq and Afghanistan.

We can develop two types of scenario: Turkey is becoming member of the EU and Turkey is not becoming a member of the EU. I believe that if Turkey is in the EU, the management of migration here in this region will be much easier than if Turkey is not a member. Why is it so? Because in fact protection of borders is not so easy as I gave the example of the Mexico-American border. And in this region there are political fights going on, and traditionally it's very difficult there. So the answer to your question: I think that we can think of responsibilities for Turkish authorities, responsibilities for Europe. In the area there is this sexy statement 'burden sharing, burden shifting'. Okay, there should be burden sharing, not burden shifting. But nobody says how we will share the burden. (İçduygu, Transcript, 9)

5. 5. Joint Venture

Calculating all advantages and disadvantage on which the EU might have an effect on Turkey, the bottom line is a positive result. The relationship between Turkey and the European Union had a positive effect on the Turkish government as well as on the international organizations that are working in its state. The Turkish officials are open to cooperate and discuss with organizations like the UNHCR, hence, the state is in a better position, because Turkey has been forced to develop itself, as İsmet Yasak highlights. The Turkish officials know by heart, that if the European Union would not be willingly to support parts of their projects, Turkey would sooner or later have to deal with this issue alone.

I think this had an effect with our relationship with the government. I mean from the government point of view, there are many developments on that issue. They are willing to learn and there are infrastructures while they are getting time, getting prepared. They are being prepared and they are open to our trainings. And they are open to discuss, cooperate. And then I think it is a good sign from accession to the European union on this matter. They're in a better position. The state is in a better position. The authorities are more willing and they know that if not already tomorrow, or maybe some

years later, they will have to deal with this on their own. They are trying to deal with it in a professional manner. Some gaps need to be dealt with, but they are keen on learning. (Yasak, Transcript: 27)

One outstanding improvement regarding the cooperation and coordination between Turkey and the European Union is a readmission agreement between the European governments and the EU concerning the apprehension of irregular migrants. The idea behind this agreement is that the repatriation to the countries of origin should be lightened, for the victims as for the state, but this means on the other hand a burden for all EU-member states.

And now what happens that the European Union wants to sign a readmission agreement between governments one to one, like the Turkish government with the Greek government, which they had for incidence, or the whole EU as a whole can sign an agreement with Turkey. That means that everywhere in the EU any irregular migrants apprehended and proven that he came from Turkey is directly sent back to Turkey. But this brings also burden. He is not a Turkish guy. He is from Africa or from Pakistan. So Turkey doesn't like to have that. (Içduygu, Transcript: 10)

Anyhow, Professor İçduygu fears, that if Turkey won't become a member of the European Union, a constant decline of the whole migration issues in Turkey would occur. In the last 5 years, Turkey seemed to make huge improvements in the area of combating trafficking, strengthening its borders, training officials, adjusting laws and regulations, increasing its prosecution rate, accomplishing victim related projects, and much more. Nonetheless, Mr. İçduygu fears that by rejecting Turkey as a member state, the development would go backward.

Overall, if Turkey remains out of the European Union, as I said to the migration issue as a whole, I may say that the issue will be more difficult to arrange. But in fact, through this improvement with the EU we witness that. Okay, within the last five years, there is a huge improvement in Turkey, but if this vision, this target of EU is not on the agenda, I believe that the things may go to the back and rejecting migrations through law would be very difficult. (Içduygu, Transcript: 10)

III. Conclusion

In this chapter I will draw my conclusion on the argumentations made in the data chapter and refer this résumé to the hypotheses I have stated at the beginning of my thesis. After recapitulating the hypotheses I will have a look into future research projects in the area of human trafficking and illegal migration before inviting the reader to delve into the interviews in detail.

a) Combating human trafficking is more successful if the NGOs, IGOs and the Turkish government are fully cooperating and supporting each other.

I can just underline this sentence, because as emphasized in the main body of my thesis, cooperation, coordination, and interaction between the different actors within a state are indispensable for an ongoing development on combating human trafficking effectively and sustainable. That's why it is sorry to state that Turkey is just supporting organizations on a one-sided level. International organizations like IOM, UNHCR, and the European Union are getting help from the governmental organizations, thus, they are allowed to conduct trainings, open shelters and reception centers, supporting Turkey on legal basis, having access to detention centers, and advise Turkey in terms of border management and counter-trafficking strategies. Although, Turkey seems to be so cooperative regarding a flexible interaction with governmental organizations, on the budgetary level the support is fading away. That is also one main reason, why Turkey is in such a way cooperative - because the state needs many donors to finance its project in order to develop its structure towards a European Union membership. Turkey itself does not have the budget to finance the change on its own.

The other side of the coin shows Turkey as less cooperative with non-governmental organizations. This could as well be the result, that few NGOs or human rights organizations are settled in Turkey. The non-governmental organizations are getting nearly no support in terms of budgetary issues, trainings conducted to government officials, access to detention centers or building up a cooperation basis between other NGOs and IGOs. This huge lack of support regarding NGOs demonstrates the low number of NGOs in the country and the treatment

they get from international organizations as well as from governmental institutions. This one-sided cooperation will soon become a major problem for Turkey in terms of assistance within the state and not only from outside the state. The country urgently needs a fundamental, local organizational basis if it wants to cope with the problem of human trafficking on its own without the assistance and instructions of international players.

b) Due to a better awareness within the civil society, more victims of trafficking could be detected and helped.

This hypothesis refers to the chapter of awareness raising, which was rather small on content. Bringing the subject of human trafficking and forced prostitution into the public arises as a very difficult and delicate procedure, because the factor of prejudice towards prostitution in general and foreign women who are working in the entertainment sector is wide spread. First of all a more open-minded and less judgmental position concerning women in general and also foreign women needs to be established. A major tenor throughout the country, but specifically within tourist cities is the equalization between prostitutes and foreign women. The word for this equalization is 'Natasha'. The fight against this prevalent prejudice is going to be very hard for all humanitarian organizations. First steps are being taken in order to raise awareness among the Turkish people to not close their eyes on an organized crime as human trafficking and forced prostitution or labor. The most successful campaigns in Turkey and abroad at the moment are the hotline project 157 and the advertisement 'have you seen my mother' on billboards, newspapers, TV, and radio. Although, these campaigns are highly successful, much more has to be done in order to combat with the amount of ongoing crime. Once more, I need to emphasize that a more advanced and better established NGO level would be most helpful in instrumentalizing its capacities according awareness raising and clarification of this predominant prejudice.

c) Reducing poverty in the countries of origin would drastically reduce the amount of people being trafficked.

The third hypothesis is probably true for all countries, which fight against the crime of trafficking and is inevitably connected to irregular migration and smuggling. Turkey's geographical position as a link between the European and the Asian Continent raises the country's popularity as one major transmigration zone to the 'Western world'. As it is obvious that trafficking in human beings cannot just be combated in the country of destination, the fight against this human rights abuse has to start in the country of origin. The majority of victims of trafficking are coming from countries as Moldova, Ukraine, Russia, Kyrgyzstan, Azerbaijan, Uzbekistan, and Turkmenistan. These countries are known to have a high rate of poverty, unemployment and domestically abuse. Under these circumstances it is more than obvious, that not only Turkey needs support and funding from the European Union and from other international players as the US, the UN, IOM, and UNHCR, but foremost the poverty rate in economically less developed countries has to be reduced immediately. If the global players have accomplished to support the sending countries, then the receiving countries have a reasonable chance to actually combat trafficking.

d) A membership in the European Union would make it easier for Turkey to strengthen its borders and to fight more successfully against organized crime.

Here I stick with Ismet Yasaks saying 'burden sharing is burden shifting' as the only answer to a successful and sustainable counter-trafficking strategy. A way towards burden shifting does not necessarily mean an indispensable membership in the European Union. Nonetheless, a EU membership would have enormous advantages for Turkey regarding its progress on the economical as well as on the social, and the security level. The European Union is one of the major donors in the sector of combating human trafficking and forced prostitution. The organization invests in an amount in the state's counter-trafficking activities that Turkey would otherwise never be able to afford. Turkey's budget concerning the illegal migration sector is very low calculated, hence, non-governmental organizations are rare and the IGOs use their own budget to accomplish their objectives towards illegal migration.

As argued in chapter five, the pressure implied by the European Union is one of the main, if not to say, the major reason for Turkey's progress and increasing development in the coun-

ter-trafficking area and border security. Through this obligation, Turkey achieved a significant transition in the legal system, the law enforcement sector, and not to forget the human rights area. If Turkey would lose this support in the future, the progressive development would either stagnate or worse, it would regress as professor Ahmet İçduygu emphasized in his statement. This fact shows us that Turkey needs also in terms of further success a financially strong partner on his side that supports the states willingness according amendments in its legal system to reach EU standards.

Nonetheless, I want to emphasize once again that EU's help won't be enough to effectively fight against trafficking in human beings. With or without the European Unions help to Turkey needs to establish more non-governmental organizations on a local level that can secure Turkey's progress as well, if Turkey is not becoming a member of the European Union.

e) If the Turkish legal system sharpens its measures and laws towards higher sentences concerning human trafficking and illegal prostitution, fewer delinquents would actually risk getting caught.

The statistics show that the rate of perpetrators getting caught is increasing and on the opposite side, the rate of rescued victims is decreasing. It is not quite clear yet, if these statistics are that strongly related to each other, but the data of the MOI states, that its counter-trafficking activities are very successful. With the amendments of the Turkish Penal Code in 2006 concerning Article 80, one major development has been accomplished to sentence the crime of trafficking in human beings up to 8 - 12 years. This fact is very much connected to the decreased apprehension rate of traffickers. Furthermore, through the ongoing projects in the area of cross-country counter-trafficking, smugglers and traffickers are under a higher risk of getting apprehended. The advanced and adjusted legal system allows the Turkish authorities to proceed stricter regarding trafficking. As trafficking in human beings is not only a human rights abuse, but also a delict of organized crime, it is indispensable to enhance both, legal law measures and law enforcement strategies. Although, Turkey has made a huge progress in the area of illegal migration, the combat against human trafficking is still an ongoing struggle.

Therefore, and for further investigations and researches it would be appropriate to compare Turkey's counter-trafficking strategies with the ones of other countries to see, how developed and advanced the Turkish state in its aim to combat trafficking in human beings already is. Thus, if Turkey reaches its goal to become a member of the European Union it would be of high interest, how its combating strategies, legal measures and human rights activities changed over the years.

IV. Shortcut Index

BSEC: Black Sea Economic Cooperation

EC: European Country

ECHR: European Convention of Human Rights

GCT: Gender and Children Team

HRDF: Human Resource Development Foundation

ICMC: International Catholic Migration Commission

ICMPD: International Center for Migration Policy Development

IOM: International Organization for Migration

KDV: Kadın Dayanışma Vakfı (Women's Solidarity Foundation)

MOI: Ministry of Interior

MOJ: Ministry of Justice

MOL: Ministry of Labor

MFA: Ministry of Foreign Affairs

NATO North Atlantic Treaty Organization

OSCE: Organization for Security and Coordination in Europe

SECI: Southeast European Cooperative Initiative

SIDA: Swedish International Development Cooperation Agency

TPC: Turkish Penal Code

TNPD: Turkish National Police Department

UNHCR: United Nations High Commissioner for Refugees

WSF: Women's Solidarity Foundation

V. Table of Figures

Figure 1: IOM Ankara, 2007

Figure 2: Ministry of Interior - Human Rights Division Ankara, 2007

Figure 3: IOM Ankara, 2007

Figure 4: IOM Ankara, 2007

Figure 5: IOM Ankara, 2007

VI. References

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VII. Annex

Interviewer

P1: PERNER Julia

Interviewees

P2: Ahmet İçduygu, Koç University

The first person to introduce is Ahment İçduygu. He works as a professor of the international relations department at the Koç University in Istanbul. Mr. İçduygu was the first scholar who did research in the area of human trafficking and irregular migration. In 1994 the first NGO on asylum seeking and irregular migration was founded by him. He was the pathfinder of many NGOs that occurred in the last 10 years in Turkey. Now he is one of the main academics at the political-science institute of the Koç University, conducting researches and writing reports for incidence on behalf of IOM Turkey.

Ahmet İçduygu is doing research on the migration issue since 1995. This was one of the first researches to be done on that sector. Particular in 2003 he was conducting a research especially on transmigration and illegal migration in Turkey.

P3: Işıl Tokcan Tuç, Lawyer in Istanbul (worked at UNHCR Ankara)

Işıl Tokcan-Tuç is a lawyer. Her specialty is the refugee- and asylum law. Before she moved to Istanbul she was working at the UNHCR in Ankara. A huge part of her work consisted of training government officials, police officers, judges, members of NGOs and even society members. Concerning her work as a lawyer at UNHCR she gave lectures on EU law, Turkish law, asylum- and migration law. Now she is working as an independent lawyer at her office in Istanbul. In her job as an independent lawyer she is still going to meetings and conferences. Although she is not training officials anymore and quit her job at UNHCR she still works on behalf of illegal migrants and assists them in terms of refugee and asylum law.

As Mrs. Tokcan-Tuç is not working on behalf of UNHCR anymore she is still taking part in conferences and meetings on her subject foreign law and refugee- and asylum law. She compares the Turkish laws with other countries within Europe and how they implement it.

P4: Ismet Yasak, UNHCR Istanbul

Mr. Ismet Yasak works on behalf of asylum seekers and refugees since more than 10 years at UNHCR in Istanbul. He is the person going to the detention centers and taking the illegal migrants out of custody. Mostly the police contacts him that they caught some illegal migrants but sometimes he receives even calls from possible clients being on the streets in Istanbul asking for assistance. Ismet Yasak is also notifying and reporting incidents in the detention centers and trying to prevent deportation of potential clients. His area of responsibility contains also minors. He takes them out of custody and guides the minors to state-protected shelters. Due to this activities, Mr. Yasak corresponds with the head office of UNHCR in Ankara and reports them the status of his clients.

P5: Ceyda Oskaya, UNHCR Ankara

Ceyda Oskaya is working at UNHCR Ankara with close contact to IOM Ankara. Next to her work on economic a social integration issues she is also organizing gender- and children team meetings. One component of those meetings is human trafficking and the gender issue. Ms. Oskaya is doing a voluntary research on refugees and asylum seekers and is also participating in conferences and meetings on trafficking and gender related issues. Ceyda Oskaya is also involved in missions to certain field offices. She is the link between clients of the UNHCR and IOM.

P6: Bülent Peker, UNHCR Ankara (former NGO activist)

Before joining UNHCR Ankara, about six years ago, Bülent Peker was member of a NGO and worked as an activist and spokesperson on behalf of refugees, asylum seekers, regular migrants, internally displaced people and victims of trafficking and smuggling. He was investigating on human rights abuse and claiming its initiators in Turkey. He was lobbying on behalf of irregular migrants and vulnerable persons, trying to improve the humanitarian conditions in the Turkish system. He was asking lawyers and International Organizations for cooperation and help, but received mostly rejections. Bülent Peker was assured that he would risk his safety if he was involved in the incidences happening at that time.

P7: Selin Arslan, IOM Ankara

Mrs. Selin Arslan is working on behalf of IOM Ankara. She has several projects and due to this activities she is also the doing public relations on behalf of IOM.

P8: Senar Ataman, HRDF Ankara

Senar Ataman is working as a social worker in the Non-Governmental Organization HRDF. His current project is a ,human psycho-social project for refugees and asylum seekers‘. Right now Senar Ataman is the head of HRDF which is one of the biggest non-governmental organizations in Turkey. This NGO has established a lot of projects in the area of illegal migration and human trafficking. For incidence counseling, treatment of post-traumatic stress disorder, identification of victims, preceding psychological help, awareness raising and establishing networks between different NGOs.

P9: Anastasia Sağlam, IOM Ankara

Anastasia Sağlam works as a direct assistant at IOM in Ankara. She is working mainly with victims of trafficking in the shelter, advocating on behalf of them, administrating their papers and documents and establish plans for repatriation and reintegration assistance. UNHCR intervened with the Turkish authorities to ensure that non-European asylum-seekers were not detained or subjected to refoulement and could avail themselves of temporary asylum. To support Turkey’s efforts to develop a national asylum system, UNHCR focused on legislative and institutional development; training strategies and coordination; RSD knowledge transfer; and reception, integration and social support”. (<http://www.unhcr.org/home/PUBL/484921ee2.pdf>)

1. Transcript

P2: Interview Ahmet İçduygu

P1: Describe your working sector. Do you take part in projects, conferences etc? Describe what you are doing there. P2: For a long time I worked in the area of international migration, but since 1994 I started working on irregular migration plus the asylum seeking issues in Turkey. First, which was in 1994, actually I started the first NGO, first non-governmental organization in Turkey on asylum seeking and irregular migration, which was located in Ankara. And in 1995 I did my first research projects for International Organization for Migration, which was on transmigration in Turkey. In fact, this is one of the earliest projects conducted in Turkey. The issue was that many Iranians, Iraqis were using Turkey as a transit zone to go to Europe. In that research we interviewed 150 transmigrants in Turkey, mostly coming from Iran, Iraq, and Africa. Since then I conducted some researches, I participated in conferences and meetings, and also I have written on the whole area of irregular migration, smuggling, trafficking, and transmigration in Turkey. When I first started working in the area, there was few research done in the area, but since then the other scholars started working on this issue. As you know the whole issue is very important since I should say early 1980's. Turkey used to be known as the country of emigration - Asian countries, but since the late 1970's actually first the regime in Iran changed and the Iranians came to Turkey and used Turkey as a transit zone to go to other parts of the world, including Europe and North America, even to Australia. Then the whole Iraq issue became a part of the survey. Of course Afghans used to come from Afghanistan to Iran and to Turkey, but also many Africans started coming to Turkey, using Turkey as a transit zone to go to Europe. Of course when we talk about irregular migration we are talking about different migration groups. The first I will say that many of them are called transit migrants, because they don't want to stay in Turkey and basically go to another part of the world. The asylum seekers, when we talk about transit migrants, usually they are coming for economic reasons in fact. And the asylum seekers, part of the asylum seekers, also they come through the irregular migration flows, because when we talk about irregular migration, first I should mention the irregular border crossings, plus some of them come through valid entry, either with valid visa or passport. But when they come they start to work, so they become irregular, somehow we call them "overstayers" - although

their visas are expired, they may stay in Turkey. And plus the asylum seekers, and the asylum seekers later become refugees. But rejected asylum seekers are supposed to go back to their own countries, but they don't go. So all these flows create irregular migration in Turkey. Plus also I should mention that in terms of migration flows coming to Turkey, we should distinguish two different flows. One is these groups coming from Middle East and Africa, basically trans-migrants and asylum seekers, but also after the collapse of Soviet Union many people from Russia, Ukraine, and Eastern Europe also they start coming to Turkey. We used to call them suitcase traders, because they were coming with suitcases and they brought some goods and sold the goods and bought other goods, and they got back to their countries. But later this turned into a current migration, of not only suitcase trade, but they started also working in certain sectors of the economy in Turkey, where the sectors were domestic work for Moldovan women, all the sex- and entertainment industry for Ukrainians and Russians particularly, and others. But also for incidence, Romanian men, they may come from Romania and work in the construction industry. In textile we see that men and women work in cheap labour partly in Istanbul. Even in agriculture we can see them or the food and restaurant industry, particularly in the big cities and also partly on the Mediterranean coast. So there is this type of illegal labour migration, too. When we talk about how they come in fact when the issue of smuggling and trafficking comes to the picture, once I may say that since 1995, particularly in 2003, I did a research on Transmigration in Turkey, on irregular migration for IOM, and in that research I focussed on the whole trafficking and smuggling: How it operates in Turkey. For a long time on the media and in public Turkey seemed as a country, where trafficking is very common, but from that research I dropped some conclusions. For those people coming from the Middle East, Iran, Iraq, and Africa and some part of South-Asia, because in recent years even the Pakistanis are coming. We could argue that they are coming to the mechanism of smuggling rather than trafficking. You know the difference between smuggling and trafficking, right? So they are not naturally trafficked. Maybe a very small portion could be trafficked, but the whole issue is that the smuggling from the borders from the Iranian side basically to Turkish side. But when we come to this transmigration flows we can make it with the smuggling business, but when we come to the other type of migration coming from North Russia, Ukraine, and Eastern Europe, there is an element of trafficking there. Particularly in

the sector of sex and entertainment there is an element of trafficking there, but not very much. Of course you can see a kind of relative degree of trafficking there. We cannot say 100% that there is no trafficking there. Not as much as we think of it, like in Balkans or in some South-Asia, and particularly Chinese involved there. So Turkey used to get huge critics from the European Union, because even from the United States. You know that the United States' department, every year they publish this trafficking report. And in the last 4-5 years when we looked at the case that Turkey is usually grouped in these worse group countries as arguing that Turkey does not really fight against trafficking. And plus none of this transit migration, many parts of these transit migration targets against Europe, so the European Union is very conscious about that. Particularly in the late 1990's, early 2000 Turkey used to get very serious critics from the EU and United States. What we know that initially, which was the case that the Turkish authorities were closing their eyes particularly on transmigration, because they were arguing that this is not Turkey's business. They are coming and going. But when the country was dealing with the whole debate of the European Union and get these critics, then the authorities hear also, they start taking serious decisions on it. A good example I always give on the case of the EU- accession package: Turkey tried to harmonize its legislation legal structure and the legal change packages in Turkey, their announcements in these constitutions. In either 2002-2003, August, there is a huge very much debated exchange package of the constitution, where Turkey changed the capital punishment and some freedom to the mother tongue related to the Kurdish question. In the same package there was the issue of increasing the punishment to the trafficking and smuggling. So on legal ground actually smuggling and trafficking shows the case that smugglers and traffickers easily can, on apprehension they could be free. But now we can see that through even 12 years prison punishment they can get on legal ground. Then Turkey in the same year signed international documents on smuggling and trafficking. So this was a good development in the early 2000's. In fact we can see the impact of these changes when we look at some indirect figures we have concerning smuggling and trafficking. This apprehension called "irregular migrants given by the policy in Turkey", but we see that the late 1990's, early 2000's an annual number of irregular migrants in Turkey apprehended court, which was nearly 100.000, something else, 98.000 etc. Since then, since 2000, we were witnessing a kind of decline in

the number, recent years since last time 50%; 50.000 in fact. So Ankara knew that also this consequence of this increasing consciousness in Turkey fights against irregular migration. Then what happened, another example I can give: Two years ago there was a NATO summit in Turkey. In fact in that NATO summit in Istanbul, one big issue was the NATO, which is a security organization involved how to fight against irregular migration, because of the security reasons. And before that meeting, there were preparation meetings and first time Turkey discussed how to establish some type of reception or reception centres for irregular migrants and the US government was conscious about that, and the foreign ministries involving the civil society organizations. In fact, they tried to bring this issue to the public. So this was a very significant development since then. As I said, Turkey, particularly after 2002, when the Turkish membership in the EU started to be discussed very hardly, the whole migration issue became very significant also in this debate, but in relation to illegal migration, but also how many Turks do migrate to Europe type of discussion. Part of discussion was how to prevent irregular migration in Turkey, because also I should remind the fact that not only the foreigners coming to Turkey do migrate, but Turkish citizens, particularly since the mid 1980's Turkish citizens with Kurdish origin particularly. Also they are trying to go to Europe as illegal migrants I should say. So this is also a kind of concern in Europe. Some of them apply as asylum seekers in Europe. In fact we know that the number of asylum seekers from Turkey to whole EU-Region is very high; since the mid 1980's very close to 800.000. This is a huge number. In fact, Turkey runs as an Asian country of asylum seekers top country, like former Yugoslavia, Rumania. So all these pictures in fact created a kind of environment, where the Turkish authorities start taking this more and more serious. And as a result what happened that, as I mentioned that Turkey became strict on border control, plus time to time even if you follow the Turkish media for instance, I'm not accentuating. Every week you can see how many irregular migrants apprehended certain parts of the country. So this shows that officials in fact becoming very conscious on the issue. Plus I've mentioned the punishment towards the smugglers and the traffickers. They have increased. Plus the problem I should mention that the environment of civil society organization: Civil society area in Turkey is not very well developed. Even if it is developed, it is developed under certain domestic issues, like poverty, woman rights, whatever, human rights etc. So this is just, simply I may say that

this is not really politically rewarding for the NGOs, too. So all there is as I said, I'm personally in a group of scholars. These intellectuals I should say that we came together at first time 1994. We established an NGO in Ankara directly, but this was more focussed on asylum seekers rather than irregular migrants. And from mid 1990's up to early 2000 in fact we don't see any real involvement of civil society organisations to the area. But when the things become popular, I should say, some EU funding also some of the NGOs are encouraged, for instance Helsinki Citizens Organization, they are involved in certain projects on that. P1: Human Resources Development Foundation. P2: Particularly that organization is very much involved in certain projects. Particularly to establish a kind of, they don't call it reception; it's a kind of guesthouse. That was just particularly initially, which was the case that from the pressure from the EU, the victim of traffickers particularly in the case of prostitutes they were very serious. From the media coverage we know that those women are very vulnerable. So initially started that kind of case just how to help them, for instance, International Organization for Migration, they established a hotline, which is 153 or 158 I think. Every victim of trafficking particularly in the area of prostitution they can call or someone just informs police or that centre. So what happens that I'm coming to the whole issue of this reception or what they call the guesthouse. At least to provide some kind of comfort for a few days for this particularly victims of trafficked females in the prostitution centre. But later it is known that when those irregular migrants are apprehended when they are caught. In fact, previously it was the case, because you have, from time-to-time you can apprehend a group of 100 people 150 or 200 people, so to take care of them within a few days, which was a big problem. Here I should put a kind of footnote. In fact may be a problem in Turkey, particularly in the whole case of how to deal with the irregular migration, trafficking, and smuggling was that there was no devoted budget item, because this was not seen as an issue. So when the police station apprehended people, what they do, they go through their personal arrangement, they provide some house or accommodation for them, at least for 2, 3 days. We are talking about some rural areas in different parts of Anatolia, plus we give them some food to them and if they apprehended in the western parts of the country you have to carry them to the border. So you need some money for that. In the late 1990, early 2000 the budget there was very little money and that issue was that there was no budget item on

that. So this was the main difficulty in fact how to deal with the whole question, but then also the government started devoting some amount of money on that. Plus as I said that among the civil society organization brought a kind of contribution to the whole debate. And now in fact this year in Istanbul they opened the first type of guesthouse. A kind of reception centre with the amount of the Eminönü Municipality I believe. What happens is that if they apprehended some people before, they can house them there for a certain period of time. In fact this is a kind of good development. I can give this example. Plus I should mention that for incidence how to provide some services, some social services. Previously, which was the case, if they are sick providing health services to them was very difficult and not possible. Now to the NGOs in fact they can get in danger when they applied to some government hospitals. They can get now some services and these NGOs provide if they are really in vulnerable conditions, they can give little money and providing housing etc. And since these are irregular migrants, again there is no legal ground to help them. This is still a big problem in the country. P1: What do you know about the laws that changed recently? P2: As I said, this happened either 2003, 2002, the significantly impact of this law. The first whole legally, now we know what is that the legal definition of smuggling and trafficking enters into Turkish law. Plus the punishments increased. Since then we see that not only the security forces, not only at legal ground the state is taking these things serious. Other laws are also changing. I should mention that there was this change in the citizenship law, because non of the in fact particularly those girls coming from the north countries, Russia, Ukraine etc., they were making a type of arranged marriages with Turkish men. Why do they do that? This was the law before: If a foreign woman gets married to a Turkish man, almost directly certain procedure she can get the citizenship. So once she gets the citizenship of Turkey, then since Turkey also except tourist citizenship you can travel there. Now they put a kind of, like many European countries, you put a kind of time period. You have to stay three years married in the marriage and only after your marriage survives after three years you can get the Turkish citizenship again. This type, the traffickers and smugglers use it as a kind of tool. Plus another thing changed occurred in the area of work permits of foreigners. This changed in 2003. And previously which provides a kind of regulations how Non-Turks can get a claimant in Turkey. For incidence before that law certain occupations, they were forbidden to the Non-Turkish for-

eigners, but this was a strange law, because in every country some occupations may be prohibited to foreigners like military or police, but in Turkey you cannot perform as street sellers or you cannot be a coiffeur. This law remained from the 60's. So even 2004 the issue like to have a Moldavian woman as a domestic helper legally, this was not possible. But through this law you can pay taxes. As an employer you can employ a Moldavian woman. So the change: It is called law for work for foreigners. This law was targeted how Turkey may improve the conditions of working for foreigners which could be a kind of remitted to the irregular work in Turkey. P1: Do you think this improvement, helped to improve dealing with the causes now? P2: Partly, not fully of course. You should think that migration is what we discuss is a phenomenon. We see the pull- and push factors. They are there and they are very significant. There is a migration pressure. There is a migration pressure from Middle East to Turkey and to Europe. Still there is a migration pressure from Ukraine, Russia of Eastern Europe, partly to Turkey; to come to work here or from Moldavia to Turkey etc. The push is there and the pull is here. What the aim is that the aim we have that we can manage illegal migration out of this claimant. When we have some security measures against irregular migration this partly works. But it doesn't bring the situation where there will be no irregular migration. I always give the example... Before that example, I give the example, I want to explain something: When we talk about these pull- and push factors, there is unemployment somewhere, but there is also need for labour, sitting in Europe. Also in some certain parts of Europe like Greece, Italy, Spain, and Portugal, where there is service sector. Every year they observe thousands, even millions of migrants. There is a labour market need in Europe. Of course there are two types of argument in Europe. One type is that labour need in Europe is just for skilled migrants. This is partly true, but also the asylum sector is developing: For clinic unique labour, for agricultural labour, seasonal workers etc. So this is important. Same type of logic works between Mexico and the United States. The official numbers coming from United States: Over 10 Million irregular migrants in the United States. We can think that the United States is the most powerful country in the world. They have the only one border is with Mexico, which is not as difficult to protect like any border in the Middle East. But despite that every day 1000s of Mexicans go to US. So one should think of the economic logic of that. And the United States on paper like to prevent that, but they cannot. For incidence:

For the border control mechanisms in the US the main government budget is 3.5 billion US\$ on border control and cannot prevent the presence of 10 million irregular migrants. And Turkey's government's whole investment budget is 3.5 billion. So it is not really possible even if the government has a wish to protect that. At least on financial basis it is very difficult. But there are also economic rationalities behind it. One cannot underestimate that. But coming to your question basically: When we look at the last 5 years, we see some improvement and we can see this decline in the irregular migration is significant. Only in the last 3 years there is again an increase, a little increase. But we should think of the various factors. One is the Iraq situation is getting worse. Plus once violation starts it becomes a kind of institutional setting from the northern countries like Ukraine or Russia etc. Now there are networks, are very well established networks. Not all of the migrants come through the smugglers or traffickers, any Moldavian man or women or Ukrainian people. The other thing is what we didn't mention. Turkey applies relatively easy visa regime to people coming from the northern countries. You can get your visa from the airport. So that makes the things a bit easier also for them to come to Turkey. So when they come, they can go to different sectors. So there is a little improvement, or I should say some improvement, but we can argue that there is still the question of smuggling and trafficking, and illegal migration in Turkey. P1: I'm coming to my last question. Which development would you like to achieve in Turkey? What would you wish that the NGOs and Turkey should do to cope with this problem? P2: Well, my personal view is that I think this migration regime is very much linked to the whole Europe, European Union issue. We cannot think of the whole issue without thinking of some preference to the EU or Europe. The first argument I will make and then I will make an expression. Whether Turkey is member of the EU or not, the migration situation in Turkey will remain the same. Which means that there will be pressure from the East, from Iran, Iraq, Afghanistan, from Africa and Middle East, and Asia to migrate to the north and this direction of migration. Second is that when the economies are developing in the region like the Turkish economy over the last 10 years, why are these people coming from Moldova, Ukraine or Russia? There is labour here, but everything they are doing is illegal. Technically, we can argue that the sex industry is illegal, but even not or partly I should say. Or they are working in the legal show business type of bars or even in 5 star hotels etc. So there is an economic dimension of the

whole money called “economy of migration” we can call it. So put the picture like that, people coming from other parts of the world trying to move to Europe. We can develop two types of scenario: Turkey is becoming member of the EU and Turkey is not becoming a member of the EU. I believe that if Turkey is in the EU, the management of migration here in this region will be much easier than if Turkey is not a member. Why is it so? Because in fact protection of borders is not so easy as I gave the example of the Mexico-American border. And in this region there are political fights going on, and traditionally it’s very difficult there. So the answer to your question: I think that we can think of responsibilities for Turkish authorities, responsibilities for Europe. In the area there is this sexy statement ‘burden sharing, burden shifting’. Okay, there should be burden sharing, not burden shifting. But nobody says how we will share the burden. One thing is that as far as the transit migration flows are concerned the target is Europe or North America or Australia. Even some of them first coming to Turkey to go to Australia to find traffickers etc. Turkish authorities should take the whole illegal migration as a serious business. In terms of board control there are these devices located. But Turkey needs for that a type of large budget, so that could be coming from the EU for incidence. Plus the training of police etc. That is very important, too. What we discussed, Turkey involved with civil society groups, particularly we should consider several statuses. As much as possible the aim should be how to prevent the illegal entries on the one hand, but once they enter they are human beings and not criminals. We should think how we can provide some services to them to make their life comfortable as much as possible. They are from time to time victims of smugglers and traffickers. We should protect them etc. So the involvement of the civil society groups into this business, particularly providing social services etc. This part is very important. I think they’re different actors who will play a role. So there is a need of coordination for these actors. Unfortunately in Turkey, Turkish bureaucracy is not good enough. I should say, not organized enough to bring the different actors together that they act accordingly, but we should not forget that this is also particularly very sensitive. From time to time, which involves the Kurdish question from time to time, not directly involved in not pleasant issues like trafficking and smuggling or illegal prostitution etc. So people and the government offices don’t like to discuss these things. So this is also another problem. So what I am saying is that there are different actors, we need coordina-

tion of the actors together to do certain projects and programs. These programs should not only focus on the whole idea of preventing them to come, but also it should involve that how we can provide services to them. This whole issue of readmission agreements, probably, you know about them. The readmission agreement is that for incidence transit migrants coming to Turkey, passing through Turkey, and going to Europe, let's say Greece. If the Greek authorities or anywhere in Europe they apprehended this guy, they caught this guy, they want to know who is this person. Let's say Iranian. But the Iranian guy says he came from Turkey. If the authorities can prove that he came from Vienna, they caught him and said that he came first from Greece or directly from Turkey to Vienna. Then if there is a readmission agreement from Austria to Turkey, the Austrian government has the right to send him directly to Turkey. And now what happens that the European Union wants to sign a readmission agreement between governments one to one, like the Turkish government with the Greek government, which they had for incidence, or the whole EU as a whole can sign an agreement with Turkey. That means that everywhere in the EU any irregular migrants apprehended and proven that he came from Turkey is directly sent back to Turkey. But this brings also burden. He is not a Turkish guy. He is from Africa or from Pakistan. So Turkey doesn't like to have that. But at least for neighbours like Greece and Bulgaria this is very logical. So the Turkish government promotes that. But the other problem is that this doesn't work very well, because since 2001 Turkey and Greece had many complaints about the migrants, because migrants are almost like a table tennis ball: They go from one side to another. So we need a kind of management of migration, but the management of migration should consider that there are certain interests and concerns coming from its different actors. From time to time the concerns may contradict to each other. Every actor will try to maximize his or her benefit. This is not possible. So burden sharing should mean that not try to maximize your benefit out of migration, but at least you should share the responsibilities, but this is not very easy. Overall, if Turkey remains out of the European Union, as I said to the migration issue as a whole, I may say that the issue will be more difficult to arrange. But in fact, through this improvement with the EU we witness that. Okay, within the last five years, there is a huge improvement in Turkey, but if this vision, this target of EU is not on the

agenda, I believe that the things may go to the back and rejecting migrations through law would be very difficult. P1: Thank you very much for the interview. It was very helpful.

P3: Interview Işil Tokcan Tuç

P3: I deal with foreigners living and working in Turkey and mostly they are legal foreigners that I deal with. But from time to time I also take some clients that I represent that are seeking asylum in Turkey, or that are in Turkey illegally, for example. For example, they have entered Turkey legally, but their visa period expired and they became illegal. This is how I can describe my section. Do I take part in conferences, projects etc.? Yes. I usually try to take part in meetings and conferences about my subject. This subject, the foreigner law in Turkey is really not very much developed for example. There is no law about refugees yet, there is no immigration law yet, so a legal framework is not there yet. Even off the record, when I spoke with a high level government official about this, they said that we are trying to develop it and we're trying to develop it in a very good and safe way so that we won't be beaten up by good lawyers like you, he said. They are really afraid when there is a legal framework they may have a lot of cases against them. It is usually the government, the minister of interior, who deals with cases of foreigners and the minister of labor also. So if they don't have a good legal framework, they may have a lot of cases against them. And they may have a lot of failures and they want to avoid this. That's why I try to go to meetings, conferences. In order to learn, to compare law in this case, how other countries implement immigration, for example, and refugees and asylum law of other countries, of European countries, how they implement it. But I must say, their laws are not so good either. I mean, very liberal. Nowadays in Europe the laws about migration, about asylum, about refugees really got very much stricter than before. So I'm also thinking that Europe nowadays is not a very good example for Turkey. In Turkey, in terms of legal development. P1: Can you tell me about your work at the UNHCR? P3: I worked at the UNHCR six months ago. It was about protection and also about training with high-level officials, Turkish officials. So I was doing a lot of training for them. I was teaching them how it works the EU law about asylum, the EU law about

migration. I was also working with refugees and asylum seekers, within Turkish law. What are the rules they had to obey, what are the rules they had to implement while they are living in Turkey. And that's where my specialization comes from actually. So I was assisting them how they can develop, how they can get custody of their child, how they can get married in Turkey, if they want to get married in Turkey. And if you are illegible, how they can get work permits in Turkey, and also how they can seek asylum. If their asylum claim is rejected how they can appeal. What are their rights? Also, how they can go to court when it gets worse. So this is my, this was my work with UNHCR. P1: And you say that you trained officials. Can you tell me more about that? P3: UNHCR is doing informative training with government officials and I was taking part in that training as a lecturer, as a resource person. And as I said, my area of lecturing was about EU law on asylum and migration, and also about Turkish law. What is the Turkish law about; such issues. And we were giving training: Sometimes to judges, sometimes to police, sometimes to minister of interior officials and also to NGOs, society members. P1: Can you give me an example about training of police, of NGOs and that? P3: What kind of example? P1: Like, was there any problem, any case, which you remember that was very significant? P3: No, there wasn't any problem actually. The trainings were going very smooth and there were no problems, because trainings are nice. You know, problems occur during the implementation. When you train you are sitting in a nice room. There is a PowerPoint, you explain, and they say, o yes and everything. So I, it was going very smoothly. P1: Why do you think these trainings are necessary? P3: There are very similar trainings, and no, I believe they are not very necessary, because this has been going on since 2000. And now it's time to act in my opinion. I mean, they have got lots of training; the Turkish officials. Seven years is a long time and it wasn't only UNHCR training, but some other organizations. Like ICMC also made a lot of trainings for them. So these people got even 4, 5 training sessions. Maybe now it's time to act, I mean, they should give back what they received. So they received all the theoretical information. And it was not only UNHCR and ICMC, the German immigration services also gave a lot of trainings in Turkey. So they received trainings in every language in every context. Now it's time to act, now it's time to draft the laws and open them to discussion, and show some action about what they have learned. I think there is more development in the area of refugee status determination. Now they started inter-

viewing people and they started making decisions about eligibility of asylum seekers. This is one step, but I think the second step should be that they draft laws, and they open into discussion. P1: Can you give me an example about what should be drafted and what should be implemented? P3: What kind of? P1: Like refugee law: What should be implemented in order to make the situation better for refugees, for asylum seekers in Turkey. P3: You know, the same standards. The UNHCR standards are good, I think. If they seek asylum they should be able to go through a good asylum procedure. And they should be able to stay in Turkey while their asylum claim is revealed. And once it is accepted, this geographical limitation at the moment, so they are resettled to other countries as long as the geographical limitation continues. They should be resettled and when the government lifts the geographical limitation there should be some programs to integrate these people. This is all. I think the rights in the 1951 convention should be implemented. P1: So can you tell me more about your work experience? I mean your work experience with refugees, with asylum seekers? P3: I think that's it, I mean. I told you about my work experience. What more would you like to know? P1: Like some examples that come into your mind when you think of your past work. P3: The families for example: They come and their kids and things. So, I think the families are given better treatments than the singles in Turkey, which is a good example. But singles also should be given some rights, and I think UNHCR procedure for deciding who is the refugee, who is not a refugee lasts too long. This is a problem in my opinion, because now I have heard they are giving appointments eight month if you go today. They are giving an appointment for the first interview eight month later, which is very difficult for families. They cannot work. They have brought no money so they have to work illegally. This may cost some abuse or they want to continue to wherever they want to go to use illegal ways and this causes a lot of problems. So that's what I want to say. P1: When you think of your past work experience: Like you had a family and you helped them. And they were very thankful and they were very happy that you have done your job, and they can stay in Turkey or that they can be resettled to another country. Can you give me a detailed example of one work, a special case? P3: I'm not dealing very much with individual cases. I'm doing more training. That's why I cannot give a specific example at the moment, but I can give one not very good example. An example of a Lebanese family, who had moved after the bombing to Istanbul and they were caught. And they

were sitting in detention, and went to visit them at UNHCR. And unfortunately it was very difficult, because UNHCR was not really insisting that this family was coming from Lebanon, because they were running away from generalized violence and they were not individually targeted, and were not fitting in the refugee criteria, which I felt really frustrated. Because this was a family and in the same time we were watching on TV how Lebanon was being bombed, how 150 kids were being killed, because the school was bombed. And I have seen that these kids, they had three kids, they were running away. And if they didn't run away, they would be in the same situation. They would be killed and as UNHCR, we were asking them questions in order to see whether they fit in the individual criteria, which was a bit frustrating in terms of my past experience. P1: Can you give me also some positive examples? P3: Positive examples, many families are resettled through UNHCR. They come, they register, and they are resettled. It takes one year, more than 1 year sometimes. But in the end they are resettled to different countries in Europe. We can find that kind of positive example, but at the moment they go through very normal procedures and they are the lucky people. So this kind of example you can find hundreds. They come with the family and they are interviewed, and they receive a reply and they fit in the criteria. But the most specific group is the Somalis or was the Somalis. Actually, I interviewed them. The same day you can accept them, because they were prima accepted and most of them were resettled to the USA. So they were a very lucky group for this example of the work: P1 And as you are a lawyer I want to ask which laws should be implemented or should be changed at Turkish asylum law. P3: I think there are no laws at the moment according asylum. But first laws should be done. And they should be done in cooperation with the civil society. They should be drafted, opened to discussion. And first of all we must have a law, because there is no law at the moment. That's why I cannot say what should change in the law. P1: Or which law should be implemented if you could? P3: I think, the implementation, the main problem with the implementation is the timing. It's so slow at the moment. Both organizations, the Turkish government and UNHCR take a lot of time, take a long time for decisions, and it's not very good for the refugees. They must really accelerate the procedure a little bit. A person is waiting one year and then getting a rejection replied. What kind of disappointment is this if you can imagine. If he has got his reply in three month for example they wouldn't have cut all the

recourses they had, they wouldn't have suffered under the very bad conditions in Turkey, and they would be able to decide for their future much smarter. And it would be much better for them. So I think in the implementation they used, to accelerate the procedure should be done. If it's not accelerated then there must be social support to these people. They must live under better conditions as long as they are in Turkey, but I think better off would be if the procedure would be accelerated. P1: So when you look at the European Union law, what should be done? P3: I don't know. If you read the different opinions about it, what I followed from newspapers and also from articles, which I read usually through the internet and through the electronic databases, it's getting a bit stricter the European union law about asylum seekers and refugees, and especially access to procedures, access to territory is getting very difficult. I was watching on the news about this Spanish coast problem and the incidences happening there. And also I heard things according the mass deportation to Libya by the Italians. I think they have rent this very big ship and they have brought a lot of people to Libya. And Libya is not even a part of the 1951 convention. So how come these people are sent to Libya, because these people, they were not even reviewed, their cases were not reviewed. So if they were rejected cases okay, but they were not rejected. So I think in the implementation there are some problems at the moment. And I think politically, the political atmosphere is also affecting this. And today in the newspapers I have read about the recent German immigration law. And they say that they say it is very discriminate and the Turkish originated Germans are very much influenced by it. They are very negatively effected by the discrimination among somebody who is born as a German and who has become a German later on. So these things are a little bit hope breaking, because Europe is always known as the Democratic and liberal, and a country of human rights, where human rights actually originated from. But maybe in this section of immigration and refugees and asylum-seekers they are not as progressive in the moment in my opinion. P1: So, let's come to the last question, which development had you like to achieve? Personal opinion. P3: In the illegal migration sector actually I think the most important thing is, I understand the security concern of state, but that the same time in Turkey we must be better than Europe maybe in this sense. And we should give better rights to these people when they have been caught for example. I also read it in the newspapers. I didn't prove it. But I have seen that the conditions in the

reception centers are not very good. And people really suffer. Okay, there is a break in law and they have come illegally, but they don't deserve such conditions. They should be able to live under some basic standards. That is combined with human dignity. I think this is one important matter. The other in my opinion should be that Turkey and Europe and actually all the other states, developed states, they should really work on the reasons of illegal migration. Why these people are fleeing and they should look at the roots of the problem. And they should try to prevent these problems before people move out of their country. So I think there must be a kind of commission or investigation committee. Or I don't know what kind of organization or body this should be. But there must be something like that to investigate what is happening in that country. And if this result is to help this country to overcome its problems so that people wouldn't really flee. And sometimes these developed big states cause the problems like in Iraq. Many Iraqis fled from their countries, because they have this problem that is going on and on in Iraq. There are many** about it, but the generalized violence at the moment is maybe worse than for some time. And people have to flee, because of lack of any order. So it didn't work very well there. In this project of democratization didn't work very well there. Lots of people are leaving the country and it's not only Iraqis who are leaving I have noticed. I have seen some clients who are coming from other countries: Some Africans, there are Palestinians, there are other people who are living and working in those countries, in Lebanon, in Iraq, because they speak the same language: Arabic. They come there and they work there, and all these people now have to flee. And this really disturbs the public order of Europe, but also Turkey. And when people flee, they find ways to go and they come illegal. So these people, they are usually nice people like you and me while you remember that before they had to leave their home countries they were working they had a decent job. They had a family, they had a home, the very decent people living, earning their life, and then they have to leave the country. Their strength or they human dignity or their right all decently they had when they bring their country. So I really feel bad about these kind of facts. P1: One last question. Do you think with your work in training these police officers and officials do you think your help, developing a better situation for these people in their working conditions? P3: Yes, I think so. For example, now there is a project on building better reception centers for these people. I think I contribute to this through

UNHCR protection trainings, but also showing some reception center models. How it should be and everything. They started thinking about this and they said OK, they will think about it, the reception centers. Also for our own safety if some people should start some riot, because there have also been some riots and protests against the condition of the reception centers. So this is one area. And another area is: They decide on eligibility as I said, and I think there are some of them are really very good intentional people. I know some people in Istanbul, for example, working and doing eligibility. One lady, for example, she is very good with asylum seekers. She is a very kind person and she really understands the matter, and they are much sweeter than UNHCR. This is normal and this kind of things is maybe a drop in the water, but I think it helps these people. And that lady, for example, is not going to stay in Istanbul forever, but I know that if she goes to another city she will be placed also in the same section. This was one of the main advice we were giving to the government: 'Please put her always in the asylum section of that institute', because they are rotating. There is a system of rotation in the civil service system in Turkey. And I have seen that they are complying with these standards to the best they can. P1: You can reject this question if you don't want to answer it: Why did you quit your job at UNHCR? P3: Why did I quit my job at UNHCR? Because I moved from Ankara to Istanbul. I got married and my husband is working in Istanbul, and UNHCR office in Istanbul is a very small office, just two people being involved. So I said I don't want to go back 10 years in the past in my career. I first tried it, maybe I can handle I thought, but you're really getting old and it's not easy to go back like 10 years. So I said OK, it's time to go away from UNHCR. And also when you work with refugees for a long time, I think you need to change, you need to change. Most people in this section, in the sector need change. That's why I said OK, I want change and I think I have changed for good and now I'm more objective, some refugees or asylum-seekers are coming to seek advice sometimes and I give them legal advice. As an outsider I can explain them both procedures. First of the UNHCR procedure. I can also tell them; you know may get from this and this. I try to give them a quite objective advice, because when you're UNHCR, you cannot be so objective, because you have to look at those cases. Are they refugees or not? Always you have this in your mind, because there was no humanitarian grounds status at that time. But

now slowly slowly, there is a humanitarian status in Turkey. P1: So. Thank you, very very much for this interview.

P4: Interview Ismet Yasak

P1: Thank you for coming. I would like to start the first question. Can you please describe first your working sector: Do you participate in projects, conferences, meetings etc.? P4: Yes. I do work with refugees and asylum seekers on daily basis since more than 10 years. During this entire time I've been to many situations: Such as emergencies, such as deportations, such as reform, such as repatriation, such as family reunification, such as people who have been rejected, got violent and people with psychological problems and all this. All types of cases that you can imagine, people who asked for asylum in this country. And of course, I mean this is an issue that needs to be dabbed on humanitarian basis. Each state must work, has the responsibility in one way or another to deal with this issue. And for me this asylum issue or the issue of people escaped from their own country will continue as long there is this poverty or unequal share within the states or between the states in the world. The solution to this problem would be that you have these countries to develop their economy so that they are happy where they live, that they don't need to go for illegal migration to different countries, to Western countries. Asylum issues are different than of course, migration-asylum issues. You're escaping from a country, because of some of those five reasons, which are described in 1951, in the Geneva Convention, which is like political opinion, which is religion, which is because of your race, because of your nationality, because you participate as a social member. So that's always there, we cannot stop that. And we cannot stop people from seeking asylum. That should be available for people all over the world. As long as there is a human being involved. Again, I mean to be able to deal with this issue needs some international focus. Need to be unite standard rights, need to be adapted in a manner that all countries see it not as a burden, but that this is a need of a human being. We generalize these in particular on western countries. We should continue to provide them assistance. We should continue to provide them with a safer place. We should not close the

doors in front of their face. I mean, each person who is escaping, because of these five reasons described in 1951, in the Geneva Convention, has to have that right, has to have the access to this procedure. But as a result of this procedure, if they are rejected they are rejected. Then you have the legitimate right to say: Yes, we gave you this opportunity to have access to this asylum procedure. You benefit from it, but unfortunately you're not qualified according to this convention. So it gives you the right to even deport them back to their countries. But this is a legitimate approach accordingly to all countries when they have accepted to be available for that. Sometimes we hear that European countries, more Western countries are depending on the goals winning, who is running the country, who becomes the power in the country, depending on their policies sometimes. You know, it is becoming very difficult for the potential asylum-seekers or refugees to have access to that door. To me, this is, as a subject should not be related to any parties, to any government change in the world. To me that should be an untouchable right for any political party or government becoming a power in the country. It should not be like: 'Okay, today I like to change this policy.' And tomorrow I might say: 'I'm going to change this in another direction'. So this should be out of question. Nobody should touch that right. It should always be there and it should maybe be constitutionally prohibited for the parties as a kind of agendas during the election. So that's what I think about it. And participating in conferences and meetings, yes: I do participate in some of those meetings, which are prepared for others initiated by my organization. There we exchange our views on the issues, tackle the problems how to deal with them, and depending on the subject everybody is giving his or her opinion. And we suggest a solution to this problem. So this is always an ongoing procedure to go ahead and to get better, to have a standard on that subject. Participation of other actors in this field is also very good and very useful. They should also speak out their own view, because when you are working for an organization, you're within the organization. And you don't see yourself as an outsider. So you always see you from inside and it's always good to have a view from outside, especially for those, who are working in this area. P1: So if you would describe again your work life like when you come to your office. Can you describe your day? P4: When I come to my office actually, we have correspondence like, we receive many e-mails from different sources: From NGOs, from offices, from outside, from relatives of asylum seekers and refu-

gees, and from refugees themselves. And phone calls and sometimes faxes. We do receive all this type of you know calls and all this type of information from various sources. And we take actions immediately for those who are in detention, for example detention cases. I mean detention cases are the priority cases for us. Then when we have information that somebody is in detention, we immediately like call their respective city and get the confirmation, for example, office detention. And after getting the confirmation we talk to the authority to see what they are planning to do with that person. And if that person is seeking asylum, we make sure that this person is given access by the government, by the state to this asylum procedure in this country. When it's necessary, we also try to go and visit them if they are not in another city. Sometimes they are in another city and if it is required, we even go to another city and try to convince them. Like within the city, where we work, we very often go to detention and talk to the authorities to convince them to give them the right to asylum if they are seeking asylum. So we always keep our eyes on them and we keep records, and all this reporting. All this goes back to Ankara to our main office for the evaluation and for further actions if it's necessary, because sometimes it requires the office's involvement with higher authorities to stop a deportation or reform. So in that case, we suggest the branch office to talk to the higher authorities within the government to send instructions to the local police to suspend deportation or reform. And apart from there another priority for us are also minors. I mean nowadays like three to four-month, particularly, we have been receiving many, many, many minors, particularly from Afghanistan. These minors somehow ended up being taken from Afghanistan to Iran and from Iran to Turkey in order to go to Europe. And most of them ended up being on the streets in Istanbul. And the smugglers either cheat them or, that's their deal with the smugglers. When they gave the money to smugglers from Afghanistan, their deal is to come until Istanbul, only, so from here, they will either try to find another solution to leave this country illegally or they assume that they will be able to work, to make money, and then this and that. And all these are of course very classical cases. The thoughts before knowing anything, you know, in the field when they come here. So, I mean, all of a sudden, we receive calls somehow from them that they are on the streets, living in the park, and then they want our assistance. I mean, of course, with their young age, they don't know the meaning of asylum. So when they call us we ask some questions and then try

to find out why they left, you know, what kind of problems they have. And then, what was their aim and whether they can go back to their countries, and you know all this. And then we assess their case, accordingly then we give them counseling first, counseling on the asylum procedure in this country and then its consequences. So we leave it up to them. But as they are minors, according to international law and the national law, while they come to our detention and we make sure that they are being put in a child institution in this country, meaning under the protection of the state. We make sure that that happens. And after that happens we again will monitor their status, their situation there and also follow up and report all this again on regular basis to our office. And if they want to seek asylum after all this counseling and all of this talk and this and that we go. I go and register them and then after the registration, of course, we also make an 'RSD interview'. We call it Refugee Status Determination interview to see whether they are eligible for refugee status or not. And then the office will decide accordingly. And after the office decides, then we inform, notifying the decision. And after the notification if he or she is recognized as a refugee, then we try to find a third country for that person. If that person is rejected, then, we say, we of course, together with counseling in his own or her own respective language, we give them the right for an appeal. So in appeal they can write and then we make sure that they have access to the appeal procedure. And after that appeal procedure, the office will make another decision on the claim. And then as a result, if they are still rejected, they remain rejected, then they become 'off concern'. A person non-concerned to UNHCR anymore, to our office anymore. They will become a person being under the protection of this country. So this country will decide whether they want to give him a citizenship. Or they want to, you know, keep him here or do anything else. We are not involved in that. But in accordance with international law: If a person is somehow rejected, but if it's not safe for that person to go back to his or her country, there is also complimentary protection needed there. So, if that's the case, our office will write a letter to the government to request them not to deport that person back to his or her country and to request them to provide complimentary protection to that person, because his or her return is not safe. So that's how it works. And that we have that project that has been implemented by an NGO here. So that project is called 'social counseling project'. During that social counseling protect our clients are approaching them on daily

basis, explaining their problem to them. And then they write it to us and then we give them advice, for example. So, this is also another issue that we, that I deal with on daily basis. Apart from that are many other calls and you know, again like maybe some statistics. We also have a program that we use to keep the records of all our clients in this country that are approaching us. So, searching their names to find out whether they approached us before, and like dealing with the protection problems for a sample of those. In this country, there are two procedures, for example, two parallel procedures for the asylum: When an asylum seeker enters this country, they go to the government, they get registered by the government. The government will register them. After registration, they will take their asylum application and make interviews with them for Refugee Status Determination. And then in the meantime, we are also doing the same thing. Registering them, interviewing them for Refugee Status Determination and also make a decision on their case. So, these two parallel procedures sometimes are not matching. Like one side is saying: Yes, he or she is a refugee. The other side says: No, he or she is not a refugee. So, in this conflicting situation it is bringing a problem for both sides. If the government says we have rejected the person and we say we accepted that person as a refugee, then although the person is not being deported to his or her country, he is still kept in this country, being provided with the residence permit, based on our recommendation, based on our request. But they are, at the time of their departures to third countries, for example, sometimes the government may say we cannot give the exit permission to that person, because to us he or she is not the refugee. So then again, discussion goes on back and forth, and at the end it remains a pending unsolved issue. Maybe there are like individual solutions, but no general solutions to such situation in general. It is again, as you know in this country, there is a 'geographical limitation'. Geographical limitation, meaning: In 1951, when this country signed the convention, they said with the reservation of not accepting the Non-Europeans, meaning I will be dealing with the European asylum seekers, refugees, but not with the Non-Europeans. So, but we all know, this is the problem and that the Non-European countries are the ones actually that are producing asylum seekers and illegal migrants. So that's the reason why, you know, there's another organization that's filling that gap. That's why they're out two parallel procedures on asylum in this country. P4: For example, which organizations are dealing with the asylum procedure in

Turkey? P1: Which organizations are dealing with the asylum procedure? Yes. Like, there is United Nations High Commissioner for Refugees and some other NGOs like IOM, International Organization for Migration. And there are some other NGOs, that are dealing with the asylum seekers, refugees, human trafficking, such as HRDF, such as IIMP. I can give you the full names later on, such as IRLAP, Refugee Legal Aid Program, such as Caritas, ICMC, and then there is another one: ASAM. These are the ones that I remember. Maybe there are a few more that I cannot recall at the moment. So, they are also, you know, dealing with the asylum seekers in this country. Like IOM is dealing with the human trafficking and also with the departure of, like arranging the departures for the refugees, who have been accepted by the resettlement countries: Like arranging their papers and accommodations, and then making sure that they are safe. You know, guided from this country to their last destination in the resettlement country. And the arrangement of the payment and all this once they have visas of asylum-seekers, visas of refugees that are recognized under the 1951 mandate. And they receive the visa from the embassies directly. And then the embassies, then they are starting working. When the government says that they are ready to take them, the resettlement countries, then they are starting to look for available tickets in airplanes for their departure from this country to their settlement countries. So that's, they are also dealing with some other departments that are not related with the refugees. Some like, based on humanitarian grounds, like Australia or for example like Canada, for example. I know, like America, but they got their own agendas for that so I'm not aware. For us the most important parties are the refugees and asylum-seekers. In this country, IIMP for example is dealing with Africans, for example African nationals. Why, I don't know, but this is what they do. Maybe this is what they get the funds for from their donors. Caritas: Caritas is dealing with the Iraqis, but Christian Iraqis only. Why, again, this is their, you know, agenda since they are arrived here. And then as they are working as a kind of affiliation with the church, with the Vatican church I think that has to do something with that. IRLAP, Refugee Legal Aid Program is working under the Helsinki Citizens Assembly. It is their project, so they provide legal aid and advocacy to the asylum-seekers, to those, who are rejected. To assist them in preparing their appeal, for example. I mean, they can do more, but they are dealing only with that. And ICMC is a catholic organization. In fact, they deal with everybody. I mean, they do pre-interviews with

those refugees, who are being submitted by our office to America, for example. So it's a detailed procedure. So, there is a pre-interview filling in some very complicated forms, this and that. And then MOI is coming on behalf of the state to decide whether that person, submitted person, can go to the States or not. So, that is what they do. As a part of their activities they are also giving like cultural orientation, counseling to those, who were accepted to go to the States for example. That's what they do. HRDF: HRDF is also dealing with smuggling and human trafficking, illegal human trafficking, and they also deal with some other projects. But apart from that, of course, the main actor in this field is the government. P1: OK. Can you say now how your projects or your work developed in the recent years? What's now new? P4: Our work is the same. I mean, it's not changed, it's developed. It's developed, for example, in that sense, like in social life sense. Before we didn't have enough capacity to be able to deal with the mental status of the asylum seekers, of the refugees. And like psychosocial counseling was not available or was only available to certain extent. And like vulnerable groups, which we're talking about, who've not maybe been helped very properly in the past, like minors, like women, single women with many kids, like victims of torture, like domestic violence cases, like sexual abuse cases etc. So now, I mean, as the work goes on and you see the need and stand it's being identified and it's being brought up. So now we're in a better position from that point a few, for example. And the minors, for example, again, were not dealing in a manner we are dealing now. There was no like close follow up. Plus the other, like the state part was also not ready for that. I mean, it's not only working with one side at such a case. There should be like, a place to be offered in the past. We were like putting them in the hotel, covering their expenses, providing them with food. The budget we had for them was spent maybe in three months time. Because you have a certain amount of money that you can spend for the entire year. And then with the numbers that you have, you can give accommodation. You put them in a hotel, although you are not providing them with a five-star hotel. But you know, a decent hotel, but still. You spend all of your money in three-month time and then you got nothing for the rest of the year for the others. So at least you know, after discussion with all this you go back and forth to the government. And now they've taken the responsibility. We have liked minors, we call them and we make sure that they are being taken care of by the authorities. P1: So what you're calling the

government to take care? P4: Yes, I mean, the procedure for that is: It says, whenever you receive a call from a minor, the child bureau of that district where the child is living is responsible to take that child. So we make sure that this person goes to the district where he lives, the district of the child. So, I mean, in general, they don't know how to go. And then, through the lack of this communication and language barriers, we escort them, we accompany them. We accompany them, we take care, we explain them the situation and explain them, there are also some general guidelines and directives within the local authorities that we are aware. Then we refer to them directly and then they take the child. And then they take the child later to the hospital to see if the child has got any contagious disease. And they are suspicious of the age of the child and they also make the bone tests. And then afterwards, they either directly place the child or the minor in a child institution or through foreign police. But at the end, they are quickly in child institutions. P1: And do you think this money problem has developed now? That you have more money than in recent years? Or, what do you do if you say that you have just more money and for three month and then it is over for the year. P4: It was in the past years. Now, we have less money. Yes, we have budget cuts almost since the last three years. P1: So they cut your budget. P4: Yes, yes. P1: Why? P4: I mean it's a global issue. We don't have money, you know. We have money. But it's for someone else, its for Sudan, its for Somalia. It's for, you know, it depends. P1: So the United Nations can divide the budget and they give Turkey or another country an amount of the budget. P4: The donors, there are donors. They are giving the money sometimes with a condition: They say that this money can be spent for the Iraqis only, for example. We have money for the Iraqis, enough money. But that money cannot be spent for others, for other nationalities. Although in Turkey, we don't have maybe, we have a few thousands of Iraqis, but considering Syria, with considering Jordan, with considering Lebanon. Yes, there are two millions of Iraqis that have left their country to the neighborhood countries. P1: And it's also possible in an organization with the United Nations that the donors can say that this money is just for the Iranians. P4: Because Iraq is, it's known by all world now on daily basis. They are on the news. And everybody knows what's going on now there. It's something that its somewhere. And then somebody particularly wants to contribute money to that place. 100 people are being killed on daily basis. People are fleeing. It's a chaos. People are fleeing and

fleeing, and yes, there is an emergency. There is an internal war. There is an ethnic war going on in this country. I mean, yes, in such a situation some countries might say: Yes, I can donate money to the Iraqi problem, but just to the Iraqi problem. It's not, they are like normal contribution and also acting like additional contribution from donors. When donors say that's an additional one, that I would like to distribute for Iraqi operation only. They say that. So that's the case. That's why you know, we have budget cuts every year. P4: What is your personal opinion, what would you like to achieve? What would you like to change in your working sector? P1: In my working sector, I want for example: That people, who have no access have proper access to asylum procedure, even after they are detained, due to lack of communication- and language barriers, due to lack of maybe suffering, due to lack of infrastructure. I think that's not being implemented properly. So I would want that to change, for example. Yes, people might come to this country illegally and might want to go to Europe, and then on the way they are caught. It's possible, but that does not take the right of asylum from them, deprive them from the right of asylum. Maybe they don't know. Maybe they know, but they think it's quicker to go to European countries. Maybe it's, because of the asylum, lack of asylum security in this country. I mean, there are so many factors that you can argue in such a situation. But at least they should be given rights and then again, if they are rejected they are rejected. But at least you have to have to write to a legal approach within a time. 'Instead of applying for asylum in this country you could try to leave this country illegally to go to Europe. So I don't see you as an asylum seeker'. So, I think that has to be changed. Sometimes they don't know what's the meaning of asylum. You can see, you can guess or you can find out from their statements. I mean, if somebody says I don't want to go back to my country, you ask why, if that person stays, because there is no work, that's fine. It's unemployment, fine. But if they say there's a war and I don't want to go back, then you should understand that. Yes, it's not safe for them. Or, he says something else, if it's related to one of those Geneva Conventions that I described earlier. Yes, you should understand that that person is a potential asylum seeker. That's the thing I want to, you know, be achieved. But in a long run. Apart from that, I also would like the state to lift the geographical limitation, because I know that it would bring a burden, an economical burden and financial burden to states, yes. I know that it's not easy. I know it needs many infrastructure,

but again: What can I do? This is a need and has to be recognized. And it was already recognized by 160 states. In this world to lift the geographic limitation as soon as possible is a need. It shouldn't be, you know, I do it with a condition of being accepted within the EU, being accepted as a member of the EU. They are not really directly into each other. You can say that since I can request funds from developed countries as a burden share. But if you say: 'Take me. If you take me, I will lift that geographical limitation. If you don't take me, I don't lift that.' I don't agree, I don't know. P1: And now, according to get a member of the European Union: Has something changed in your office, in your working sector? P4: I think this had an effect with our relationship with the government. I mean from the government point of view, there are many developments on that issue. They are willing to learn and there are infrastructures while they are getting time, get prepared, getting prepared. They are being prepared and they are open to our trainings. And they are open to discuss, cooperate. And then I think it is a good sign from accession to the European union on this matter. They're in a better position. The state is in a better position. The authorities are more willing and they know that if not already tomorrow, or maybe some years later, they will have to deal with this on their own. They are trying to deal with it in a professional manner. Some gaps need to be dealt with, but they are keen in learning. This child issue as I already mentioned: Once the police catches either a potential asylum seeker or an economical migrant, they, instead of putting them in detention, they are sending them to a child institution, which is a very, very good sign. P1: So would you like to add anything else? P4: As I said, I mean personally, I think that, because of Turkey's location and because of its neighbors, and its being right in the middle of this Middle East and then all the rest after Middle Eastern countries are like asylum seekers or a migration producing countries. And then they are, I mean, continuing to migrate from their countries to the developed countries. So this is a kind of key-country for them to transit from. I mean, Turkey is trying its best to strengthen the borders. But as we all know that is not enough. There are some gaps. The people are still managing to come across. But why doing that? Again, it is very important to distinguish between potential asylum seekers and migrants, economic migrants. So this all will come with the public awareness, with the trainings, with the seminars of the authorities, who are dealing with them in ways on a daily basis at the borders, for example. The more you give them the knowledge,

the more you give them the satisfaction. The more the state is willing to distinguish between these two categories, the more you will become confident on that issue. Because, I mean, at the border, the duty of the guards or the duty of the authorities at the borders make sure that nobody enters this country illegally. But we all know that potential asylum seekers are also coming through illegal ways. So how would you distinguish if you come across with 50 for example, illegals right at the border? You try to stop them. Yes. You may catch them. And then you consider all of them as illegal migrants or you find out during the statement taking procedure, whether they are potential asylum seekers or not, finding out from their statement their right for asylum. Maybe nobody will know and they leave their countries, but you have to have enough capacity and enough knowledge. And you're willing to see that's also, you have the capacity. You have enough knowledge and then you are occupied with all this to you, but if you're not willing to implement it, it doesn't work. So all these three things should be together. When this is not a policy of the whole entire country, then it doesn't work. So again, it's something that has to be decided by the central government or by the state itself. When one government would come and an other government would go, but when it becomes state's policy, then it's doesn't matter whether a government comes and the other goes. It doesn't matter. It still is as it is. So that's again a very, a very important issue. P4: Then thank you very much for the interview.

P5: Interview Ceyda Oskay

P1: Welcome to the interview. P5: Thank you. P1: Can you describe your working sector: Do you participate in conferences, workshops etc?

P5: I work at UNHCR in Ankara and I work on economic and social integration issues with refugees and asylum-seekers. So I also work on gender issues and a research on refugees and asylum-seekers, a voluntary research, and I did take part in different types of projects, conferences and meetings. But I'll try to talk about the ones that I think are very related to your research, because there is a lot going on related to trafficking. I sometimes attend the task force meetings on trafficking. And these are the ones that I mentioned earlier, where the government's counterparts, the twinning advisers. There are NGOs, as far as intergovern-

mental organizations as IOM etc. They are, the human trafficking has already had the end of their project. And in addition to that I attend other types of conferences related to refugees and I organize the gender and children team meetings, which are meetings that government and NGOs counterpart. As far as IOM and one component of those meetings is human trafficking, but we have got that at the gender and children meeting sometimes. P1: Can you describe your daily work? P5: This I can't really describe, because I'm involved in many different things in the office. Sometimes it's related to researching, because of the references that are available in Turkey: Are there governments or NGOs, and trying to evaluate how they could be applicable to the asylum issue. Sometimes is gender issues. Sometimes I send trafficking victims back to their countries. So those are all kinds of jobs. I also meet with refugees at the gate sometimes and transfer them to others cities. Or I go on a mission. It's a variety of different things. I'll talk more about the gender and children team meetings. We would meet once every two months, actually, to discuss the problems. Refugees, asylum seeking women, and children's cases. There are all kinds of different problems like refugee women, who are more vulnerable in certain respects during their flight. As they leave their country, and they could have already left for gender related issues like gender related prosecution. So they may have already suffered of some kinds of incidents and having survived this, and they decide to flee perhaps and if they don't have official documents, they may ask smugglers to take them, transporting and this is of course very risky. When they enter they are very vulnerable and because they don't know the language necessarily and they don't have certain contexts, and depending on the type of case, they may or may not re-associate with their community. Some communities tend to find each other in the country of asylum and get together. But depending on the reasons for which they have fled, they may or may not want to reconvene with their community. So the refugee woman might be afraid that she might meet people who know her. So she doesn't want to have the support of her community. If she doesn't want to approach them, then she is also more vulnerable and depending on the kind of city that they come to and what sort of services are available. This also affects her situation. Now there has been some government related reception centers they can go. I have read some reports: In one approach the idea is that the woman or any vulnerable person can have access to shelters through these reception centers. But of course, knowing

the practice in Europe, they have different kinds of reception centers for different types of refugees and asylum-seekers, for each one. And I also reported incidences at women's home when they are in the reception centers. So women might not necessarily be vulnerable to trafficking, because they are in a center. But the center should also be monitored for protection, too. This is something that I think Turkey needs to do. So that if there are such reception centers, the batch practice, I don't think that this solved in one, because the problem causes another. Because especially in terms of trafficking or exploiting situation, and additionally regarding to the link between trafficking and asylum some of the women, who come or men or children, that could be anyone, may fall into an exploiting relationship in the environment they are staying in. Because they are particularly vulnerable, because they might have different kinds of housing or accommodation arrangements. And if they are staying with a group of people then they could easily be exploited. So a single woman who comes or a person that comes might have no shelter and then they might decide to stay with a group of people they don't know. And because they don't know the group of people, and because they have no alternative, they may then fall into a kind of situation. I mean, they may be trafficked or they may be also exploited, they may be offered shelter in return to other services. So then they are forced to agree to something, because they don't have any alternatives. And because, let's say maybe they came illegally, because they didn't have documents, etc. they may then be reluctant to approach the authority in that country. Because even though their rights have been violated by the people, they are staying with or by others. Because they may be in an illegal situation, other have done the status of coming illegally and may then not wish to press charges or approach anyone about this. Because they are also, because they don't want to expose themselves as being illegal or they are afraid of what will happen to them or other different kinds of reasons. So this is problematic, because thinking of the link between illegal immigration and trafficking, persons are coming illegally and later have their rights violated, may not approach the authority. They may approach the organizations they know, they made the approach to NGOs etc. and in the end they may change their mind etc. So that they could easily fall into a situation, where they don't trust anyone. So I think, here you can, you can have the link. A lot of the discussion about trafficking and the approaches to combating trafficking etc. For example, what happens after a

person is trafficked. And it's very difficult to take the percentage measures, especially of the people who are illegal migrants or refugees or asylum-seekers, because there's no mechanism to prevent trafficking. Because the social services are not always available. The shelters may be preventing it, but at the same time the shelters, they have to try to avoid that. And also, there are maybe many cases who don't approach anyone. And then it's difficult to reach them. And somehow the reports are risky of trafficking incidents and there are investigators. And if the person is doing trafficking, receives some kind of punishment. Then this would also be a preventive mechanism, because these people don't get engaged in trafficking hopefully any more. P1: And is it also a matter of fact that people who are trafficked can receive punishment? P5: No, not that I know. But they could also be unwilling to cooperate and may not report the whole story. And those, who should be punished will not be punished. And the person trafficked will then gain other problems, due to have reported. P5: Then we referred the case to IOM. And IOM will decide if the person is really trafficked or not. And if the persons can return to their countries and not face any problems of return, then different arrangements will be made for the persons to return. But there are different services with different countries. Some countries, it's very difficult to arrange the return to, but with other countries, there is a certain program to return. And if the person can return, then the person would be a refugee. And then the case would come to our office and IOM, if they can't return a person to their country, will then give us the referral for the case. P1: But that people don't know for sure if they can return or not. P5: No, because it's a legal situation, actually, after the person approaches our office. When the person, who approaches our office, we register them and refer them to the ministry of interior for a registration for the asylum registration in Ankara. And then they have the status of being an asylum seeker. But if they don't go to a satellite city, that are given to them by the government, they fall into an illegal situation. So I think really this is the critical point with a lot of asylum seekers, perhaps who are in Istanbul and who would like to remain in Istanbul. Because they get other kinds of services or have other kinds of networks. But they don't have the asylum application and they are illegal. So I actually, I think there has been some research on illegal immigration in Istanbul. And I think its Koc University. So I think that would be an interesting issue to examine. What happens to people who are not asylum seekers and who are not reg-

istered to the government, who maybe came here for economic reasons. P1: Is there a difference between how they enter Turkey? Between smuggling and trafficking? P5: Once they go and tell the government that they came here, they came here illegally. And they would like to declare themselves to the government, their case is examined. If they don't register or if they register initially, but then they fall into an illegal status, they don't pay the reference fee or they don't go to a signature regularly. Then we will report and they get an illegal status and that is problematic. But related to other gender issues in our office, the office gets a separate registration form to all the asylum seekers, including women and children. So each person has their own UNHCR certificate. So if the woman comes in a kind of domestic abuse situation with her husband, then she would have her own UNHCR certificate. So then she has her own identity document. So sometimes, getting an official document is very difficult. But if you don't have any document, it's difficult to prevent you from that, even if they try. And then it begins, the interview process: The person is asked if they want to get interviewed by a man or woman. And there are separate interviews with the family members. So that means, the man and a wife or the couple are interviewed separately. And then there should be more attention paid to the situation of whether or not a person could've been trafficked or if they have been domestically abused or they suffered some kind of gender persecution in their country. So the office has training permit and the colleagues doing the interviews are informed of the circumstances. For incidence, there was one person, who approached the office for asylum and his wife was under the travelers as well. And he wanted to return to his country. And because he was the principal applicant they interviewed him, but of course they also interviewed the wife. And it became clear that the wife had many different theories upon the return and then the case was reevaluated, because the wife's situation was different from the husband's situation. So there are these kinds of practices that are implemented in the office to become aware to situations related to abuse. But at the same time, once a person has been identified, it's very difficult to offer the person shelter. Because there are limited shelters in Turkey. And then this makes it difficult, not impossible, but difficult to accommodate further needs of asylum seekers and refugees. And we are working on promoting accommodations of refugees and asylum-seekers and woman in shelters. In the Government shelters and NGO shelters, but for incidence there is a traf-

ficking shelter. But they take only persons clearly identified as victims of trafficking. So for incidence if there was this old person, who says that they didn't have any place to go and they were afraid of being trafficked, it would be difficult to get them in that shelter. But there would be other alternatives maybe to think of to help this person. But the shelter for trafficking is for trafficking. And therefore only for trafficking based on an agreement. P1: How did your work develop in recent years? P5: We discussed at the gender and children team meeting all the links between trafficking and asylum. And we developed a status of referring cases to IOM and IOM referring those cases to us. And we discussed the abuse of the shelters for some of the women in the street, but it is not fruitful. This area is still developing, because we are still discussing with NGOs and other governments about referring other cases, who can be trafficked. And what would I achieve on this issue: A clear link between trafficking and asylum. And a clearer link between exploitative relationships and domestic abuse and trafficking and asylum. P1: Why? P5: Why? Because I think that the term 'trafficking' as it is now is very focused on the same type of trafficking. And I think there are other forms of relationships that are also equally exploitative. And I think that already the trafficking issue is a huge topic. So it's very difficult to include other things in it, but at the same time we could look at other ways to prevent trafficking. And also look at labor trafficking: Because there is a strong focus of women being trafficked for all kinds of purposes. So, there are other issues to be looked at whether in the context of trafficking or outside the context of trafficking. But somehow I do think these things are related. And there are also lots within that issue of trafficking that one must focus on. But also keep in mind other ways, other issues related to trafficking when trying to deal with the process of trafficking. And also how actually I think this idea could be developed in terms of looking at maybe non-typical countries from where persons are trafficked. So there are a lot of trafficking reports from the Balkan and from former Yugoslavia and Ex-Russia Ex-Soviet Union. But maybe also look a bit south and eastwards. And look at the situation of the women coming from other countries and their return programs or their assistance or how to protect them. And I think more needs to be done on this issue, because a lot of single women do come from the other countries who are at the risk of trafficking or being trafficked or who maybe are trafficked. But either some labor trafficking or mainly sometimes counter trafficking as well and that

also needs to be changed. There are some Middle Eastern countries, where the issue of trafficking is now getting more attention. So maybe we're also looking at, if there's a change coming from those countries to Turkey, and better or not, but not necessarily thinking that people are trafficked from their own countries directly to the country being trafficked. Maybe there are some other routes. Trafficking is not always organized. I mean, sometimes it's may be the case. But it may also be that the person is trafficked in the country they come to voluntarily. So somehow the person may fall into this institution and is not necessarily smuggled. I don't know, you can ask questions because I'm just talking. P1: So you are working in this job all that long. Which topics are coming into your mind when you think that handle this situation better? If some things were different? P5: Then especially related to trafficking, because there are some cases that we don't find shelters for. And then I think the shelter issue is a big issue, because people are approaching us saying: "I'm very much afraid, because of certain issues." And in some cities there are maybe shelters, but in another they are not always easy to resettle. And I think, the shelter issue needs more attention and capacity in the shelters as well. And also more needs to be done in terms of the awareness rising within NGOs among the link between trafficking and more about sexual and gender-based violence. This is something also I'm trying to do. And in having meetings with NGOs or governments about awareness raising related to sexual violence in asylum. We made some incident reports and different types of responses to persons who are survivors of such an incidence, such as community-based responses to help and shelter based responses, and legal responses. So, and I think the legal responses are not always the useful ones, because the persons reporting that incidence are afraid of legal measures, for incidence, of rape or domestic abuse etc. P1: In the shelter, or? P5: No, either in their family or... P1: In their countries or in the smuggled countries? P5: In the country they're arriving. P1: So my last question is according to Turkey becoming a member of the European Union. Did your work change because of this? P5: UNHCR is generally advocating for countries to take more responsibility related to the trafficking and asylum issues, but also towards the EU Acquis includes a chapter of??? And the asylum issue is under that chapter, I think chapter 23. And there are different EC regulations, EC directions related to the shelter for asylum seekers and refugees, etc. So this is very much our work, because we are an office advocating for projects related

to refugees and asylum-seekers' assistance, so, and this majoring to the EU. We also look at the EU directly related to these issues as trafficking. So these are our projects. So this is our work here. But because our mandates, and what's in the EU Acquis over that. P1: Did you recognize a certain structural change? P5: I think it's kind of a process as well. The asylum seeking issue is getting more attention over the past years. There was a flow in 1984 for refugees and asylum seekers. There is more of a focus on it now, because parts of being in, I mean; any European country cannot have a geographical limitation. They have to have the same standards related to asylum issues and Turkey trying to implement the Geneva Convention for asylum with a geographical limitation. So therefore, this geographical limitation would be lifted before entering the EU. So then it's also the fact the way the issue is lifted and changings. The EU changings related to asylum would change the current situation very much. P1: Thank you very much for your time and for the interview. P5: I mean, there are a lot of things happening and it's also different from city to city. In some cities the government provides houses for refuges and asylum-seekers. So then their shelter wouldn't be the issue, but some others might be. It depends on the city. The case in Istanbul is particularly different, because it's not a city that the government sends refugees and asylum seekers to. But it is a city about where lots of migrants, who are coming illegally. Or the majority of them are coming illegally or it could be all migrants are victims of trafficking there. Because there is a strong trafficking project in Istanbul, but we're also trying to make research on more cases. P1: Refugees? P5: There is a ... in central Anatolia. Because of unofficial employment perhaps? So I think they find their communities there and if they want to go to Europe, Istanbul is a door to Europe. So they can then leave illegally. P1: Is there anything you want to add, anything which you find important? P5: No, but, I mean, are you more interested in gender issues or trafficking? P1: No, I'm more interested in how Turkey is dealing with the issues of trafficking and illegal migration. P5: You should also look at the border management. In the NGO sector I think the problems are also funds, because the EU has a lot of funds for EU countries related to asylum and migration, but these funds aren't available to Non-EU countries. Which makes some of the reforms difficult. The current protect strategies are not focused towards other areas and related to asylum and migration. NGOs may apply for funds, but not receive them. But also there is a different issue of NGO, including asylum

issues or migration issues in whatever project they already have. But I think that there was one project related to cross-border-management cooperation with other bordering countries on migration. I think Turkey is also at an interesting place, because the country is giving asylum and also producing it. From which may be asylum-seekers and end up as refugees. But it's also a country that is also accepting others. So, also this is an interesting issue. P1: So thank you very much.

P6: Interview Bülent Peker

P1: So thank you for participating in my interview. And I will begin to ask you the first question. I want to know from you, do you participate in meetings etc? What's your working day like? Please explain that.

P6: So I'm starting with my contribution. So I'm doing Refugee Status Determination in UNHCR and my work mainly consists of doing interviews with applicants and deciding on their cases. Researching before and after the interview, researching controversy information affecting the applicants, including their possible situation in transit countries. And then I decide, I make a decision and the decision is confirmed by the management. I'm doing Refugee Status Determination now in the Appeal and the Reopening Status. So Reopening means, that the case is closed, but there are new amounts introduced by the applicant or the applicant says that UNHCR was just the float. So I have to take this in consideration and then reveal the case based on the application. Many of our applicants are legal or regular migrants and some are what we call "regular movers". So they were in other countries possibly as refugees but they wanted better conditions. So they came to Turkey to transit to Europe mainly, and there are also trafficked women and children among them, but we only guess this, because they would rarely give indications. They would generally try to hide that information about smuggling and also about trafficking. For our purposes it is not important whether they used illegal ways, illegal course of travel to Turkey or not and some of our applicants would also; because it takes a long time due to our capacity problems, it takes long time to decide and find global solutions. They would also try smugglers to go to Europe from Turkey. Also many

of our applicants are wrongly or rightly rejected. Also many of our applicants die during our procedures before we finished them, because they try to go to European countries by passing borders illegally and many of them are being detained because they try illegal ways to transit to Europe. For our applicants, we see them when they are in detention. If the police don't want to leave them, they have to consider the procedures. So first about illegal migration: I don't think we have much to do, but if I had the possibility, I would of course try to give quicker decisions. Also that they would not try illegal migration as a solution to their problems. But Refugee Status Determination is a small part of UNHCR's program. Also, UNHCR's resources go to government capacity building and there are less resources for Refugee Status Determination. And another thing, given the resource problems, capacity problems, I would like to see UNHCR more involved in the protection duties rather than the Refugee Status Determination, because I would think that we're receiving only a small portion of the asylum seekers, using Turkey as a route or coming to Turkey. And most of the illegal migrants happening to be detained and deported, are citizens of countries, refugee generating countries like Afghanistan, Palestine, Somalia, Sudan, Congo; countries like that, and they're seen as illegal migrants. They are using illegal ways for migration, but in fact like a large number of asylum seekers, which try to go to other countries instead of waiting for years in Turkey, and we also, I also witnessed during my work that most Afghan refugees and Palestinian refugees, and refugees from other countries also Somalian refugees in the past. That did affect the protection in Turkey, they were right actually. Because Afghan refugees also Somalian refugees, who wasted their lives in other countries, because they didn't have protection, but in formal terms, in official terms they are considered as having protection there. So they didn't have protection in Turkey.

P1: So if they leave what will happen to them?

P6: Because they were living in Iraq for example or Pakistan Afghan refugees, they would be seen as people seeking for better conditions of life, but as we consider them like that they went to Iran when they were children, didn't have any protection there, or they did have some type of protection, but then the Iranian government wants to deport them out so they are coming to Turkey to receive protection, 'cause they don't want to go back to Afghanistan. They would be in a position of internally displaced people when they are staying

there. So they take their families to Turkey to travel to Europe. Then they apply to UNHCR or to the government. They really have protection in terms of socioeconomic protection or labor protection. Also so many refugees for example, from countries like Somalia, they don't have protection there, these countries do not protect them, but our clients from Somalia, for example, would not tell us the truth. They would give us the story like they were forced by smugglers, so they would not be credible. So we cannot know that they are from Somalia, so they are rejected. So you have a really high refugee population in fact, who have no protection. The system fails to provide them protection. So they are seeking to go to European countries as illegal migrants. Or we helped them, but it takes a really long time, because we are trying to get information and we reject them in the first instance and then we consider that case, if we can find some elements that could find something that they are coming from Somalia, then we recognize them, but certain countries would not like them; also Palestinians. Certain countries would not like to see Palestinians in their countries, so there are many of these situations for an extended period of time. And we don't have the means to support them in terms of food and accommodation, and the government is rarely providing such protection and so they are lost. Of course they know that they might die if they try to go to European countries. There are from the law enforcement point of view a large number of refugees using Turkey, transiting Turkey or staying in Turkey. Also, I think we have to focus more on, if I had the possibility I would like to focus more on the human rights of irregular migrant protection, because there are international instruments that could help us. But in the past, before joining UNHCR, I was spokesperson for the Human Rights Association and focusing on refugees, asylum seekers, regular migrants, IDP's, and victims of trafficking and smuggling. So at that time for incidence, I was free to do these things and focus on these aspects, on these situations, but there was really anybody involved in it, because we were a human rights organization, offending the government, no international organization cooperated with us, we were never invited to any meetings on this issue and there were only a few lawyers, especially concentrated in Istanbul, who would have no backgrounds from international or human rights facilities, but they had some information; I just talked to them. We tried to do very little things when we had some opportunity like lobbying on behalf of people who had urgent legal safety problems, have experienced some legal safety problems,

but for incidence at that time lawyers would advise you not to be involved in whole Turkey, because they said this is a Pandora box; it does not open at that time; I'm talking about six years ago. They returned that they couldn't ensure my safety if I was involved in that, if I tried to enter.

P1: Why?

P6: Because they say that there was the Mafia and the police was not yet, how to say, the police was actually the part of the problem in that time in a way. They were not involved in as they are now from the protection point of view.

P1: The police couldn't protect and the Mafia was running the applicant system?

P6: Yes, but this situation was very complex and we do not know what was happening. There was no protection in that time [approx. 2001] in a way; no international organization was involved in it. So they told me that it would harm the organization or myself if I was involved.

P1: What do you mean with, if you're honest? When you do what you are harmed?

P6: Because we would only guess that it was a very large Mafia network also recruiting the people who should not be there. Even if it was known that we were trying to do something, it could have some backlash for the organization. And the organization has already been extended because of human rights watch. They were all saying that there would be a huge security problem, if we would try to do that, but they were involved in issues on human rights violations against irregular migrants, but I think, we're only able to only see the bold iceberg because the numbers were huge, are still huge but only the reported numbers were in the neighborhood of 100.000 a year. So we were trying to intervene only if we know that possible asylum seekers and refugees were detained or only if there are reports coming about how to say mistreatment and also collective expulsions of, for example, Africans, what we could do systematically and all the Africans in Istanbul were put on the borders on Greece. The borders between Greece and Turkey for some weeks, we reported that and the restrict application of people coming back from the board zone and we brought them some help assistance, too, from German organizations. But these were all like experimental moves, we didn't have trainees, we didn't have support network. There were only two or three persons in Turkey, who really wanted to do human rights work on these groups. This situation has only

changed, because of some permission and support, also, because of the UNHCR and other international organizations wanted to cooperate with Turkish NGOs. The European Union for example has never wanted to cooperate with NGOs in protection of national groups of any of them, so, they don't want to cooperate with any NGOs currently, they want to cooperate only with the government and international organizations, and, for example, they never fund Turkish NGOs, because they don't want this area to be seen as a human rights problem, from a EU perspective it's a problem of protecting the borders of EU. So what they want is to keep these very large groups from the human rights protection perspective. So, I think that is obvious, and based on these experiences, I've been writing like papers and notes about these issues when I get some information, so that trying to convince the management that officials should get involved. I think they should be involved, but there are experiences of border migrants, for example. It's a huge paragraph; the government has very little experience in cooperating with NGOs and lawyers, so I think we are in Turkey, we have protection problems; protecting human rights, irregular migrants, and victims of trafficking and providing access to possible asylum seekers, because all the governments think that when people want access asylum procedures, only when they are detained, than they are refugees assisting, so this perception is a huge obstacle to protecting the right of asylum seekers to access the procedure. The problem in Refugee Status Determination, irregular migration is not finished, but when we suspect that asylum seekers or a rejected asylum seeker, too, might be a victim of trafficking, we have been examining their cases from their perspective, too. So, according to our lines, we recognize such asylum seekers as refugees, if they might fall into a horrible situation in their countries of origin, because of being victims of human trafficking, because there might be persecutors, prostitutes, because, for example, they are women and the women in Ethiopia are already particularly disadvantaged and particularly in this situation. And when they go back to their country of origin, after years of having no relationship, they would not be able to reintegrate, but we rarely recognize anybody because of that, because according to the information reported to us there are some efforts in these countries, for example, in Ethiopia human trafficking is so huge that you are not discriminated because of that, but still they would fall into an immensely bad situation, disadvantaged situation, simply because of being women who have no good support networks back in their countries

of origin. So they usually reject such people, but the EU recommendation that they should be assisted by IOM or international organizations, they should afford to them, but I also know that this doesn't help. As far as I understand the international IOM's role in Turkey on the victims of trafficking is restricted to give the ticket back home to the government. Maybe they're doing better, but we don't know, because we are not cooperating.

P1: Why do not cooperate? You're both international organizations?

P6: I'm not part of those activities trying to raise the program. But then, I have not seen any report that any of the asylum-seekers rejected in that situation were helped to reintegrate by IOM or these organizations. So this is something like, I don't like about my work, because I think we are not fully aware of that gender situation in this case. This is also related to the fact that currently in the international law refugee status is still a privilege and UNHCR is wrong rejected; it's also some form of prostitution from asylum seekers to the government. We are limited in our own activities by the state, but I would also see that we could at least try to find a solution for our applicants in that position, like to provide programs. Of course, these are all imaginations and we don't really know it.

P1: And about European Union, what the European Union Turkish laws, European Union is forcing Turkey to implement some laws to better protect their borders, etc.

P6: I think EU Turkish cooperation is working more on border protection than on protection of people in need, among the clients and groups, their capacity is about trainings. In terms of refugee protection there are also activities from the side of the Turkish government to develop their legislation and regulations, but that legislation of asylum is more on its bargaining. So the legislation will not be submitted to approve after 2005 at least. The accession courses, there is more awareness at the side of Turkish government that they should have their laws EU directed. But I can't see, there are new regulations how to conduct Refugee Status Determination in terms of their own private temper protection procedures. It's like protection by the states, based on Refugee Status Determination, and the government officials are also training country origin information on the situation of these people in their countries of origin, also in the standards of treatment so. But every improvement starts in the treatment of our cliental except for those who are waiting for an application. Which is incomparably large, but lets say, if you have 10.000 people who formerly applied and than

you have 10's of thousands of people from refugee generating countries who have not access to the process and deported before.

P1: Are they deported on the boards right away?

P6: Yes. And there we have access to them. We don't always have access to them, and some of the people we have access to, are general refugees. So, I think there is a large percentage among the people who are privileged simply as illegal migrants, who are in fact migrants or de facto refugees and if I have the possibility I would concentrate on these problems. But I can't; and we always stick to the teamwork, because of the involvement of lawyers and their organizations.

P1: So at the end of the interview, would you like to add something, which is important to you?

P6: I may add that it is a real burden on people involved in these procedures, that we don't really protect a very large part of the people that we are supposed to protect. I think that's also something that has a negative impact on our capacity, because people are always under stress. And people during police control, they are always experiencing secondary trauma so it also has negative impacts on our capacity to protect these groups of people and to find solutions for them.

P1: Do you think, because of the Turkish government in Turkey it's harder for people working in NGOs than for other European states?

P6: It's harder, because the capacities are so low, or actually, when you have people applying to you for protection you end up achieving nothing, so it also ordinates people from this kind of work. Most people avoid this applying actually. Because I used to work as an activist in the past in this field and I could see that people did not get trained on our approval. Only one or two of them ended up doing this for a short period of time and they just kill because you are taking a burden knowing something - psychologically burdened because you know what's happening to see the punishment, to know that there are thousands, ton's of thousands of people like that and you can't do anything for anyone of them, because you don't have access to the international organization or the government. Even if they are related, they don't know how to deal with NGOs, they don't know, they avoid cooperating with NGOs, so you end up in a way simply knowing that there is a huge problem, they can't deal with it

directly. You simply know, are perfectly knowing that this is happening, and you can remember their faces.

P1: You knew that it was happening, but you couldn't do anything. Also as a Turkish NGO, but if you also knew that there was not going to be any further activities from other NGOs and you said that the government wouldn't do anything against that. Like to help Turkish NGOs to cope with the problem.

P6: From the government perspective there is always the tension between; in my time it was a bigger problem, there was always a tension between the government and the NGOs were fully dependent and especially human rights organizations were always seen as a problem.

P1: Why?

P6: Because of human rights organizations in Turkey are reporting human rights violations in Turkey. So the situation improved but the government position has always been to a certain level that these organizations are enemies of the Turkish state. So even if there are people in the government who wanted to break up they always sent back and always very much that NGOs can't access the government. Even reporting the problems is very difficult. It is seen as hostile, for incidence when I report this situation of the African migrants and the refugees and asylum-seekers who were trapped into the board zone, the government took this issue months later by launching an investigation, but the investigation; I was interviewed by the inspectors. I was only able to say that our work was not really a human rights work, and we couldn't do anything because we could not give them the names and addresses of our applicants, who made complaints against the Turkish state and I asked them. They said if I don't give the names and addresses of the complainers they couldn't do anything and I said, I started that they were going to use this information locating these complainers and reporting them and have access to Turkish court procedures to force prosecuting the offenders. Of course, they have been deported. And than from their point of view they used this network, only as a hostile act against the Turkish government, not as a human rights work.

P1: But these officers came from?

P6: They're inspectors of the Turkish government and this happened 2004 or 2005. They didn't do it for example, because there was a public reaction, because our reports were not even mentioned in the Turkish newspapers or TV stations. They were only reported in the

international, never in the Turkish media, but because of the event of our raise, we organized the general, who wrote to the Turkish government. Also like special reporter on human rights of migrants wrote to the Turkish government. So they had to answer them. It was the only reason I have also mentioned that in the Turkish media was also hostile to Turkish human rights organizations and they really don't want to report on migrants, on refugees either. They are only now reporting firsthand.

P1: Why, what changed?

P6: There is an increasing awareness of Turkish journalists and there is an increasing willingness to report on human rights violations, but the Turkish media is generally too much on fighting the government, because they have business; All Turkish media conglomerates, very big business stakes within the Turkish government security authorities. What I know from the journalists with whom I discussed this issue, that the Turkish media reports something, if they know that the government will not react, or they would report it and they will get some favorite as a bargaining process and they wouldn't post it again. This is not like a really straight thing, but.

P1: So if they report just a little bit of the whole issue?

P6: I also tried to visit people who are under detention in police stations. Apart from one case where the police chief wanted NGO's to help them, to solve the problem of accommodation and the needs of irregular migrants I had access, but it was recommended for who I didn't have access to. Apart from it, as an NGO I had never access where they live. So was not able to report what was happening. Still NGOs do not have access to detention centers.

P1: Which NGOs do not have access?

P6: No NGO has any access to people on the police places like the irregular migrants. Based on their own description, they can invite some lawyers, but NGOs don't have access to custody. Only lawyers have access to them.

P1: Because I've talked to somebody from UNHCR in Istanbul, and he was the one who went into the police station. The only one who could do that and he spoke to the people.

P6: Lawyers can have access to them only if they have some attorney power or only if the police wants to solve the problem.

P1: But not Turkish NGOs.

P6: No. There are incidences of like access of to NGOs to provide food and things like that, but there are needs of good relations between NGOs and the local police, they support that these people are in detention, that they remain and provide them food. The situation is very, there are maybe incidences of access for a short time, but that's it. That's still a law enforcement problem. That's not a human rights problem. The Human Rights Association, I know has been trying to have access to lawyers and the Human Rights Association sometimes have access if they know the proof of that story, of this person, then they may have access. But it is still very much subject of bargaining.

P1: So which NGOs in Turkey are interested in this problem?

P6: You know Helsinki and ASAM. Apart from that you have Human Rights Association an Association for Oppressed People and Human Rights. You also know the Human Resources Development Foundation, which is involved both with the government and UNHCR but not with other NGOs. Global Foundation is doing repatriation work in corporation with the Turkish government and UNHCR, and other Turkish NGOs and human rights organizations and Amnesty International is also working on refugee protection, and that's it.

P1: Can small NGOs communicate and cooperate with the huge IGOs like UNHCR?

P6: With intergovernmental organizations? Yes. UNHCR is in cooperation with many organizations, to help them built the capacity in doing things like sheltering, refugee women who are victims of domestic violence, providing them accommodation and food and social assistance. But not, this is not seen as a human rights protection, it is just seen as providing individual solutions for individual problems. It's an advantage, but it's not like a total protection perspective, a full protection perspective. Localize, focused on more individual programs during the stay of refugees, recognized refugees or asylum seekers, depending cases on full protection perspective.

P1: And do you think due to Turkey being a member of the European Union would help something in order to cope with this problem of human trafficking and smuggling and illegal migration in Turkey?

P6: It might help, but I can't see that EU itself has too much prospective on these issues. It is more are law enforcement issue from the point of EU legislation and practices and despite they are going to support Turkish NGOs, but on the other hand, of course the capacity of

police when it comes to human rights is increasing. So they are more aware of the protection on the human rights aspects on these issues. So of course it will be much better than without it we couldn't have anything in Turkey. Like start obviously some human rights protection. Before the accession process we didn't have any hint that these things could be tackled for the protection. So NGOs in Turkey, most NGOs don't have any prospect for funding for example apart from the EU so than the NGOs are supported if they are really well intended by, if they are really doing some human rights protection work. If they can build their capacities based on EU funds in other areas than they can start also doing, provide some assistance in the area. Most human rights associations were founded by the EU to work on torture, because these human rights associations have the capacity, they could receive applications from these groups. But the EU doesn't support NGOs to work in these fields. And we have submitted many proposals. The organizations that submitted these proposals to work for assisting asylum seekers, refugees, victims on human trafficking, and smuggling, the platform forms the police, but not never this police.

P7: Interview Selin Arslan

P7: IOM gives technical assistance to governments on border management issues. IOM is not a UN agency. We work for the governments, for the member states. So it is just like and intergovernmental agency works for the governments or the countries. So when Turkey became a member in 2004, we started mostly actively on trafficking area. We started getting projects before that. Before 2004 we were unable to, because Turkey was just an observer and we were just working very closely with the UNHCR and arranging the movements of refugees to third countries, the ones [refugees] who are accepted by the UNHCR. After 2004 we started very actively working in the counter-trafficking area of the government of Turkey. We work very closely and under coordination of them. What we do is actually approved, confirmed by the Turkish government. So daily, what we do is, when we get a project for incidence our old projects mainly focused on three Ps: Prevention, Prosecution, and Protect. Then regarding prevention, we do public awareness campaigns, both in Turkey and also outside of Turkey. Because Turkey is a destination country for trafficking. And victims are most-

ly from third countries, not Turkish people, not Turks, becoming victims of trafficking. Mainly there are not so many cases on that. There is very few Turks. You will see it from the statistics. Most of them are coming from former USSR and Russia. So our projects on the prevention part also include some countries like Ukraine and Moldova. We also do some public awareness activities and the things that are available, assistance programs available in Turkey. So, what we started to do after 2004 is, we started implementing projects. Our first protect is founded by the US government. We work with Swedish SIDA (Swedish International Development Cooperation Agency), the Dutch government and Norwegian government, and now will be implementing in the EC fund of project, coming for two years. This is an upcoming project actually. What we do is, trying to raise awareness among Turkish people and also abroad, regarding protection to give a safe place to victims, who are rescued in Turkey. Because when they are rescued, they are rescued by the law enforcement people. And the identification process is done by the law enforcement people. So we're not the agency to say: "Such a person OK, she's a victim or he is a victim." We cannot say that. But what we do is, we sometimes go to the interviews, as law enforcement people requested for incidence many women might be rescued and this situation, this case might be a little bit difficult. They request our assistance and we go and do the interview with them. Then the final decision is given by the law enforcement. As soon as a person is identified as a victim, then they go to the shelter. There are two shelters in Turkey: One is in Istanbul, operational since from 2004. And the other one is in Ankara, operational since from 2005. And for the Ankara shelter, our project, I mean under our project, we opened the second shelter. We selected one NGO, one local NGO, to manage the shelter. That process is coordinated by us. Then the victims are diverted to those shelters, they stay there. Those shelters are very safe places. I can show you some pictures from Ankara shelter. Actually the place is hidden, the social workers, no one knows actually. We know, but no one knows let's say. Only police people know about it. So victims stay there. The period they stay in Turkey might change. It depends on the case. She may need some help assistance, she may need some legal advice or she may feel that she doesn't want to go home that soon. Because what they leave is not very easy to forget and to feel free. So Turkey gives them, after 2004, Turkey really made progress on this issue for incidence. All helps, related assistance, are free for victims of trafficking in

Turkey. They have a right to ask for a humanitarian visa for six months and they can stay and they can work during this time. Although the six months are not very strict. It can be extended depending on the cases. And also legal advice is also free for them. Turkish Bar Association is organizing this. What we do is for incidence: We are giving technical assistance to bar associations, to lawyers or to law enforcement people. We go there and we organize trainings for them. We explain in the trends how to do the interview, how to deal with the victims, how to ask questions. All these psychological parts and also on technical parts. What needs to be done, we show the best practices from the world, what is done and try to make Turkey to adopt those and do those. And we show them the needs and the gaps as well. Through those, all these parts for incidence, the shelter, because one shelter was not enough. It has a capacity for 10 people. It is like a joke, I mean for Turkey. You saw the statistics. Especially during the summer season, many people, you saw many increases during the summer season. So a second shelter opened. So what we do is, if we go back to your question, we give technical assistance to the governmental agencies like for MOI mainly, to law enforcement people, to the gendarmerie and police people . How to risk operations, how to do interviews, how to get in touch with the victim, also protection. In what is the standards, they have to stay here in Turkey and prosecution as, also again after 2004. I can give you, you will see in my thesis the codes actually related to trafficking before 2001. There was an article, but not directly reflecting the trafficking case. So it was a little bit mixed with refugee issues as well. So this also needs to be done and changed after 2004. In 2002 actually mechanisms in the government were organized: They say like a 'task force on trafficking'. They meet and sit together two times in a year and discuss on trafficking issues. During those meetings, and IOM participates as an observer, only the intergovernmental agencies participate on this national task force meetings on trafficking. For incidence, these legal arrangements were one of the prior things needed to be changed as decided. And in 2002 there was an article changed nearly giving answer to that trafficking cases, but not like, not so much. So in 2005, article 80 was put into the Turkish criminal court directly, reflects the same definition from the Palermo protocol , but the only missing part was: The definition was not including the false prosecution. So it was such a mistake, because the prosecution was also addressed in another article. When a judge sees a case of a foreign woman taken to travel

around Turkey and forced to prostitution, then the judge was not going to this article 80, the trafficking article, but to the article related to prosecution. So it was a disaster thing that needed to be changed. I mean for incidence, if someone is charged from article 80, he or she will be taken into prison for eight to 12 years, but for prosecution it is not that long. So it needed to be changed and in November 2006 the Turkish government made this change, and prosecution is also added to the article 80. For incidence, this was also a good progress on the legal prosecution part. So what we do as I just try to give an idea, is working with the government on trafficking cases for incidence. At the moment we are trying to print a yearly book on trafficking: What is the trend, what is the statistics, what is Turkey doing regarding cooperation with the other governments or with the international agencies or what has been done in Turkey in one year. In 2005, I give you information on trafficking, and you can have a look at it later on. The 2006 book will be much like a report. This is much like to think just an idea of what is trafficking, what has been done. 2006 report will be much more like a report. We are working with the government on writing those reports, giving technical assistance, arranging trainings for them, going and participating on their trainings and giving information on what Turkey and IOM is doing. IOM is mainly responsible for the safe return of those victims to their home countries. If they are really willingly to return of course, because when a person is identified as a victim of trafficking, we go to make another interview with them. If it weren't called for an assistance on identification process, we go and we explain our program to them. And we ask them whether they are willingly to go to their home country back. If they say 'yes', they are signing our program paper and as soon as possible we are arranging. Of course, if the case is allowing for us to arrange their movement we are getting in contact with their embassies, because most of them don't have a passport or an identification card. In a thing, so we get in contact with the embassies, we arrange our movement days. And we inform our offices in their home country and we go with them till to the airplane. And at the destination country our colleagues, IOM Ukraine, lets say, they meet with them at the airport if she would like to go to the shelter or get assistance from the program there. She can go to the shelter and get psychological assistance and stay there as long as she wants. And also she has a right to stay at her home country with her children as well, because it is so difficult for them to be away from their children. 'Cause they came here to

Turkey and they had this experience, very bad experience, being a victim of trafficking for months or for maybe years. Sometimes it takes years as well without getting contact with their family, without hearing their child's voice. So when they go back to the country, to their home country, they have a chance to see the family as well as the shelter while they are staying. What IOM also does is also of course after they returned back to their home country, this shelter assistance is provided. This integration assistance is given also if the woman or the girl/boy, whether it is, if the person is not finished, couldn't finish its school. If she would like that, we are assisting them to continue their school education. Or some money, money assistance, we are giving them that they feel themselves, that they can do it, they can open such stores for them as well. She can have a cookie house or a hairdresser. So, some victims had this before. We are supporting them on this way as well. Of course nobody can follow them to the end of their lives, but IOM is trying to give them all reintegration and give them all the possibilities and we explain everything, because we also face with re-trafficking cases. Although she returned back home, gets assistance from the IOM program, stayed in the shelter, stayed assisted by the reintegration program, but again she became trafficked as well in Turkey again. So we don't want to see those cases. But victims are in the psychology like: "Okay, we had this once, so we know how this could happen. So it won't happen to me again". They do like this, but when they come it happened. Sometimes, not always, there are few cases. So we would like them to participate on the reintegration assistance, but it depends on what they want. If they want, they can. If they don't want to, so nobody can do it. If your second question was if there is a change in my work: Yes, actually, definitely, because in 2004 there were no really full mechanisms in Turkey. After becoming member of IOM of course the trafficking in persons report was also, we can say, motivating factor for Turkey to take some actions as well. Because Turkey was in tier three in the past and after those progresses Turkey became taken to the rank under watch list of tier two and this year again published in tier two. There are also some things that need to be changed regarding the reports. But Turkey made a good progress on trafficking issue, like '157', which is a good example for us to see. This is a free help line. Now we are operating this help line, operational since from May 2005 let's say, working 24 hours, seven days a week. Free help line, including mobiles as well from all over Turkey, also can be reached from abroad. Not

directly dialing 157, but dialing Turkish code: 0900, this is Turkey. This is Ankara: 1571122. If you dial this number from abroad you can also reach 157 as well. So these consultants are working there. They can speak Russian, Romanian, Ukrainian, Turkish, and English. Because mostly victims are coming from ex-former Russia. Let's say, so mainly common language is Russian. This help line starts getting calls. Actually before marching this help line we were expecting the victims to call the help line. But after a year later we saw that mainly the clients, let's say, the ones who are in contact with the victims, are calling and requesting help, because the victims do not have a chance to get a mobile or to see those numbers. Even if they see, they are like modern-day slaves. So they are not allowed to go out. They are with someone even when they are going to toilet sometimes. So they don't have any mobiles, so they're just asking assistance help to those people, who came to get this service. Lets say, whatever the services is. So Turkish people giving the calls, actually 75% are coming from the Turks and saying that there is a woman needing help, forced to prostitution. So we get this information, we directly divert this to law enforcement people, and rescue operation is done by the law enforcement people, and identification again done by the law enforcement people. Then we go to see whether she is eligible for our program and would like to go to her home country voluntarily. This is actually how the things are going in a very brief way. P1: And if they don't want to go back to their home countries? P7: They can stay as I said you. They can apply for a humanitarian visa for six months and this can be expanded depending on the cases. But if there is a risk of her life for incidence, in some countries people say that if this is, I mean, if my family hears this, if my government hears this, they would kill me. If such cases occur, if we see that her life is in danger then we get in contact with the UNHCR for resettlement to another country. But normally they definitely, immediately like to go back to their home country. P1: And in order to EU, what changed? In order Turkey is becoming a member of the European Union. Did you recognize recently some changes according to that? P7: Yes, we can say regarding the EU-Acquis , Turkey is working on some border management issues where also our other department is arranging some workshops on. I mean, comparing the EU legislation and Turkey's legislation and trying to find, trying to see the gaps and how to change those, and trafficking is related to border management somehow, is also discussed under this. And some proposals are being put on the

table, still being discussed. But those issues for incidence, the legal arrangements, which are also one of the things that the European Union would like to see that there is a definition directly related to human trafficking with all aspects. P1: In the Turkish law? P7: Yes. So this is done for instance. So this is a great change on it, but as I said you this European Union process is a long process for Turkey at the moment. And still now it is discussed by the government as well. But what I can say you is that the Turkish government takes this period very seriously and trying to see what EU does and what EU wants, comparing the legislation. And as we are doing the workshops with them, I'm seeing that they are very willingly to do the necessary changes on it. It will take time of course, because it is a legislative change. It needs to be confirmed by the government or the ministries. So it takes time, but it's going to be done, because whenever it occurs, something that needs to be done related to trafficking, it is done in a very short period. For instance, this help line has just been discussed, told, that it is very necessary, because Turkey is one of the major countries. And within a few months it is becoming operational. Or the second shelter is discussed with the assistance of the Ankara greater municipality, but it's just built in a few months and became operational. Or to help assistance is discussed and we say that those people are really needing assistance regarding help, because psychologically they are stressed, depressed, something like suicidal for instance, that they need psychological and also health assistance, they are in trauma. You will see the statistics, what kind of illnesses they have. For instance health assistance: And there is no available budget. So the government has to cover it. The government, except that this in 2004 and said that all victims are free, will get free health assistance. And also legal issues: Because all those for incidence, management of the Ankara shelter or the management of the '157' is covered by the projects. Okay, the Turkish government is also putting some part, but mainly it came by the, for instance, the US funded project. Or the shelter is funded by the SIDA project for incidence. The government would like to have, I mean those things are not the things that should be related to funding by projects. Those need to be sustainable. So the government is trying to take '157' and shelter under their programs. So there won't be any need for looking for any other protect to cover those. For instance, this is discussed. And if you ask me what needs to be done: I would say that this, for instance '157' should be under from budgetary issue. We shouldn't be looking for

funding for '157'. This is like another emergency call like police or fire. What they work on is a very need in Turkey, so that needs to be under the government. Or the shelters also need to be under the government as well, if you ask me. P1: And other things that are coming into your mind when you consider your daily work. What else would you like to change if you have the opportunity to do that? Like for example some bureaucracy changes etc. P7: Turkish government is very bureaucratic like as many others. If you want to do something you have to write to the Ministry of Foreign Affairs. Ministry of Foreign Affairs is the coordinate, but everything is under their control. So our partner is MFA at that moment, but we are directly in contact with MOI (Ministry of Interior) or MOJ , justice whatever is in need of help, but MFA is the top body. So, but I can say you, this as this topic and trafficking is very sensitive and a very humanitarian thing that needs to be addressed as soon as possible. We didn't face with long periods of bureaucratic waiting or postponing. We didn't face with it. As soon as we put on table a situation that needs to be done, they took the action as soon as possible. We didn't face such a thing. Normally it may take time, but if it is such an urgent case, if it is like such a help line or shelter it is done very quickly. So I can't say you that. Of course, for instance, if we send them a project proposal for instance, not very urgent. As the department is very busy and it might take them 15 days to read and come up with some comments and suggestions. This is not related to bureaucratic barriers, but related to their visa schedule for instance. But if it is something related to trafficking or a very urgent case, we directly solve it. They don't make us wait. P1: So at the end of our interview, would you like to add something? P7: I mean Turkey's situation is obvious, like as a bridge between the East and the West part of the world. So Turkey will always face with such problems, because trafficking is a global issue. And not only Turkey can solve this situation by itself, because it is a destination, at the same time a tourism country. So Turkey cannot cross all the borders for instance. As you know you can enter Turkey by having a tourist visa at the entrance. Sometimes they say that this is not a situation of legislation. This is a border, a visa regulation to be done, but from the Turkish perspective it's also: When the Turkish come and say that we are a tourism country, we cannot close the border or we cannot make the peoples' life a disaster when they would like to come to Turkey. But trafficking occurs as well. So Turkey gets action with the countries of origin, with Ukraine, Moldova, Belarus, Kyrgyzstan. There

are some bilateral agreements on combating trafficking between the countries. So even a case occurs in Turkey, Ukraine for instance, governments also get in contact with each other. IOM consults them to organize them for instance. So this situation is global. So what I can say you is: Turkey is working for Turkey at the moment, on behalf of IOM perspective, trying to take as progressive steps as possible. And in very few years, if we say that we started our first companion 2004, at the end of 2004/beginning of 2005, and in 2007 we are at the moment. In two years, let's say we have the help line, we have the second shelter. We have the change in legislation and now direct definitions for trafficking and good cooperation with the countries of origin at the moment, attendings for the workshops regarding the boarding process. So what I'm trying to say is that Turkey is also following the trans-regional workshop as well. We are as IOM also sometimes attending those workshops, and seeing that Turkey is getting action against this and is open for other actions. If there is something that needs to be done: For instance, the upcoming EC project is mainly focusing on access for justice for victims of trafficking. Of course, they have now at the moment, but we would like it to be very structural. Today, for instance, when a victim would like to have legal assistance we are getting in contact with the Bar Association and with the willingly lawyers they are giving assistance. But with the new project we are planning to have a group of lawyers. Expertise on trafficking would be assigned to those trafficking cases, for instance. We are trying to make it much structural on the prosecution point as well. P1: What's the reason, why do you think, what is the reason that so many changes are happening? What do you think here: Is it the Turkish government or is it because of the European Union forcing Turkey to do something in quicker time? P7: This is an abuse of human rights, a very serious form of human rights abuse. So, through Turkey, like as many other areas of human rights issues is trying to get action on it. Trafficking in persons reports are one of the factor that shows that countries, many countries of this report, need to take actions. Turkey was one of those countries needing to take actions mentioned in the report for instance. And as Turkey is very giving importance for that kind of issues like human rights abuses is trying to give the answers. That's why in very short time trying to do as much as Turkey can in that period. It's not just only because of European Union, you cannot say. As I said that, before that, before the conversations with the EU, actually before these workshops, we launched the '157' and we launched,

we opened the shelter in Ankara. Then we got in contact with the Ministry regarding the workshops of comparing EU legislation and Turkish legislation. The EU process is definitely effecting in a positive way in some way and some aspects. But the main issue is that the Turkish government would like to address this very seriously. As it is a very serious and unacceptable form of human rights abuse. P1: Then thank you very much for the interview.

P8: Interview Senar Ataman

P1: Thanks for your time. P8: It's OK, you're welcome. P1: Thank you. My first question is: What's your job about? Do you participate in conferences, meetings etc? P8: This is the project, which is named 'human psycho-social project for refugees and asylum seekers'. I am a social worker. I make interviews with clients and make assessments and then try to help them to cope with their problems. The project is being held by an NGO. It's named 'Human Resources Development Foundation' and there are some activities we are doing in that project like: counseling and treatment of post-traumatic stress disorder and identifying vulnerable groups, cases. And providing psychological social follow-up and assistance by referring refugees and asylum-seekers to existing resources. And development in the society and dealing with education problems for refugees or asylum-seekers and encouraging them to attend their lessons. Also, facing arbitrariness is one of our aims and establishing a network between NGOs to help groups-cooperation, who deal with the problems. And providing counseling to parents regarding domestic violence, one out of our activities protects. Please, you can ask me if it's enough or not. P1: I want to know when you come to the office. What do you usually do? What's your working day like, your typical working day? P8: I come to the office at nine o'clock and mostly I make interviews with the clients and making assessments. P1: Which clients? P8: Refugees and asylum-seekers. In that project we are only providing services for refugees and asylum-seekers. When they come here I make interviews with them and I make need assessments, and I try to help them to cope with their problems. Also we have psychologists in that project, for adults and for children. If it's necessary I try to arrange and appointment for them with the psychologists. Also, we have some interviewers, one is Arabic and one is Farsi. And then I make assessments. I make home-visits. We have

relationships with other NGOs who work in that field, and we have cooperations with the UNHCR. We try to make, we try to be sure about their situation and I make an action plan, and I follow up this action plan. P1: What does it mean you make an action plan? P8: Like when we make an interview, we make need assessments, if there is any domestic violence. We follow up these problems. If it's necessary they have a chance to make an interview with the psychologist. Also, I make home-visits or providing some resource within the society that they can cope with their problems. Something like that. And we try to inform the NGOs, who are not informed about the problems. We tried to raise arbitrariness about this issue . And if the client is a minor, we try to protect him or her, and we try to get resources in the community or the government. If the government is providing some money or something else or food, we try to help them that they can get these things. P1: So you've mentioned that you cooperate with the UNHCR and that the refugees first come to the UNHCR. Can you explain that further? P8: This project has been held for about five years and some of the refugees are referred by the UNHCR, some of them by other NGOs, some of them by the police, and most of them come here, because other refugees informed them about that protect. So they come here and they would like to be informed about the problems or they would like to show their problems and we'll try to help them. And if they have some bigger problems we can inform them. Or if we have to go in detail, for some reasons we referred them to Ankara or some other Bar Association and then we informed them about the procedure at UNHCR. And if they have some problem about that we try to solve this problem. And then we inform the UNHCR about the refugees, who are vulnerable. And if it's necessary we send them a psycho-social report about clients. These are our activities. I also inform you about other activities: We have some campaign about this project in which we try to help the refugees. Like we have an education package for children like materials, which can be in need at school. And we collect clothes for children and for refugees and asylum-seekers. These are our activities. And we have some clinic materials we give the refugees and asylum seekers. P1: The next question I want to ask is: In recent years, what changed in your work? Are the working conditions getting better? Are there occurring more problems or is it easier nowadays? P8: I haven't worked on the project for a long time. I'm working in that project for 6 month now, but of course, we can easily say that this is not the easy field. It's not easy to work with

refugee and asylum seekers, because the resources for them are not enough. And there are not enough NGOs or other organizations to help them. And psychological or social help is new for refugees and asylum-seekers in Turkey. This is the first protect for providing psychological and social services for refugees and asylum seekers. And the project started its activities in 2002. So we cannot say, it's, if we have much experience about this psychosocial support in Turkey and there are not many organizations dealing with the refugee- and asylum seekers' problems. And so it's difficult and also for me it's difficult, because most of the time you would like to help them. And you would like to have access to recourses in community and society, but of course there are some difficulties about that. Yes, I think something is getting better and Turkey about the refugees and the asylum seekers, but there are many problems still that continue. P1: And if you could have that possibility to change something, what would that be. And why? P8: There are some difficulties in that field, but of course there is an action plan, which Turkish authorities signed. It's a good opportunity for asylum seekers and refugees, but it will take a long time. Now the problem still continues. If the action plan will be done in, if it works and they start to do the activities, something can be changed. And something will be better for the refugees and asylum seekers. And I see that in that field there are some problems about the organization in that field. We can say that there are five organizations, which work in that field. I mean, in the refugee and asylum seekers field and they are not many. And the activities, so, there are some difficulties for refugees and asylum-seekers. There are not enough organizations that work on behalf of their problems. If there will be another organization, which will be working with refugee and asylum-seekers to help them to cope with their problems. Yes some things are getting better and the government may do something in the next days, but of course, if the NGOs don't join this field and don't do something in that field, the government activities cannot be enough. So the government activities can be helpful, but the NGOs have to work in that field, too. And there are not enough professionals in that field. I am a social worker and I can say that there are not many social workers in that field. And that is not something, which you can easily learn. This is a big field and you must work in it. And you must know some special information. You must know something about the vulnerable groups, like refugees. So this is one of the other problems about refugees and asylum seekers. And also discrimination is one of the problems for

refugees and asylum seekers in Turkey, because most of the people don't want to share their money or their goods with the asylum seekers or the refugees. And they don't want to get money from the government, because they think that if they won't get this money this money will be given to the vulnerable. They will use this money. So they don't want to. But this is not general. We face this problem only in some areas, not all over the country. So it is another problem. P1: At the end of the interview would you like to say something or do you want to add something, which you didn't mention? P8: It's not easy working in that field and there are some difficulties in that field, but I don't think that we can cope with all of the problems in that field. But of course, there are not many organizations in that field and there are not many professionals in that field. I think that it will get better, but it will take a long time. That's all. P1: Thank you very much for the interview.

P9: Interview Anastasia Sağlam

P1: Thank you for coming and for participating in my interview. The first question is: Can you describe your working day? Do you participate in conferences and meetings etc.? P9: As my job is direct assistant and I work directly with the victims of trafficking, then my working day consists of making interviews with the victims of trafficking to deal with their problems, to advocate on their names, and to prepare all the necessary papers and documents to repatriate them to their home countries and to prepare some plans for reintegration assistance in their home-countries. So this is my main job. Sometimes, not very often, I participate in conferences and meetings, depending on the subject of the conference and meetings. If it is really directed to the victims of trafficking then yes. That's it. P1: Can you explain further, what exactly do you do when you participate in conferences etc.? P9: Sometimes if it is a conference for Turkish authorities, so I'm preparing presentations, I'm delivering them presentations on identification of victims of trafficking, on approach to victims of trafficking, on child trafficking, and sometimes I can attend as a participant without delivering any conference presentations. Very often, for example, we are doing some logistic for conferences. If the conferences are organized by IOM, so then we are preparing agendas, we are preparing logistics. Things like this and that's it. P1: You mentioned that you are making plans and lists

like preparing also some help when the victims go to their home countries. Can you explain that further? P9: For example, when the person is interviewed almost all of them or maybe all of them are traumatized persons, suffering from post trauma syndrome. So these people very often, they are depressed and actually they don't know what they would like to do in their further life. So our job is to somehow support these people and support them to feel that life is not finished. And actually, they have possibility and they have a chance to create a new life in their home countries if they would like to return. But most of them want to return to their home countries. So then, for example, re-integration assistance in countries of origin consists of medical assistance, vocational trainings, sheltering, advocacy to victims of trafficking. So we are explaining to these people how they can be helped and how the organization and their governments can support them in their further life. And we are preparing with them at least for their future life in their home countries, of course, with close coordination of IOM in country of origin. P1: And are you also working closely with victims of trafficking? P9: As I said you, I am interviewing them and together with them we are preparing, we are thinking about their future life. I'm advocating on behalf of them. So what should be done here is in the country of destination, we are doing for them here. And after we are organizing the return to their home countries and their repatriation to their home countries. But of course, everything is done closely in Turkey in victims of trafficking. P1: What is your working day like, when you come to the office every day? P9: My working day is never the same. It is every time different, because sometimes we have our priorities. Sometimes we have full shelter. We have 10 victims of trafficking, sometimes we have only one victim of trafficking. Then if it's one victim of trafficking we have other priorities like conference or like training or like something else. So it depends on that situation. If it is for example, if we have 10 victims of trafficking in the shelter, then of course first what I'm thinking how to put it in order and how to deal with all these women in a natural way. How to help them. But when I have one victim of trafficking I'm dealing with them, but of course it doesn't take so much time as when I have 10 victims of trafficking. So it depends and it is never the same. Sometimes we have some documents we have to comment on. So we have priority to leave this document to think on it and to comment on it. Every time, for example, now I'm thinking about training for Bar Associations here in Turkey. So I'm working on agenda

for this training. So this time like this. But when it is done then maybe something different. And now I have a victim of trafficking, who has a very, very complicated situation. So we have to deal with lawyers in Moldova and we have to deal with lawyers in Turkey. Every time very different. And this of course makes my job more colorful, because it's never the same. For example, very often I have to go to the shelter to interview victims of trafficking, to speak to them, to listen to them. So then maybe one whole day I can spend in the shelter. It depends on the meetings and conferences. P1: And do you also take them out of custody or out of prison? P9: No, here in Turkey, shelters are managed by local NGOs. And local NGOs go to custody to take them from custody, not IOM. IOM only deals with their reintegration plan, their repatriation plan, and advocates on behalf of them. In Istanbul it's a little bit different. We have spoken to its HRDF. They have a little bit different system. But actually, the mechanism in Turkey works like this: If a victim is somehow rescued by law enforcement or escaped from the traffickers, somehow she goes to law enforcement and there she is identified as a victim of trafficking. In Turkey, law enforcement, the police, makes identification not to international organizations or NGOs. It's very different from many other countries. After this the NGOs are informed that there is a victim of trafficking in custody, but for example, if the identification goes made in Ankara again, victims are send to Ankara. They divided Turkey in two parts, for example, in Izmir victims are belonging to Izmir agency area. In the Marmara sea area they go to Istanbul and from the Mediterranean sea area they go to Ankara. And after the police spoke to NGOs and says that there are victims of trafficking to go to the shelter. And then NGOs come and pick up these people, not IOM. In Istanbul IOM makes the identification in additional, identification in Istanbul the foreign department and after this again the NGOs pick up and take them from custody. P1: My second question would be: How did your work change in recent years like in the beginning when you started to work in this area 'till now? Are there some changes? P9: Of course there are changes like in every work, because I now know more about trafficking. And I am more professional. And more professional people are more helpful. Not only for victims of trafficking, but also to the system; more helpful to the system. I think in this way. I know more about trafficking, I can help more, I can do more. That's it, I think. Now I'm more paranoid about my life after dealing with trafficking. This is of course like a personal change. I don't trust many people, maybe

almost nobody. P1: Because of the Turkish state? P9: No, not because of the Turkish state. Because of you can see how close people, for example, victims of trafficking, for example, these victims of trafficking sit by their close friends, by their cousins, by their friends, by their neighbors. So, and they sit by these people to whom they trusted. So now you can understand that unfortunately, even your cousin or even your sister can sell you when she needs it. So, this is not because of the state this is because of the people. P1: Because of the traffickers? P9: Because of the people, because traffickers, they are also people. But when people need to survive, when people don't know how to survive, they can do everything I think now. Most of the people. So this is because of human nature. The state doesn't provide necessary opportunities for people, for traffickers and for victims of trafficking. So then some of the people can be victims of trafficking, some of the people can be traffickers, but everything is the same. The state doesn't provide necessary opportunities to earn money. The state doesn't give minimum social security to these people. People get afraid and when the people get afraid they can do everything. They can sell you, they can sell me, they can sell their closest friend. And when people are afraid and when they are hopeless they can believe in anybody, because they don't have anything in their life. Only to believe and to trust. Anyway, their life is very hopeless and they don't know what to do. P1: Do you think that your organization offers enough security for you? P9: I think yes, security, what kind of security? Social Security or security? P1: Social Security and also security of life. P9: I think we have enough security. The organization prepares enough security to protect us from organized crime, but social security, unfortunately, we don't have, because we are working on project basis. So nobody can guarantee me that after the project will be finished I can continue to work in the organization. And this is bad, this is really very bad. Now, and this is sometimes demotivating, for example, I like my job and I really appreciated to be part of this job and to really help people, because mainly I believe, I do believe we help many people to save the lives. And for example '157' help line is really a fantastic job, but we are motivated by seeing these people. And by seeing the saved lives, but sometimes people ask: What will be happen to me in two years? So there are no job securities, unfortunately. But in capitalism, because I grew up in the Soviet Union and I know that system and I belief that unfortunately capitalism is not the best system for the people. I don't like capitalism. I think

that people must have both, to survive and to prevent trafficking. Because, for example, now we're speaking about trafficking people must be provided by minimum social security, because the government can say to the people survive. How can you survive? This is impossible, because not all people are the same. For example, unfortunately people don't start their lives from the same place. Some of them have mother, father and a good family, and some kind of money, at least to live. But most of the victims of trafficking are from really vulnerable groups. Who grew up in old villages, who have an alcoholic mother and father, who suffered violence in their families. So these people already experienced a vulnerable life and destiny didn't help these people. The state will not give them a hand, which will support them. Of course somehow these people will be victims of trafficking. They will be victims or they will be murderer. Somehow they have to survive. We can't blame these people. This is what I think. All states must have at least developed, at least some states, who support the development. Some minimum social security guarantee as we had in the former Soviet Union. For example, we can give people a little flat, not even flat. Some place to live like four square meters with a toilet and a little kitchen. It'll be enough for that people to feel secure and then we will reduce trafficking. P1: Due to Turkey, wanting to become a member of the European Union: Do you see a recent change in your work or in this area of its illegal migration or trafficking? P9: I don't think that I know enough to answer this question. I really don't know unfortunately enough. But in the field of trafficking, I think that Turkey did too much things. For example, they have their internal work that is almost the same with Palermo protocol . I think in trafficking on legal level there is not anything that Turkey could do more. I think they did everything. P1: And my fourth question would be: If you could change something in your working sector. What would it be? Why would you like to change that? P9: As I said. Maybe to choose people who will work in this area. Maybe it can pay change like this. Now I can't find the English expression, like a personal policy. Not a personal policy, a staff policy maybe could be changed in trafficking. I think that not only for my organization, but in general, people who are working in organizations that are supposed to help people should be changed. Like people, who is working in this area, in these organizations should really want to help people. Not only to create their career, but really to help. For example, it concerns NGOs, who every time fight among themselves. For example, some-

how, this situation should be avoided, because I think that it's such a shame to fight because of money, because of funds when you're supposed to help people. To help people is on their plan, but on first plan is to get some funds and to get some money. This is like a third sector. This is especially in NGOs like, one of the governmental, private sector and NGOs. Somehow, how I don't know, but somehow it should be avoided. People should cooperate, only in those corporation they can succeed something, not by fighting. I think maybe cooperation. P1: Is there anything else you would like to add? Something you think it would be very important to mention? P9: I think very important to mention in trafficking: That every government, as I said before, but I think it is important. Every country of origin should have minimum social guarantee for vulnerable population. These people shouldn't be left without any help, because they grew up in the old villages, for example. When they are 18 years old they go out of their village and they don't have anybody to support them. No relatives, no mother, no father, no place to be, and no government. Of course only government could actually support these people. People, who sit in the government must share their troubles, because they are citizens. And that means every country is one family. It means somehow this family should support each other. So the government should support vulnerable population, but not only vulnerable, because everybody can be vulnerable. I can be vulnerable, you can be vulnerable, because nobody has the guarantee in this life. But at least we should know that when we are in a vulnerable situation somehow we won't die outside. Or we won't commit crime for a piece of bread. We won't hurt anybody. We won't do anything, because people have to survive and to survive it depends on their personality. They can do everything. They can work as a prostitute. They can believe someone and go abroad for a better life. They can commit crime. But this is every time when people are hopeless. They can't think, because they have to survive. I think this is most important. P1: Can I ask you why do you work in Turkey? P9: Why do I work in Turkey? Actually, I'm working in Turkey, not because I want to work in Turkey, but because I live in Turkey. My husband is Turkish and I'm a Turkish citizen as well as Russian citizen. But actually, I worked like to work in other countries. Not only in Turkey, because it is very interesting to see. Because to have the whole picture it is very interesting to see the types of trafficking and the types of approach to this problem in the different countries. For example, I would like to work in Africa and Asia, in Russia, Israel as well. I'm

working in Turkey, because I'm in Turkey now, but I hope one day I will have the possibility to work in another country and to contribute. Really, I would like to contribute. Not only to work, not only because to have a little bit, but to give a real contribution. Not only to victims of trafficking, to hopeless people; really account except that. Many people in this world are hopeless. They don't have anything and they don't have anybody to support them. They don't have their governments. P1: Then thank you very much for the interview. P9: Thank you.

2. Raster

Projects, Conferences, Meetings

Past	
Present	
Future	

Laws and regulations on illegal migration with focus on human trafficking

Past	
Present	
Future	

Improvements in illegal migration and combating human trafficking

Past	
Present	
Future	

Outstanding Improvements in illegal migration and combating human trafficking

Past	
Present	
Future	

Changes related to the European Union

Past	
Present	
Future	

3. Declaration of Consent

Nr.: 1

Einverständniserklärung / Declaration of Consent

Dieses Interview findet sich ausdrücklich nur zum Gebrauch in der Diplomarbeit wieder. Es wird nicht außerhalb des universitären Rahmens veröffentlicht.
Die Aussagen der Interviewerin sowie die Aussagen der interviewten Person sind persönliche Ansichten und reflektieren in keinem Zusammenhang Behörden oder andere Personen.
Mit meiner Unterschrift stimme ich der Einverständniserklärung zu.

The Interview will only be used for the Diploma Thesis. Nothing said will be published outside the University. Declarations of the interviewer or the interviewee are their personal opinions only, and do not reflect the declaration of any organisation or other people.
I give my consent to this declaration with my signature.

Time: 14.45

Date: 10.5.07

Place: Boğaziçi Univ.

Signature Interviewer:



Signature Interviewee:



Curriculum Vitae

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Programming language: “Python”, “My SQL”
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Knowledge of nutrition science & dietetics

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Participation in Forensic Research on “Intercultural Credibility Attribution” in Istanbul for 4 months: Conducting interviews with German and Turkish students on highly traumatic experiences

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